

Equality act 2010

[Sociology](#), [Social Issues](#)



Equality Act 2010 Liability for employers and employees In order to discuss who is liable for maintaining equality we need to first inspect how equality is maintained in any organisation. For the effective and efficient implementation of the Equality Act, every organisation has to have its own equality policy drawn out abiding by the Equality Act. This also necessitates the need for carrying out equality audit regularly to maintain the organisation's efficiency in functioning compliantly. We can understand from this that there is some amount of legal liability on the organisational front if there has been an act of discrimination. The employers are responsible for their own behaviour which at all times should be consistent with the equality policy of the organisation and also under certain circumstances for their staff's behaviour. Whether the employer approved of the acts carried out by a staff or was unaware is irrelevant unless they are able to provide sufficient evidence to prove that reasonable steps were taken to prevent the act. This is termed as vicarious liability and many employers are unaware that they can be held liable for a range of acts committed by their employees. It can be applied for the behaviour of third parties such as clients, customers and agents as well. According to EHRC, an employee of FE or HE institution is personally responsible for their own acts of discrimination carried out during their employment whether or not the employer is liable. For example: If a lecturer racially discriminates against a student and the college is able to prove that it had taken sufficient steps to prevent it, the student can still make a claim against the lecturer. It is the same rule for agents as well (agent is someone taking action for the employer). If an employer or agent has been led to believe that there is nothing wrong with their act by the

principal or employer , the liability is solely on the employer and not on the employee or agent. The FE and HE institutions should not instruct or induce anyone to discriminate against another person. This will make the intended victim and the person to whom the instruction was given to put up claim against the organisation. Hence all institutions in the FE and HE sector should have an Equality Policy and also instruct and educate their employees and agents to understand and abide by it. Reference List <http://www.equalityhumanrights.com/advice-and-guidance/further-and-higher-education-providers-guidance/key-concepts/liability-for-employees-and-agents/> <http://www.acas.org.uk> <http://www.homeoffice.gov.uk/publications/about-us/consultations/third-party-harassment/>