

OVERVIEW OF UK ANTI-DISCRIMINATION LAW



The potential of anti-discrimination law to protect people living with HIV from discrimination in the UK exists but is seriously hampered by the complexity and inconsistent ways in which it seeks to promote equality and address discrimination.

Current Framework of UK Anti-Discrimination Law

UK anti-discrimination law is currently made up of three main statutes dealing with sex, race and disability respectively:

- The **Sex Discrimination Act 1975** (SDA 1975) prohibits discrimination on grounds of sex, marital status and gender reassignment (only in the field of employment) in the fields of employment, education and provision of goods and services. It applies in England, Scotland and Wales.
- The **Race Relations Act 1976** (RRA 1976) as amended by the Race Relations (Amendment) Act 2000 (RR(A)A) and the Race Relations Act 1976 (Amendment) Regulations 2003, prohibits discrimination on race, colour, nationality, ethnic and national origin in the fields of employment, education and provision of goods and services. It applies in England, Scotland and Wales.
- The **Disability Discrimination Act 1995** (DDA 1995) deals with discrimination on grounds of disability in employment, education, access to goods, facilities, services and premises. It applies in England, Scotland, Wales and Northern Ireland (in relation to employment). It is the Act which **deals with HIV and AIDS discrimination**.

The Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC) are the agencies in charge of the monitoring and administrative enforcement of the SDA 1975, RRA 1976 and the DDA 1995 respectively.

Also, since December 2003, the **Employment Equality (Sexual Orientation) Regulations 2003 prohibit sexual orientation discrimination** in employment and vocational training. The regulations apply across England, Scotland and Wales, whatever the size of the organisation, whether in the public or the private sector. New Regulations prohibiting discrimination on grounds of religion or belief are also in force.

Key Issue: Disability

Since October 2004, the **Disability Discrimination Act 1995 (Amendment) Regulations 2003** have amended the employment provisions of the DDA 1995. The changes include:

- The removal of the small employers exemption;

- The extension of the employment section of the DDA 1995 to cover office holders, prison officers, fire fighters, police officers, barristers, advocates and their pupils, partners in businesses, qualifying and examining bodies, practical experience and private households;
- The prohibition of constructive dismissal and instructions or pressure to discriminate; and
- The inclusion of a specific provision for harassment A new Disability Discrimination Bill is expected to become law in Spring 2005 with some of the provisions coming into force shortly afterwards.

The Bill will address key deficiencies of the DDA 1995, especially in relation to the definition of disability. In particular, the Bill will extend the scope of the Act to cover people with HIV from the moment of diagnosis. This change is expected to come into force in December 2005.

Future Changes

The Government has also announced the creation of a Commission for Equality and Human Rights (CEHR). The new body will bring together the three existing commissions and will also take responsibility for the new legislation prohibiting discrimination in employment and vocational training on grounds of age, sexual orientation and religion or belief. For more information go to www.womenandequalityunit.gov.uk/equality/project/index.htm

Why the UK Needs a Single Equality Act

- The Current Legislation is Complex and Inconsistent

The multiplication of statutes has led to significant inconsistency and inequality in the landscape of anti-discrimination law with the existing Acts and new Regulations providing different standards of protection according to the ground covered. This leads to a hierarchy of equalities with the RRA 1996 providing the highest level of protection.

- The Law is Inadequate to Challenge Multiple Discrimination

The current patchwork of anti-discrimination statutes is inadequate to address and challenge discrimination on multiple grounds. The complexity of HIV- and AIDS-related discrimination is a key argument for the adoption of a piece of legislation which would allow tackling multiple discrimination which in the case of HIV can involve 4 factors: HIV status, sexual orientation, race and gender.

For more information visit the campaign website at www.areyouhivprejudiced.org

See also HIV and AIDS in the UK - Challenging the Epidemic of Discrimination: The Case for a Single Equality Act (available at www.nat.org.uk).

ARE YOU HIV PREJUDICED?

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