

The Equality Act 2010 is not equal



We want an alcohol-related exclusion clause removed within the Equality Act 2010.

What is the Equality Act and how does it protect people from discrimination?

The Equality Act 2010 is legislation that legally protects people from discrimination, both in the workplace and in wider society. [1] The Act sets out nine different protected characteristics, aspects of a person's identity that makes them who they are. This list includes age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Subsequently, under the Equality Act, you are protected against discrimination in relation to any of the protected characteristics and treated fairly within the workplace.

However, it does not protect people with alcohol dependency. Within the Act it **specifically** excludes alcohol, noting 'addiction to alcohol, nicotine or any other substance is to be treated as not amounting to an impairment for the purposes of the Act.' [2] Given the aforementioned protected characteristics list, there are forms of alcohol dependence that meet the criteria relating to a disability. However, due to the noted exclusion, people with current or historic alcohol dependence do not receive any protection from discrimination at all, based on the UK Government's premise that it is 'self-induced'. [3] We whole heartedly disagree with this statement. No one chooses to become dependent on alcohol and for those that do experience issues with alcohol, disclosing this is often a very difficult and emotionally draining process, regardless of the additional risk of discrimination and therefore should be offered, and is deserving of, support. Compared to international counterparts including Australia, Canada, New Zealand and the United States, the UK stands alone with its alcohol dependence exclusion stance within discrimination law. [3]

What does the evidence suggest?

In 2022-23, it was reported that 44% of adults, aged 16 and over, drank alcohol on at least one day each week in Wales. Additionally, 7% of men, and 4% of women reported drinking almost daily. [4] Where the main problematic substance was known at the point of a referral, alcohol accounted for 53% of all referrals in Wales, meaning over nine thousand people accessed treatment services for support around their alcohol use. [5] Between 2022-23, Wales recorded a total of 8,464 people being admitted to hospital with an alcohol-specific condition, defined as conditions, such as alcoholic liver disease, which are 100% attributable to the use of alcohol. [6] While this figure has declined by 18.6% over the last 5 years, there is still a significant amount of people, 271 per 100,000, that are suffering from conditions due to alcohol use and therefore at risk of discrimination due to the current law failing them.

Additionally, a record number of 486 alcohol-specific deaths was recorded in 2022, in Wales, [7] with heavier drinking patterns during the Covid-19 pandemic being highlighted as a potential reason for this. [8]

Key facts



Alcohol dependency is specifically excluded from the Equality Act 2010, increasing the risk of those affected by such issues, of experiencing discrimination.



Compared to other countries including the US, Canada, Australia and New Zealand, the UK is the only one that excludes alcohol dependence in discriminatory law.



The alcohol exclusion reinforces stigma towards people who use substances, which acts as a significant barrier to seeking support.

Why now?

Current legislation acts as a form of stigma that can hinder people from seeking support for their alcohol use. People who may benefit from such support, may not wish to disclose their alcohol use with their employers due to fear of being inadequately supported or even losing their job. In turn this may result in them not engaging with substance use treatment services and subsequently, lead to further isolation and additional harm.

In light of the record number of deaths associated to alcohol use in Wales, the reported rise in more harmful drinking strongly linked with the unprecedented Covid-19 pandemic, as well as the number of referrals to substance use services and admissions to hospital for alcohol-related matters, we feel now is as good a time as any to lobby for the removal of the alcohol-related exclusion clause within the Equality Act, and protect a significant amount of people from potential discrimination, as well as those that aren't accounted for within various datasets.

There are many reasons why someone may become dependent upon alcohol, from encountering breakdown in relationships and episodes of poor mental health, to experiencing traumatic events and bereavement, as well as many other precipitating events. Often, someone's substance use can be a response to a situation or event. With that in mind, it is hard to argue against someone who experiences issues with alcohol, deserving of being treated with dignity and respect and supported throughout. However, under the current Equality Act, an employee is not protected from discrimination and therefore is at risk of becoming unemployed at a time when they may need support the most.

Furthermore, if the latter was to occur, this could lead to a decline in one's health and wellbeing as well as experience financial issues and a reduced sense of belonging and purpose that many identify with being in the workplace. It can also have additional knock-on discriminatory effects which could further destabilise someone's life such as housing and future employment.

Considering of the UK Government's Back to Work Plan, [9] that aims to get people with long-term health conditions, disabilities, or long-term unemployment to look for and stay in work, lifting this discriminatory exclusion could help them with achieving their targets. It can also ensure those affected by alcohol use can feel confident in disclosing their situation with their employers, without fear of discrimination and ultimately help them get the support they require.

What have Barod done and our next steps?

We recognise that lifting the alcohol exclusion within the Equality Act is something we cannot do alone and welcome additional support in the lobbying of this ask. We acknowledge Alcohol Change UK's petition to the UK Government on the same matter and as an organisation, have previously given our support for this. Moving forward, we intend to build partnerships with key stakeholders to work towards a successful outcome that could potentially benefit thousands of people across Wales.

What do we want?

- We call on the UK Government to lift the alcohol exclusion in the Equality Act 2010 in order to significantly reduce the stigma experienced by people living with an alcohol dependency so they would benefit from the protections the legislation provides.
- We call on the Welsh Government to have a unified statement in support of the lifting of the alcohol exclusion within the Equality Act 2010 and to support our calls to the UK Government.

References

1. Equality and Human Rights Commission (2018) [Equality Act 2010](#).
2. [The Equality Act 2010 \(Disability\) Regulations 2010, Part 2, Regulation 3](#)
3. Alcohol Change. [The Equality Act: Can you help us change the law?](#)
4. [National Survey for Wales](#)
5. Welsh Government (2021) [Treatment Data - Substance Misuse in Wales 2020-21](#)
6. Public Health Wales (2024) [Data mining Wales: The annual profile for substance misuse 2022-23](#)
7. Office for National Statistics (2024) [Alcohol-specific deaths in the UK: registered in 2022](#)
8. The Guardian (2024) [Heavier drinking during Covid led to 2,500 more deaths from alcohol in 2022 – ONS](#)
9. UK Government (2023) [Employment support launched for over a million people](#)