



Equality Act 2010

2010 CHAPTER 15

PART 2 **E+W+S**

EQUALITY: KEY CONCEPTS

CHAPTER 2 **E+W+S**

PROHIBITED CONDUCT

Discrimination

13 **Direct discrimination** **E+W+S**

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
- (2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.
- (3) If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.
- (4) If the protected characteristic is marriage and civil partnership, this section applies to a contravention of Part 5 (work) only if the treatment is because it is B who is married or a civil partner.
- (5) If the protected characteristic is race, less favourable treatment includes segregating B from others.
- (6) If the protected characteristic is sex—
 - (a) less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;

Status: Point in time view as at 01/01/2024.

Changes to legislation: Equality Act 2010, Section 13 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in a case where B is a man, no account is to be taken of special treatment afforded to a woman in connection with pregnancy [^{F1}, childbirth or maternity].

^{F2}(7)

- (8) This section is subject to sections 17(6) and 18(7).

Textual Amendments

- F1** Words in s. 13(6)(b) substituted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **2(2)(a)**
- F2** S. 13(7) omitted (1.1.2024) by virtue of [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), **2(2)(b)**

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