



An initiative of the European Union

Where to obtain further information

that if you prove facts from which the tribunal or court could uphold your complaint, the tribunal or court must do so unless the respondent proves that there was no discrimination whatsoever. Amendments to strengthen protection against discrimination in employment on grounds of sex will be made in October 2005, to comply with a later EU directive on equal treatment between men and women.

UK anti-discrimination laws have been and continue to be extended and strengthened beyond the requirements of the EU legislation. Major changes to the Race Relations Act were made in 2000 in response to the Stephen Lawrence Inquiry, applying the Act to policing, licensing and other public functions and giving public authorities a positive duty to promote race equality. In 2005 parliament approved further amendments to the Disability Discrimination Act that widen the scope of protection and impose a similar positive disability equality duty on public authorities. It is expected that a public sector duty to promote sex equality will be approved in the 2005-6 session of parliament along with new prohibition of discrimination on grounds of religion or belief in provision of goods and services, housing and functions of public bodies.

The Commission for Racial Equality, the Equal Opportunities Commission, the Disability Rights Commission and the Equality Commission for Northern Ireland can provide advice and assistance to individuals; they can also conduct formal investigations to expose discriminatory practices in public and private sector organisations.

While drafting legislation to prohibit discrimination on new grounds, the UK government was also developing plans for a single equality body that would have powers and duties in relation to race, sex, disability, sexual orientation, religion or belief and age. The Equality Commission for Northern Ireland already operates across all grounds within current legislation. Subject to Parliamentary approval, a Commission for Equality and Human Rights will be established and begin its work in 2007, replacing all of the existing equality commissions by 2009.

For information on UK legislation:

- > **Commission for Racial Equality** www.cre.gov.uk
- > **Equal Opportunities Commission** www.eoc.org.uk
EOC Helpline
- > **Disability Rights Commission** www.drc-gb.org
DRC Helpline 0845 762 2633
- > **Equality Commission for Northern Ireland**
www.equalityni.org
- > **Department of Trade and Industry**
employment equality regulations, age discrimination:
www.dti.gsi.gov.uk/er/equality
Women and Equality Unit:
www.womenandequalityunit.gov.uk
- > **Home Office** www.homeoffice.gov.uk
Race Equality Unit; Faith Equality Unit
- > **Department for Work and Pensions** www.dwp.gov.uk

Other organisations supporting the "For Diversity. Against Discrimination." campaign in the UK:

- > **Age Positive** www.agepositive.gov.uk
- > **British Humanist Association** www.humanism.org.uk
- > **Chartered Institute of Personnel and Development**
www.cipd.co.uk
- > **Employers Forum on Age** www.efa.org.uk
- > **National Council for the Voluntary Organisation**
www.ncvo-vol.org.uk
- > **ORC (Employers networks on equality and diversity)**
www.orcworldwide.co.uk
- > **Royal National Institute of the Blind** www.rnib.org.uk
- > **Scottish Council for Voluntary Organisations**
www.scvo.org.uk
- > **Stonewall** www.stonewall.org.uk
- > **Third Age Employment Network** www.taen.org.uk
- > **Trade Union Congress** www.tuc.org.uk

For relevant information on the new EU legislation:

www.stop-discrimination.info

Our differences make the difference



JAF-05-GB

For Diversity



Against Discrimination

“For Diversity. Against Discrimination.”

The UK has a long history of anti-discrimination legislation on grounds of race, sex and disability, providing rights to seek redress and establishing statutory bodies—the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission and the Equality Commission for Northern Ireland—to enforce the law and promote equality of opportunity. The experience in the UK helped to shape the EU Directives, but the final forms of the Race Directive and the Employment Framework Directive include new or improved protection against discrimination, requiring the UK to introduce new or amended legislation.

European anti-discrimination legislation has produced greater protection against discrimination in the UK. To comply with EU legislation UK laws on race and disability discrimination have been strengthened and there is now new legal protection against discrimination on grounds of sexual orientation and religion or belief. Protection against age discrimination is expected. These changes have also taken place in Northern Ireland, where the existing law against discrimination on grounds of religious belief or political opinion has been amended.

EU legislation

Until 2000, the main EU anti-discrimination legislation was in relation to equal pay and equal treatment between men and women. Today the picture in the EU and in the UK—and other member states—is very different.

The EU Employment Framework Directive is concerned with equal treatment in employment and occupation, vocational training and related matters. Regulations to implement this Directive came into force in December 2003. Since that date it is unlawful to discriminate on grounds of religion or belief and sexual orientation in all aspects of employment, including recruitment, selection, terms and conditions including pay, promotion, training, other benefits and dismissal. The regulations also prohibit discrimination by trade unions and professional and employers’ organisations and in access to further and higher education and treatment as a student. The employment related provisions of the Disability Discrimination Act have also been strengthened to comply with the Directive.

The EU Race Directive has wider application; thus the amendments to strengthen the Race Relations Act and the equivalent NI Order go beyond employment and related activities and also apply to discrimination in education, housing, goods, facilities and services, many of the functions of public bodies, such as health care and social security, and social advantages.

National legislation

So, today in the UK there is protection against discrimination on the following grounds: race (including colour, nationality, ethnic or national origins), gender, disability, sexual orientation and religion or belief. Age discrimination will be outlawed by the end of 2006.

In line with the Directives, UK anti-discrimination laws prohibit:

- a) direct discrimination—when, on one of the protected grounds, you are treated less favourably than another person is or would be in comparable circumstances—with very limited exceptions
- b) indirect discrimination - when a provision, criterion or practice, that does not refer to race, sex, sexual orientation, religion or belief would disadvantage people of your same race, sex, sexual orientation, religion or belief compared to others, and which puts you at such a disadvantage, where it cannot be justified as a proportionate way to achieve a legitimate aim
- c) Harassment—when, on one of the protected grounds, another person engages in conduct which you do not want and which has the purpose or effect of violating your dignity or creating for you an intimidating, hostile, degrading humiliating or offensive environment
- d) Victimisation—when you are treated less favourably because you made a complaint of discrimination or harassment on your own behalf or for someone else or if you supported someone else who made a complaint

UK legislation permits employers to take positive action in the forms of training or encouragement of applications where there is evidence of under-representation of particular groups among those doing particular work. If you believe you have been subjected to discrimination or harassment you can bring a case in the employment tribunal or the county court (sheriff court in Scotland). There are strict time limits, so you should seek early advice. An important change required by the EU Directives is a shift of the burden of proof in discrimination cases. This means

