

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 16: General and Miscellaneous**

#### *Schedule 9: Work: exceptions*

#### **Part 1: Occupational requirements**

#### **Religious requirements relating to sex, marriage etc., sexual orientation: paragraph 2**

#### Effect

794. This paragraph allows an employer with an ethos based on religion or belief to discriminate in relation to work by applying a requirement to be of a particular religion or belief, but only if, having regard to that ethos:
- being of that religion or belief is a requirement for the work (this requirement must not be a sham or pretext); and
  - applying the requirement is proportionate so as to achieve a legitimate aim.
795. It is for an employer to show that it has an ethos based on religion or belief by reference to such evidence as the organisation's founding constitution.