Marriage and Civil Partnership

Equal marriage and civil partnerships
Following the passing of the Marriage (Same Sex Couples) Act 2013, in England and Wales marriage can either be between a man and a woman or between partners of the same sex. Equal marriage was also legislated for in Scotland in 2014 and in the Republic of Ireland in 2015 (following a referendum in which 62% of the population voted in favour of legalising same-sex marriage). In July 2019, MPs voted to extend marriage equality to Northern Ireland by 21 October 2019, unless devolution is restored by that point.

Following a Supreme Court ruling in June 2018, civil partnerships in England and Wales can be either between a man and a woman or partners of the same sex. The Civil Partnership, Marriages, Deaths (Registration etc) Act 2019 allows people to convert a marriage to a civil partnership.

Marriage and civil partnership discrimination in law
The Equality Act 2010 defines this discrimination as direct and indirect discrimination, and victimisation on the grounds of marriage or civil partnership. Marriage and civil partnership is one of the nine protected characteristics covered by the Equality Act.

Marriage and civil partnership discrimination does not extend to people who are single, living with someone as a couple but neither married nor civil partners, engaged to be married but not married, divorced or a person whose civil partnership has been dissolved.

Definitions:
- Direct discrimination: When someone is treated less favourably because of a protected characteristic.
  - By association: because of a protected characteristic a family member, friend or colleague has.
  - By perception: because of a protected characteristic they are thought to have.
- Indirect discrimination: When a practice, policy, or rule is applied to everyone but has a worse effect on some.
- Victimisation: When someone is treated less favourably due to an allegation they made, supported, or gave evidence to.

Examples of marriage and civil partnership discrimination:
- Assuming that when a person enters marriage or civil partnership they will wish to change or reduce their working hours.
- Allocating jobs, opportunities, and tasks on the basis of relationship status, for example assuming that roles which includes travel are more appropriate for single people.
- Policies which give benefits to married couple but not to couples in a civil partnership.
- Refusing promotion based on marital status or considering marital status as part of a recruitment process.
- Inappropriate jokes/‘banter’ on the basis of marriage or civil partnership.
Is your workplace/environment and working ethics inclusive?
- Be aware of appropriate language. For example, saying "Now that they’re married there’s no point inviting them to social events" is not appropriate.
- Speak up when ‘office banter’ goes too far.
- Be understanding if staff need to change their name following marriage or civil partnership.
- Practicing confidentiality

What are your responsibilities?
- Challenge discrimination on the basis of marriage and civil partnership.
- Lead by example.
- If you are a line manager, get to know what issues your staff are dealing with.
- Display ED&I posters and resources.
- Complete online training (Diversity in the Workplace and Unconscious Bias).

What resources are available for me, and for signposting?
- Equality, Diversity & Inclusion webpages.
- ED&I video clips.
- Your HR Advisor.
- Relate.
- Get married or form a civil partnership in England or Wales: Step by step guide.
- Equality and Human Rights Commission.

Anything else I should know about?

**Dignity at Warwick**
Staff can report bullying and harassment via an anonymous form or request to meet with a Dignity Contact to discuss options available. Familiarise yourself with the Dignity at Warwick Policy.

**Differences between marriage and civil partnership**
Couple who register as civil partners have the same rights as married couples in employment and must be provided with the same benefits available to married couples.

There are some key differences between marriage and civil partnership:
- The formation of a civil partnership is an entirely civil event, marriages can be conducted through either a civil ceremony or a religious ceremony.
- Marriages are solemnized by saying a prescribed form of words, civil partnerships are registered by signing the civil partnership document, with no words required to be spoken.
- A marriage can be annulled if the respondent was suffering from a venereal disease in a communicable form, this is not a ground for annulling a civil partnership.
- A marriage can be ended on the ground that the marriage has broken down irretrievably due to adultery, this is not a fact which could be relied on for ending a civil partnership.

**Everyone deserves respect – learn more about Respect at Warwick at warwick.ac.uk/equalops/learnmore/respectatwarwick**