

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Equality: Key Concepts

Chapter 1: Protected characteristics

Section 12: Sexual orientation

Effect

55. This section defines the protected characteristic of sexual orientation as being a person's sexual orientation towards:
- people of the same sex as him or her (in other words the person is a gay man or a lesbian)
 - people of the opposite sex from him or her (the person is heterosexual)
 - people of both sexes (the person is bisexual).
56. It also explains that references to people sharing a sexual orientation mean that they are of the same sexual orientation.

Background

57. The definition is designed to replicate the effect of similar provisions in the Employment Equality (Sexual Orientation) Regulations 2003 and the Equality Act 2006.

Examples

- A man who experiences sexual attraction towards both men and women is "bisexual" in terms of sexual orientation even if he has only had relationships with women.
- A man and a woman who are both attracted only to people of the opposite sex from them share a sexual orientation.
- A man who is attracted only to other men is a gay man. A woman who is attracted only to other women is a lesbian. So a gay man and a lesbian share a sexual orientation.