

Anti – Discrimination Legislation

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- Three hundred years ago, the laws of England contained many specific statutes embodying discrimination on ground of sex, religion and wealth.
- From 1700 to 1950s, almost all these explicit examples of discrimination enshrined in the law were slowly but surely abolished.
- With a very few exceptions, men and women, whatever their religion and however rich or poor they might be, were treated by the law in the same way.

- This did not, however, eliminate discrimination.
- The past 50 years have seen a steady stream of legislation aimed at making such discrimination unlawful.
- It is one thing to make a law giving women the vote, but it is quite another to legislate effectively to ensure they are treated on an equal footing with men in all matters concerned with employment, not to mention other matters such as getting a mortgage.

- Information systems engineers need to have an appreciation of anti-discrimination legislation for two reasons.
- First, as professionals, they will inevitably find themselves in managerial and supervisory positions and the law requires people in such positions to prevent the people they supervise from behaving in a discriminatory manner and to avoid such behavior themselves.

What is Discrimination ?

- Discrimination means treating one person or one group of people less favourably than another on the grounds of personal characteristics.
- The law in Europe, the USA and many other countries prohibits discrimination on ground such as:
 - Sex
 - Race, colour, ethnic origin or nationality

- Disability
 - Sexual orientation
 - Religion
 - Age
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- Much of the law and much of the debate on discrimination issues relates to employment and related matters.

- Discrimination can be direct or indirect.
- Direct discrimination occurs when one person is treated less favourably than another specifically because of their sex or race, and so on.

e.g.

- A woman does exactly the same job as a man but is paid less than he is.
- A company advertises for a secretary and automatically rejects all the male applicants.
- A company advertises for a mature woman to act as the chief Executive's personal assistant or a strong young man to work as a trainee zoo-keeper.

- Indirect discrimination occurs when an employer imposes conditions that apply to all employees or all applicants but have a disproportionate effect on one group.
- e.g
 - Advertising a job with the requirement that applicants must be at least 180cm tall. There are many men over 180cm tall but very few women
 - When allocating public housing , a local authority has a policy of giving priority to the children of existing tenants.

Discrimination on Grounds of Sex

- Most people under 50 are surprised when they are told about the position of women workers in the 1960s. Where formal salary scales were in operation , there would either separate , lower scales for women or there would be additional allowances for men, especially for married men. A female employee who got married might lose her job or might be transferred to the temporary staff , making her ineligible for bonuses or additional holiday entitlement for long service.

Employment

- It is unlawful for an employer to discriminate against a person on grounds of their sex or marital status in terms of the arrangements made for recruitment and selection and the terms on which employment is offered . The Act specifically makes unlawful advertisements that explicitly or implicitly suggest that only persons of one sex will be considered.

- It is unlawful for an employer to discriminate against an employee on grounds of their sex or marital status in regard to opportunities for promotion, transfer or training or to any other benefits.
- It is unlawful for an employer to discriminate against an employee on grounds of their sex or marital status in regards to dismissal or redundancy.

Education

- It is unlawful for a provider of education to discriminate against a person on the basis of their sex, in offering admission to the establishment or to specific courses, and in providing access to the other benefits and facilities it offers.
- The main exceptions to this are that allowance is made for single sex establishments and that provision for physical education may be different for the two sexes.

Provision of services

- It is unlawful to discriminate on grounds of sex in the provision of goods, facilities or services. The Act gives the number of examples including accommodation in a hotel, facilities for entertainment , recreation or refreshment, banking and insurances services; and so on.
- It is unlawful to discriminate on grounds of sex in selling or letting property

Remedies

- A person who believes that they have been discriminated against in their employment because of their sex- whether by being refused a job, refused promotion , paid less, not given training opportunities or anything else- can bring the matter to an employment tribunal.

Discrimination on racial ground

- The 1st race relations legislation in the UK was the Race Relations Act 1965, which made it unlawful to discriminate on grounds of race or colour by banning people from using public services or entering places such as bars, cinemas or theatres.
- The present law is based on the Race Relations Act 1976 and subsequent amendments to it. It makes it unlawful to discriminate on grounds of race , colour, ethnic origin or nationality

Discrimination on grounds of disability

- From 1970s onwards, government had been encouraging the recruitment of disabled employees into the Civil Service and encouraging employers to take on disabled workers by withholding government contracts from companies that could not demonstrate a commitment to offering opportunities to the disabled

Discrimination on grounds of Religion or Belief, or sexual orientation

- In 2000, the EU's Equal Treatment Framework Directive was issued.
- It required member state to legislate to make discrimination in employment matters on grounds of disability, religion, sexual orientation or age unlawful.

Discrimination on Grounds of Age

- Regulations making it unlawful to discriminate on grounds of age, the age, the equal Treatment Directive, will not become law in the UK until 2006.
- However, their effect will be very widespread, more so than that of any other anti-discrimination legislation except for sex discrimination.

- The Equal Treatment Directive is, however, careful to be quite explicit in allowing for discrimination on the grounds of age in a number of important cases . It allows, for example:
 - Special treatment of different age groups in order to protect them
 - Different premiums for life insurance policies, depending on the age of the person at the time the policy is taken out, and different pension rates depending on the age retirement
 - Fixing a maximum age for recruitment on the need for a reasonable period of employment after training and before retirement

Avoiding Discrimination

- It is not enough for an employer to support anti-discrimination legislation and resolve to comply with it.
- In an organization of any size , it is necessary to ensure that all members of the organization, share the employer's resolve.

- Even if this achieved, the organization may have to deal with such problems as unlawful harassment from its customers or unjustified accusations of discriminations
- Effective compliance with anti-discrimination legislation in the workplace requires three things:
 - A suitable written policy, well publicized, and freely and easily available;
 - A training programme for new and existing staff , to ensure that they are all aware of the policy and its importance;
 - Effective procedures for implementing the policy

- The URLs of the websites of the three bodies responsible for tracking discrimination are :
 - Equal opportunities Commission:www.eoc.org.uk
 - Commission for Racial Equality:www.cre.gov.uk
 - Disability Rights Commission:www.drc.gb.org
- These sites are extremely helpful in providing summaries of the law , links to the legislation itself, guidance to employers and employees, and sample documents such as equal opportunities policies.