2026

EQUALITY ACT AUDIT

Defend Your Enterprise from Liability Risks



Presented to

Corporate Executives

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Statutory Vicarious Liability Overview

General Rule

Employer liability for employee actions

No knowledge defense available

Immediate joint liability risk: £25000+

Average cost in discrimination claims

Understanding the Section 109(4) Defense: Protecting Your Enterprise



The Section 109(4) defense offers a vital shield against discrimination liabilities, emphasizing the need to prove that all reasonable steps were taken to prevent unlawful conduct. This defense can lead to a complete discharge of corporate liability when effectively implemented.

The judicial test mandates comprehensive equality training for employees, ensuring that outdated practices are no longer defensible. Regular updates and assessments of training protocols are crucial, as failing to adapt can expose businesses to significant risks. Employers must stay ahead of legal requirements to effectively mitigate potential liabilities and foster an inclusive work environment.

In summary, adopting the Section 109(4) defense not only safeguards your enterprise but also promotes a culture of compliance and respect within the workplace.

Audit Module A

This module covers the essential policy framework for employers, ensuring compliance with the nine protected characteristics and addressing new sexual harassment duties as mandated by law.









Audit Module B: Recruitment and Vetting Procedures for Compliance



Effective recruitment and vetting procedures are crucial for minimizing discrimination risks. Section 60 of the Equality Act prohibits inquiries about health or disability during recruitment. This aims to create a fairer hiring process, ensuring that all candidates are evaluated solely on their skills and experience.

Implementing third-party auditor oversight can enhance **transparency in recruitment practices**. This includes defensible scoring sheets that provide objective assessment criteria, ensuring that all candidate evaluations are justifiable. Additionally, maintaining standardized adjustment logs helps document any accommodations made during the recruitment process, promoting inclusivity and compliance with legal standards.

In summary, robust recruitment and vetting protocols not only mitigate liability risks but also foster a culture of fairness and equality within the workplace, benefiting both employers and employees.

Audit Module D: Disability and Reasonable Adjustments in the Workplace



In this module, we focus on reasonable adjustments required by Sections 20–22 of the Equality Act. Employers must proactively implement modifications to ensure individuals with disabilities have equal access and opportunities in the workplace. This includes adapting physical spaces and providing necessary support mechanisms.

The introduction of **Formal Reasonable Adjustment Passports** can streamline the process, ensuring consistent support for employees. It is crucial to decouple disability-related sickness triggers from performance assessments, fostering an inclusive environment. Additionally, recognizing mental health and neurodiversity as essential components of workplace adjustments is vital for overall employee well-being and productivity.

By prioritizing reasonable adjustments and creating an inclusive culture, organizations can mitigate risks and foster a supportive environment for all employees. This approach demonstrates a commitment to equality and diversity.

Module E: Culture & Training

This module focuses on verifying legal thresholds, ensuring 100% completion tracking, implementing third-party prevention measures, and delivering an executive Red/Amber/Green (RAG) report for effective oversight.









Year-Round Corporate Retainers: Secure Your Business Defense



Our Standard Equality Retainer (£750/month) offers essential legal support for businesses with 5 to 50 employees, providing up to 5 hours of advisory services each month. This ensures that your company remains compliant and protected against discrimination liabilities.

For those requiring more comprehensive coverage, the **Premium City Retainer** (£1500/month) includes up to 10 hours of counsel from our Senior Partners, along with exclusive access to executive leadership masterclasses and priority hotline services. This retainer guarantees continuous support, enabling you to maintain your Section 109(4) statutory defense year-round and navigate employment challenges effectively.

Investing in a corporate retainer is essential for safeguarding your enterprise against potential legal pitfalls and ensuring a robust defense in the face of discrimination claims.

Book Audit

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