

Equality Act Review Campaign Policy Briefings

To inform Government and Parliamentary Debate

It's Not Enough: Why COVID-19 must be embedded into the Equality Act as a Protected Characteristic.

By Dr Suriyah Bi
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Unprecedentedly, Covid-19 has released our global community into uncertain times. However, during these uncertain times, **one factor has remained certain; the gap between the billionaire class and the rich and famous, and the rest of society.** In the past week we have seen Richard Branson call on the government to issue a **7.5 billion bail-out for his airline** using tax payer's money despite his own ability to offer staff financial support, Cristiano Ronaldo purchasing an **island for self-isolation** with this family, **Tom Hanks and Idris Elba** are amongst celebrities who have managed to gain tests, and a private **Harley Street Clinic selling COVID-19 tests for £375, while the rest of society including the most vulnerable and frontline NHS staff still largely remain untested.**

Given the way in which the **gap between the rich and the rest of society has been laid bare**, it is crucial that **the bill is embedded directly into the Equality Act 2010.** In such times, it is the vulnerable in society that must be prioritised and **treated with dignity**, not those who have already greased their pockets. The only way to ensure protection is to ensure **such statements by Richard Branson are legally classed as discriminatory on the grounds of socioeconomic background**, which is currently not a protected characteristic, but one that the Equality Act Review campaign calls to be added to the Act.

Similarly, the campaign has called for **homelessness to be included as a protected characteristic**, as homelessness can and does give rise to discrimination especially in relation to employment. However, **with COVID-19, the**

homeless are a high-risk group, many with already underlying health conditions. The nation-wide fears around job security, especially those within the **gig industry on zero hour and precarious contracts** have been long ignored. **COVID-19 presents a threat to these workers and their respective industries** that face closure under the recent government lockdown instructions. Had the Equality Act protected such employees on the basis of socio-economic status as a protected characteristic, some of those fears and the subsequent affects for mental health may have been mitigated. Furthermore, calls for **Universal Credit** to now be available to those in difficult financial circumstances due to the virus, also testify to the importance of **financial precarity and vulnerability to also be inclusive within the Act.**

I therefore call for the UK Government to make COVID-19 a "protected characteristic" under the Equality Act 2010 legislation. To name a few benefits, such an approach would provide workers being laid off by companies the **legal protection to challenge their employers in employment tribunals** should they be dismissed. In instances where employers **refuse to offer sick pay or dismiss employees if they contract the virus**, this would amount to discrimination and can be challenged in the employment tribunals. It would allow the homeless **to receive stable housing and if local authorities refuse, it would be unlawful under discrimination law**, and it would allow for those struggling financially to be legally protected, as **failure to receive Universal Credit would amount to discrimination.**

Selected References and Resources

Bi, S. 2020. It's Not Enough: Why COVID-19 must be embedded into the Equality Act as a Protected Characteristic. *Equality Act Review*. <https://www.equalityactreview.co.uk/post/covid-19-and-the-equality-act>