

# ADVICE NOTE

Information & advice for members of the  
Scottish Secondary Teachers' Association



## PROTECTED CHARACTERISTICS SUMMARY SHEET

### Introduction

All teachers should benefit from the explicit protections afforded by Equalities legislation. There is no hierarchy of protections - all nine characteristics are protected – and the order they appear in the table below is not a reflection of the importance or priority of each.

Teachers should also be mindful that while they receive the protections contained in the legislation, they in turn have a responsibility to ensure that the pupils in their charge also benefit fully from those protections.

<u>Characteristic</u>	<u>Explanation</u>
Disability	Disability is defined as having a physical or mental impairment which has a substantial and long-term effect on your ability to complete day-to-day activities such as walking, hearing or interacting with others. This includes problems with your sight or hearing, additional support needs, mental health conditions and impairments due to injury, as well as progressive conditions or symptoms which re-occur, even if the effects don't last for an extended period.
Age	Anyone can experience age discrimination. Most workplaces have a mix of both young and old employees and potentially workers who feel that they've been passed over for jobs because they were classed as either too old or too young.  Groups within this classing can either be very broad or very specific, with most people being assigned to several groupings.
Race	Race can refer to a person's colour, nationality or ethnic origin with racial groups featuring individuals who share the same characteristic, for example, Romany Gypsies. This type of discrimination arises when societies are systematically divided and organised in a way that disadvantages minority groups and includes the expression of anti-nationality sentiments.

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0131 313 7300, visit our website [www.ssta.org.uk](http://www.ssta.org.uk) or email us at [info@ssta.org.uk](mailto:info@ssta.org.uk)

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<u>Characteristic</u>	<u>Explanation</u>
Religion	People are protected from discrimination because of their religion, philosophical belief or a lack of such beliefs. Religion is defined as a set of beliefs which involve common rituals or rites, while belief is having faith in something or someone. A belief has to be held by a significant number of people whose behaviour and lifestyle are governed by the core tenets of the belief, for example belief in climate change is not a religion but Christianity is.
Gender Reassignment	Gender Reassignment occurs when an individual, referred to as transsexual in the Equality Act, chooses to live as the gender they identify with, rather than the one they were assigned at birth. Individuals are protected if they propose to transition, are transitioning or have transitioned, regardless of whether they've undergone medical treatment.
Sex	Sex discrimination can be experienced by all and is when you're treated differently simply because of your sex, either as a one-off or repeated action. This can be as a result of treating someone less favourably because of: <ul style="list-style-type: none"> <li>• Their sex.</li> <li>• Their perceived sex.</li> <li>• Their association with someone of a particular sex.</li> </ul>
Sexual Orientation	Sexual orientation is defined as a 'person's emotional, romantic and sexual attraction to another person'. People who are attracted towards individuals of the same sex, the opposite sex, either sex and non-binary people are protected equally under the Act.
Marriage and Civil Partnership	Although neither term is defined in the Act, marriage is recognised as a union between partners regardless of sexual orientation, and a civil partnership legally registers relationships between same-sex couples to provide them with similar legal rights including parental responsibilities, financial arrangements and next-of-kin decisions.
Pregnancy and Maternity	Pregnancy and maternity discrimination is when you suffer a disadvantage because you're pregnant, have recently given birth or are on maternity leave. The 'Protected Period' starts when you become pregnant and ends when you return to work, either after maternity leave or, if you're not entitled to maternity leave, two weeks after your child is born. In the workplace, you are only protected once your employer knows, believes or suspects you're pregnant. Breastfeeding is now also explicitly protected.