

This lesson plan is the second of two lessons about the Equality Act (2010) and its importance in the workplace. Lesson 2 will support your learners to explore breaches (contraventions) of the Equality Act (2010).

This lesson helps the learners understand what breaches of the Equality Act (2010) could look like in an employment setting, the consequences of those breaches on an organisation, and what action can be taken. These lessons are aimed at learners studying Business Management for SQA National 5 or Higher examinations.

Curriculum for Excellence Links

SQA Course Criteria	Benchmarks
Topic: Legislation	Learner can name and describe features of current legislation, including the Equality Act (2010).
National 5 Business Management Course Specification (May 2024)	National 5 Business Management Course Specification (May 2024)
Topic: Legislation	Learners should be aware of the impact of current employment legislation on organisations and employees, for example: the Equality Act (2010), including a description of the types of discrimination at work: <ul style="list-style-type: none"> • direct discrimination • discrimination by association • discrimination by perception • indirect discrimination • victimisation • harassment
Higher Business Management Course Specification (May 2024)	Higher Business Management Course Specification (May 2024)

LGBT Inclusive Education Learning Themes
Understanding the Equality Act (2010), UNCRC and Human Rights
Identifying prejudice, discrimination, and bullying (including homophobia, biphobia, and transphobia)
Recognising and challenging gender stereotypes
Celebrating diversity and difference

Equality Act Characteristics Covered
Age
Disability
Gender Reassignment
Marriage and Civil Partnership
Pregnancy and Maternity
Race
Religion or Belief
Sex
Sexual Orientation


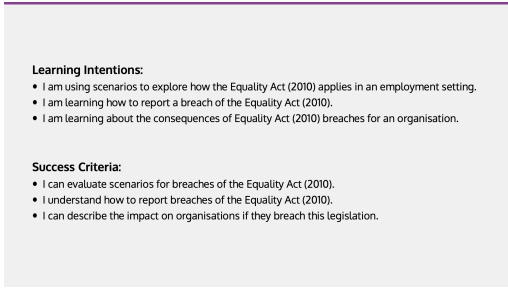

Learning Intentions
I am using scenarios to explore how the Equality Act (2010) applies in an employment setting.
I am learning how to report a breach of the Equality Act (2010).
I am learning about the consequences of Equality Act (2010) breaches for an organisation.

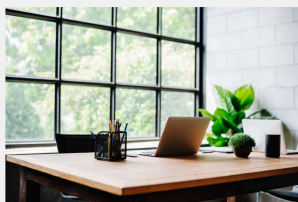
Success Criteria
I can evaluate scenarios for breaches of the Equality Act (2010).
I understand how to report breaches of the Equality Act (2010).
I can describe the impact on organisations if they breach this legislation.

Resources accompanying this lesson

- 'Lesson 2 - Powerpoint Slides'

Lesson Plan

Powerpoint Slide	Teaching Notes
	Title page - introducing the topic.
 <p>Learning Intentions:</p> <ul style="list-style-type: none"> • I am using scenarios to explore how the Equality Act (2010) applies in an employment setting. • I am learning how to report a breach of the Equality Act (2010). • I am learning about the consequences of Equality Act (2010) breaches for an organisation. <p>Success Criteria:</p> <ul style="list-style-type: none"> • I can evaluate scenarios for breaches of the Equality Act (2010). • I understand how to report breaches of the Equality Act (2010). • I can describe the impact on organisations if they breach this legislation. 	Learning Intentions and Success Criteria for Lesson 2.
	<p>Introduce the concept of a "breach" of a law.</p> <p>A breach of the law means that someone has broken a legal rule or failed to meet a legal duty. It can involve:</p> <ul style="list-style-type: none"> • Doing something the law forbids • Not doing something the law requires <p>In formal legal settings, this might instead be described as a contravention, failure to comply, or an unlawful act.</p> <p>However, to keep things clear and accessible for learners, we will use the term "breach" throughout this lesson.</p> <p>You could help the learners understand the Public Sector Equality Duty (PSED) at this point. The PSED requires public bodies to consider how their decisions and policies affect people with different protected characteristics.</p> <p>Here is a video from the Equality and Human Rights Commission that explains it very clearly: PSED.</p>



The following scenarios will help you gain a better understanding of how the Equality Act (2010) works in an employment setting.

The next eight slides contain scenarios that might happen in a workplace. Each will prompt learners to debate and discuss if discrimination or unlawful conduct (as defined in the Equality Act) happened, and if so – what type?

At this point you could recap on the types of discrimination and unlawful conduct introduced to your learners in the last lesson. You could reuse the matching cards or do this in any other way that suits your teaching style.

For quick reference, they have been included here:

Direct Discrimination

Someone is treated less favourably than another person because of a protected characteristic.

Indirect Discrimination

Occurs when a rule or policy applies to everyone but disadvantages a particular protected characteristic group.

Discrimination by Perception

Discrimination against someone because they are thought to have a particular protected characteristic.

Discrimination by Association

Discrimination against someone because they associate with another person who possesses a protected characteristic.

Harassment

Unwanted behaviour that someone finds offensive and is connected to a protected characteristic, which has the purpose or effect of violating their dignity or creating a degrading, humiliating, hostile, intimidating or offensive environment for them.

Victimisation

Someone is treated badly because they have made or supported a complaint or claim under the Equality Act (2010).

Alex has depression, and some of the symptoms are affecting their ability to carry out normal day to day activities. For example, at times it is hard for Alex to make decisions, plan ahead, or even get up in the morning. These effects have made it difficult to manage daily life and work tasks. Alex has experienced several linked periods of depression over the past two years, and the condition continues to have a substantial and long-term adverse effect on their daily activities.

Could Alex be entitled to protection from disability discrimination?

Yes ☒ No ☐

Read and discuss the scenario with your learners.

On a click the correct answer will be displayed. In this case, the answer is yes.

The Equality Act defines 'disability' as a "physical or mental impairment" that has a "substantial and long-term adverse effect" on a person's "ability to carry out normal day-to-day activities".

Depression can meet this definition if it has lasted, or is expected to last, 12 months or more and has a significant impact on daily life.

If Alex discloses this situation to their employer, they will be entitled to **reasonable adjustments** to help them at their work (e.g. flexible hours or support plans).

If they experience any unfair treatment (for example, being dismissed or having their hours reduced) after telling their employer about their depression, then this would most likely be disability discrimination.

For more information, [SAMH](#) detail the rights an employee in this situation might have.


<p>Equality Act (2010)</p> <hr/> <p>A business introduces a new policy requiring all staff to work in the office, changing a previous flexible working agreement where staff could work from home. Sam has a three year old child, and this new pattern means she might have to leave her job because of her childcare responsibilities.</p> <p>Could this be direct discrimination?</p> <p> <input type="button" value="Yes"/> <input checked="" type="button" value="No"/> <input type="button" value="Indirect Discrimination"/> </p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is no, because this is a new rule that applies to everyone equally.</p> <p>Ask learners if this might be another type of discrimination and, if so, what protected characteristic would be involved?</p> <p>Answer: under the Equality Act, this new policy could amount to ‘indirect discrimination’ on the basis of the protected characteristic of ‘sex’.</p> <p>This occurs when an apparently neutral rule or policy puts people with a protected characteristic at a particular disadvantage - unless the employer can justify it as a “proportionate means of achieving a legitimate aim”.</p> <p>While things are changing, women still bear the bulk of childcare responsibilities. Therefore, this new rule requiring inflexible work could put women as a group - not only Sam - at a disadvantage compared to men, and could be indirect sex discrimination.</p>
<p>Equality Act (2010)</p> <hr/> <p>Sofia is breastfeeding her baby in a high-street coffee shop. The manager asks her to move to a more private table or to leave the premises. Sofia explains calmly that she is simply feeding her baby and that she is comfortable where she is. The manager repeats the request, saying it is the coffee shop’s policy to avoid complaints.</p> <p>Could this be direct discrimination?</p> <p> <input type="button" value="Yes"/> <input checked="" type="button" value="No"/> <input type="button" value="No"/> </p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is yes.</p> <p>Under the Equality Act, ‘pregnancy and maternity’ is a protected characteristic. It is unlawful to treat a mother unfavourably because she is breastfeeding when she is receiving goods or services (such as in a coffee shop).</p> <p>Encourage guided discussion about the impact of the manager’s actions on Sofia. What type of environment might this have created for her?</p>
<p>Equality Act (2010)</p> <hr/> <p>A senior manager turns down an application for promotion to a supervisor position as the applicant has stated she is a lesbian. The senior manager justified the decision, claiming the applicant’s sexual orientation would prevent her from gaining the team’s respect and managing them effectively.</p> <p>Could this be direct ‘sexual orientation’ discrimination?</p> <p> <input type="button" value="Yes"/> <input checked="" type="button" value="No"/> <input type="button" value="No"/> </p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is yes.</p> <p>Under the Equality Act, ‘sexual orientation’ is a protected characteristic. Line managers must not make assumptions about an employee’s ability to do their job based on sexual orientation.</p> <p>Refusing promotion for this reason would likely be direct sexual orientation discrimination and is unlawful.</p>
<p>Equality Act (2010)</p> <hr/> <p>A colleague has been subjected to homophobic remarks from other staff members. You have reported these incidents to your employer at least twice, but no action has been taken to stop the behaviour.</p> <p>Could the employer be liable for harassment?</p> <p> <input type="button" value="Yes"/> <input checked="" type="button" value="No"/> <input type="button" value="No"/> </p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is yes.</p> <p>Under the Equality Act, ‘harassment’ is defined as unwanted conduct related to a protected characteristic (in this case, sexual orientation) that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. Homophobic language would create this environment.</p>

<p>Equality Act (2010)</p> <p>A restaurant introduces a rule that bans all employees from wearing any type of jewellery while at work. A Sikh employee, who wears a Kara bracelet as an integral part of her religion, complains about the rule.</p> <p>Could this be direct 'religion or belief' discrimination?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Indirect Discrimination?</p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is no.</p> <p>This is not direct discrimination, because the rule applies to all workers equally and does not single out one individual because of their religion.</p> <p>However, the policy may amount to indirect discrimination on the basis of 'religion or belief'.</p> <p>Remind learners that indirect discrimination occurs when a seemingly neutral policy or rule puts people with particular protected characteristics at a disadvantage, <u>unless</u> the employer can justify it as a "proportionate means of achieving a legitimate aim".</p> <p>Discuss possible justifications with learners: are there any legitimate reasons why this employer might ban all jewellery? Could there be any reasonable adjustments provided for the employee?</p> <p>In this scenario, the restaurant will need to carefully consider whether allowing the Kara bracelet poses any genuine safety risk (for example, if the employee operates any kitchen equipment or to meet food hygiene requirements) and if not, they may need to make reasonable adjustments.</p>
<p>Equality Act (2010)</p> <p>Lizzie works as a project manager and she is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn.</p> <p>Could this be 'disability' discrimination by association?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is yes.</p> <p>Under the Equality Act, it is unlawful to discriminate against someone because of their association with a person who has a protected characteristic. In this case, Lizzie's mother has the protected characteristic of 'disability'.</p> <p>The promotion was withdrawn because of Lizzie's association with her disabled mother, so this could be direct disability discrimination by association.</p>
<p>Equality Act (2010)</p> <p>Ibrahim is Black and is claiming harassment against his line managers after they repeatedly made racist jokes. A colleague who shares the office is also claiming harassment, even though he is not Black, because the behaviour of the managers has created an intimidating and offensive environment for him as well.</p> <p>Could this be harassment?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	<p>Read and discuss the scenario with your learners.</p> <p>On a click the correct answer will be displayed. In this case, the answer is yes.</p> <p>'Race' is a protected characteristic. Harassment occurs when unwanted conduct related to a protected characteristic has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment.</p> <p>Protection applies both to the person targeted (Ibrahim) and to others (the colleague) who are affected by the hostile environment, even if they do not share the protected characteristic.</p> <p>Employers are legally responsible if they fail to take reasonable steps to prevent or stop such behaviour.</p>

Reporting Discrimination

Many organisations, including schools, workplaces, and service providers, have internal procedures for reporting potential discrimination or breaches of the Equality Act (2010).

This often involves reporting the incident to a designated person or department within the organisation, such as a Manager, Human Resources department, or a dedicated Equality and Diversity Officer.



HUMAN RESOURCES

Timely and accurate reporting helps organisations investigate properly and meet their legal responsibilities.

Making a Complaint

Discrimination Complaint Form

Discrimination Complaint Form (2019)

Full name

Address

Postcode

Phone Number

Work Email

Home Email

Level of Complaint

Submitting Complaint

Reasons

Complaint Details

File

File Name

Order Number of this Incident

Notes from the relevant Council of the state

File

File Name

Individuals who experience discrimination can use an organisation's complaints or grievance procedures to formally raise their concerns in the first instance.

This may involve submitting a written complaint detailing the incident and requesting an investigation into the matter.

If they don't feel comfortable doing this themselves, they might seek specialist advice outside of work - for example, from their trade union, ACAS, or an employment lawyer.


Taking Legal Action

In some cases, individuals may choose to seek legal advice or assistance from organisations such as:


- **Citizens Advice Bureau**
- **Equality Advisory Support Service (EASS)**
- **Trade Unions**

These organisations can provide guidance on legal rights and options for addressing possible discrimination under the Equality Act (2010).

In some cases, individuals might make a claim to an Employment Tribunal or civil court. The facts would be presented, and a judgment delivered.

A golden balance scale, symbolizing justice or equality. The scale is ornate, with a central pillar and two pans hanging from a horizontal beam. The pans are empty and the scale is perfectly balanced. The background is a solid dark grey.

If the claim is successful, possible outcomes can include the person who raised the claim being awarded compensation (damages) for financial loss and for injury to feelings, as well as recommendations that the employer or service provider changes its policies or practices.

<p>Consequences for Organisations or Employers</p>  <ul style="list-style-type: none"> • Legal Action and Compensation • Reputation Damage • Loss of Talent and Productivity 	<p>Legal Action and Compensation</p> <p>Individuals who have experienced discrimination can take legal action against the organisation through an Employment Tribunal or civil court. If the claim is successful, the organisation may be required to pay compensation to the claimant for any financial losses, injury to feelings, and other damages caused. This can have significant financial consequences for an organisation. Tribunals can also issue recommendations to changes to policies or practices.</p> <p>Reputation Damage</p> <p>Breaches of the Equality Act can result in significant damage to an organisation's reputation. Negative publicity, media coverage, and public scrutiny can harm the organisation's image and credibility, leading to loss of customers, stakeholders, and public trust.</p> <p>Loss of Talent and Productivity</p> <p>Discrimination and unfair treatment can have a detrimental impact on employee morale, productivity, and retention of staff. Employees who experience discrimination may become disengaged, demotivated, and less committed to their work, leading to decreased productivity and increased turnover rates. Additionally, potential employees may be deterred from applying to or joining the organisation due to its reputation.</p>
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Please note: this resource was developed in collaboration with Business Management teaching staff and reviewed by an employment lawyer ahead of publication. The information in this resource pack comes from several published sources, including [ACAS](#), [EHRC](#), and employment law firms' webpages. We recommend that teachers remain up to date with the latest information when teaching about employment law. This resource will be reviewed and updated to align with developments in employment law.

Current Edition: V1 (2025)

Further LGBT Inclusive Education teaching resources:

- tie.scot/resources
- lgbteducation.scot/resources