



# Equality Act 2010

## 2010 CHAPTER 15

### PART 8

#### PROHIBITED CONDUCT: ANCILLARY

#### **110 Liability of employees and agents**

- (1) A person (A) contravenes this section if—
  - (a) A is an employee or agent,
  - (b) A does something which, by virtue of section 109(1) or (2), is treated as having been done by A's employer or principal (as the case may be), and
  - (c) the doing of that thing by A amounts to a contravention of this Act by the employer or principal (as the case may be).
- (2) It does not matter whether, in any proceedings, the employer is found not to have contravened this Act by virtue of section 109(4).
- (3) A does not contravene this section if—
  - (a) A relies on a statement by the employer or principal that doing that thing is not a contravention of this Act, and
  - (b) it is reasonable for A to do so.
- (4) A person (B) commits an offence if B knowingly or recklessly makes a statement mentioned in subsection (3)(a) which is false or misleading in a material respect.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) Part 9 (enforcement) applies to a contravention of this section by A as if it were the contravention mentioned in subsection (1)(c).
- (7) The reference in subsection (1)(c) to a contravention of this Act does not include a reference to disability discrimination in contravention of Chapter 1 of Part 6 (schools).