

CONCEPT
EXPLAINER



WHAT ARE

Protected Characteristics

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In Scotland, the

Equality Act 2010 protects individuals from discrimination (direct and indirect), harassment, and victimisation based on specific traits known as Protected Characteristics. These legal protections aim to ensure fairness, dignity, and equal access to opportunities in areas such as employment, education, healthcare, and public services.



The nine protected

characteristics were chosen based on strong evidence that individuals with these traits often face systemic discrimination, exclusion, or disadvantage. The law recognises that these groups may be vulnerable to unfair treatment and seeks to promote equality by making discrimination against them unlawful.



The characteristics

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protected under the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Examples of discrimination against these groups could look like a pregnant employee being dismissed at work after announcing pregnancy, if the employer doesn't want to pay for maternity leave.



Discrimination can

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differ depending on context. However, it can be characterised as excluding someone from opportunities or access, causing someone emotional distress or financial loss, or treating someone unfavourably and, even without malicious intent, there can still be discrimination.

All workplaces and public services should have clear avenues for support for individuals who have been discriminated against.



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