

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7: Associations

Section 101: Members and associates

Effect

329. This section makes it unlawful for an association to discriminate against, harass or victimise an existing or potential member, or an associate. This means that an association cannot refuse membership to a potential member or grant it on less favourable terms because of a protected characteristic. It does not, however, prevent associations restricting their membership to people who share a protected characteristic (see Schedule 16). It also means that an association cannot, among other things, refuse an existing member or associate access to a benefit or deprive him or her of membership or rights as an associate respectively because of a protected characteristic covered by this Part.

Background

330. Previous legislation provided protection from discrimination, harassment and victimisation by associations against existing or potential members and associates because of race, disability and sexual orientation. This section is designed to replicate the effect of the provisions in previous legislation, and to extend protection to the characteristics of gender, age, religion or belief, pregnancy and maternity, and gender reassignment.

Examples

- A gentlemen's club refuses to accept a man's application for membership or charges him a higher subscription rate because he is Muslim. This would be direct discrimination.
- A private members' golf club, which has members of both sexes, requires its female members to play only on certain days while allowing male members to play at all times. This would be direct discrimination.