

LEGISLATION IN BRIEF

Anti-Discrimination Legislation

The UK has comprehensive anti-discrimination legislation which will also soon include age discrimination. Failure to comply may leave a business open to claims from workers and job applicants.

Disability Discrimination

- It is now unlawful for **any** employer to discriminate against current or prospective workers for a reason related to a past or present disability.
- Employers must make reasonable adjustments to their premises or employment arrangements if they substantially disadvantage a disabled worker or applicant (unless the employer does not know and cannot be expected to know of the person's disability).

Discrimination on the Grounds of Sex or Race

- The Sex Discrimination Act 1975 prohibits discrimination on the grounds of sex, marital status and the fact that someone has undergone or is intending to undergo gender reassignment.
- The Race Relations Act 1976 prohibits discrimination on the grounds of colour, race, nationality or ethnic or national origin.
- Both sets of legislation apply to employees, agency workers and independent contractors (if contracting personally to carry out the work) and forbid discrimination at every stage of the relationship, from advertising vacancies through to dismissal and the giving of references.
- An employer is liable for acts of discrimination carried out by its employees in the course of their employment unless it can show that it took such steps as were reasonably practicable to prevent discrimination occurring. In practice, this means equal opportunities and diversity training for all staff.

Other Anti-Discrimination Legislation

- The Equal Pay Act 1970 (as amended) provides that an employee can claim equal pay with a comparable employee of the opposite sex. Regulations were also introduced in 2000 prohibiting discrimination against part-time workers and in October 2002 prohibiting discrimination against workers employed on fixed term contracts.
- Further regulations in December 2003 prevent discrimination on the grounds of both sexual orientation and religion or belief.
- Legislation to prevent discrimination on the grounds of age will come into force on 1 October 2006.

Useful URLs

Age Positive – www.agepositive.gov.uk

Commission for Racial Equality – www.cre.gov.uk

Disability Rights Commission – www.drc-gb.org

Equal Opportunities Commission – www.eoc.org.uk

Government Disability Website – www.disability.gov.uk

To learn more about compliance and how you can protect your business, email Andy Moseby at Kemp Little LLP at andy.moseby@kemplittle.com