

**Birmingham City Council  
Equality Act 2010 Fact sheet**

**MARRIAGE AND CIVIL PARTNERSHIPS**

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**WHO ARE THE PEOPLE WHO SHARE THE PROTECTED CHARACTERISTIC OF MARRIAGE AND CIVIL PARTNERSHIP?**

People who are legally married or in a registered civil partnership share the protected characteristic of marriage and civil partnership. People, who are single, cohabiting, divorced, or who have had their civil partnership dissolved are not covered by the Act.

**Example:**

“An employer offers ‘death in service’ benefits to the spouses and civil partners of their staff members. A worker who lives with her partner, but is not married to him, wants to nominate him for death in service benefits. She is told she cannot do this as she is not married. Because being a cohabitee is not a protected characteristic, she would be unable to make a claim for discrimination”.

Marriage and civil partnership is not a protected characteristic in regard to **discrimination by association**<sup>1</sup>, **discrimination by perception**<sup>2</sup> or harassment, although harassment related to civil partnership is in effect, harassment related to sexual orientation<sup>3</sup> and therefore, covered by the harassment provisions<sup>4</sup>

For marriage and civil partnership, the duty means having due regard to the need to eliminate discrimination in employment. There is no obligation to advance equality nor to foster good relations as far as this protected characteristic is concerned.

Fulfilling the duty may entail monitoring marriage and civil partnership alongside other protected groups, as part of the Council's existing workforce monitoring arrangements. The duty also means paying due regard to this characteristic when developing

## **Resources and Contacts:**

1. Equality Act 2010 Statutory Code of Practice Employment  
[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/employercode.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employercode.pdf)
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