



**Metropolitan Police Authority**

## **Equality and Diversity Policy**

### **1. Introduction**

- 1.1. The Metropolitan Police Authority (MPA) recognises that attracting and retaining the very best members and staff who are reflective of London's rich and diverse communities is a fundamental part of the corporate strategy of the MPA and will enable it to support, monitor and provide governance to the Metropolitan Police Service more effectively and efficiently. This will help to ensure that it achieves the credibility of Londoners and is enabled to 'police by consent'.
- 1.2. The MPA Equality and Diversity Policy goes wider than a traditional equal opportunities policy. It forms the basis for the MPA's Corporate Equality Plan (CEP)<sup>1</sup>.
- 1.3. The MPA is committed to providing equality of opportunity by aiming to ensure that its practices and procedures follow and exceed legal requirements and good practice as recommended by the Commission for Racial Equality (CRE), the Equal Opportunities Commission (EOC), the Disability Rights Commission (DRC) and the Chartered Institute of Personnel and Development (CIPD). Our decision to work to achieve Level Five of the Equality Standard for Local Government is a clear demonstration of the strong commitment of this Authority towards being an exemplary equalities organisation in London.
- 1.4. This policy sets out how the MPA intends to meet those commitments.

### **2. Scope of the Equality and Diversity Policy**

- 2.1. It is our policy to treat everyone fairly and equitably whatever their gender, race or culture, disability, age, marital status, religious beliefs or sexual orientation. We recognize that discrimination can be compound and we will ensure that our awareness of this is demonstrated by our fair and equitable treatment.

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<sup>1</sup> The CEP sets out how the Authority proposes to fulfil its statutory and legislative duties according to anti-discrimination legislation. The action plan within the CEP was developed from the Equality and Diversity Policy and details the actions needed to ensure compliance with relevant legislation as well as who within the MPA is responsible for ensuring each action is completed. The plan will run until April 2007 when the remaining actions contained in the CEP will be subsumed within the MPA's Generic Equality Scheme.

2.2. The policy applies to all members, employees whether full time, part time, casual workers, volunteers, temporary workers or contract workers, prospective employees and others acting on behalf of the MPA and to people using the MPA's services.

### **3. Purpose of the Equality and Diversity Policy**

3.1. The purpose of this policy is to:

- Promote equality, value diversity, ensure fairness, justice and equality of access and opportunity;
- Identify any barriers to progressing equality and diversity, eliminate unlawful discrimination and the underlying causes and take remedial and preventative action where these become apparent;
- Ensure that its governance of equality and diversity performance and practices of the MPS is effective to secure lasting and sustainable institutional changes that lead to increased public trust and confidence in the police, especially within traditionally excluded communities.

3.2. The MPA recognises that the development of an Equality and Diversity Policy will assist the MPA to identify its aims and aspirations for equality and diversity and the means by which this will be achieved at corporate, departmental and individual level.

### **4. The MPA's Commitment**

4.1. The MPA will strive to become an organisation where the differences people bring to the workplace are valued. The promotion of an equality culture will be strongly encouraged by the commitments we make and the culture we develop to ensure staff are confident and comfortable to address equal opportunities and diversity matters in all aspects of their work for the MPA. All members of staff will be treated fairly and enabled to maintain their personal dignity whilst at work. All MPA Members will abide by the Members Code of Conduct and will treat staff with dignity and respect. We aim to ensure that individually and collectively we adopt an ethical approach, which ensures that we are accountable to our stakeholders, i.e. staff, customers and suppliers, as well as the communities and environment within which we operate. We will take steps to deal promptly with any instance brought to our attention where any member, staff or partners treat others (internal and external to the MPA) in a manner that is disrespectful and/or discriminatory.

4.2. The values underlying our policies will also serve to inform our partners, stakeholders and users of the policing service as well as people who live and work in London about the equal opportunities and diversity expectations that they can expect of the MPA.

- 4.3. Crucially, our values outline the high standard of policy, performance and policing service delivery that we expect and demand from the Metropolitan Police Service. The MPA requires continuous improvement in the delivery of policing services to ensure that the diverse communities who live and work in London develop greater trust and confidence in the police.
- 4.4. We will ensure that valuing diversity is taken into account in everything we do by integrating it in MPA's mainstream business planning, performance management and appraisal process. We will promote the integration of equalities and diversity in the process of preparing and implementing all policies, measures and activities. We will take actions to ensure that the outcomes of our policies do not impact negatively on any group in London.
- 4.5. All those in management and leadership roles will, through their defined responsibilities, be proactive in promoting equal opportunities and diversity, and in eliminating unlawful discrimination. The ultimate accountability to Londoners for delivery and the targets in the Corporate Equality Plan rests with the Chair of the MPA.
- 4.6. In progressing our commitment we will ensure that we allocate specific and adequate resources to ensure success.

## 5. Aims

5.1. The MPA's commitment is embodied in the following aims:

5.2. *The MPA as a **Public Authority** aims to:*

- Promote equality of opportunity, eliminating unlawful discrimination and value diversity in everything we do and will work with and support the Metropolitan Police Service to maintain this commitment.
- Publicise our equality values to ensure that the whole community we serve is aware of our commitment to good equality practices and the elimination of discrimination.
- Treat people that we come into contact with during our business equitably and with respect.
- Seek feedback from other stakeholders, partners and the people who live and work in London to find out how we are doing in implementing our equalities commitments.
- Set ourselves goals, targets and measures of success for all equalities areas and monitor our progress towards achieving them.
- Publish assessments of our progress and consult our staff, partners and others about how we can improve our performance.

- Strive to ensure we are accessible to the public and responsive to their legitimate needs.
- Publish our 'comments, complaints and compliments' policy in accessible formats so that members of the public can comment, compliment or raise complaints on matters of concern about the way in which they are treated by the MPA staff. We will take steps to ensure that no group, community or individual is disadvantaged through information being inaccessible to them.
- Be transparent and accommodating in the information that we give to the public should they wish to make a complaint about police performance, practice or a specific police officer.
- Work with the MPS, GLA, government departments, key partners and stakeholders in the statutory, voluntary and community sector to promote valuing diversity and to learn from each other to ensure that continuous reduction in crime and community safety matters remains a priority for all.
- Support our members to ensure that they can achieve the objectives of the MPA in their work with key partners and stakeholders.
- Support our members and staff who are subjected to inappropriate treatment that is not in line with our dignity and respect policy and take steps to address this with the organisation/group concerned.
- Improve our contacts with groups that are representative of London's diverse communities to secure public trust and confidence in the policing of London.
- Undertake community needs assessments, seek feedback, monitor the effectiveness of the police service to London's diverse communities, and measure its effectiveness in making London a safer place for all.
- Work through our members' committees, working groups and other structures to ensure that good equal opportunities principles, practices, values are demonstrated to all with whom we work and do business.
- Make representations to promote improved provision for diverse groups in employment and service delivery including changes in legislation.

### 5.3. *The MPA as a **Service Provider** aims to:*

- Make greater efforts to assess the differing needs and expectations of all our stakeholders and the communities serviced by the MPA.
- Strive to ensure all service users express equitable levels of satisfaction.

- Strive to ensure that the people of London have equal access to our services and are treated equitably and with respect.
- Improve policing services for all communities, groups and individuals.
- Influence the development of quality services that meet the needs and expectation of our partners, stakeholders and London's diverse communities.
- Ensure that we are transparent in the ways in which we execute our accountability of the police service.
- Continually monitor the equality and diversity performance of the police and set targets that will lead to improved community trust and confidence.
- Seek the views of the public in order to set policing objectives that reflect their community safety needs.
- Ensure that the views of local communities, groups and key stakeholders are sought to inform our policy decisions.
- Be responsive to the observations, views and comments raised by members of the public.
- Work with the police service to ensure that persistent and difficult issues that negatively affect communities, groups or individuals are addressed.

5.4. *The MPA as a **Policy Maker** aims to:*

- Take actions to ensure that the outcomes of our policies do not impact negatively on any group in London.
- Meet the standards of the Race Relations (Amendment) Act 2000 and other equalities legislation with respect to all equality strands by carrying out impact assessments on all proposed policies and existing policies to ensure that the potential for negative discriminatory impact is eliminated.
- Work to ensure that the principles of equality and diversity are built into all our policies and procedures and that these are regularly monitored and externally verified where appropriate.
- Commit to establish a fair employment and equal pay policy.
- Provide scrutiny on all MPS strategic and operational policies by requiring equality impact assessment reporting to be presented to the relevant committee(s).
- Strive to ensure our staff are aware of their responsibilities in delivering our policies in a fair and equitable manner.

- Ensure all managers are responsible for identifying and acting on equality and diversity issues and for ensuring that they make and implement policies and procedures in a way that is consistent with the Authority's commitment to equal opportunities and diversity.

5.5. *The MPA as an **Exemplary Employer** aims to:*

- Achieve Level three of the Equality Standard for Local Government by December 2007.
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- Set annual equality and diversity objectives and targets. This will be published and made available to the public.
- Provide information about the Authority to all applicants and offer feedback and encouragement to those who are unsuccessful to help them improve their personal performance.
- Strive to become an organisation more representative of the society we serve by increasing the diversity of our workforce while appointing and promoting people solely on merit.
- Strive to ensure that the MPA attracts applicants representative of the communities of London.
- Ensure that our recruitment procedures are fair and use non-discriminatory practices for age, disability, gender, race, religion or belief and sexual orientation to recruit the best applicants.
- Design our selection processes to attract the best applicants.
- Ensure that all members, staff and external partners who sit on recruitment or promotion panels receive appropriate training in equal opportunities in employment.
- Develop our staff to achieve their full potential by providing equality of opportunities.
- Strive to ensure that there is equal access for all training, development and career opportunities within the Authority.
- Train and encourage managers to ensure quality of access to appropriate learning and development opportunities for staff from all sections of society.
- Provide specific training to all our staff to increase their understanding of equality, diversity and fairness at work.
- Adopt positive action programmes as permitted under the Race Relations Act 1976 and the Sex Discrimination Act 1975 to assist staff from underrepresented groups to

prepare to apply for promotion and development opportunities to help us achieve a more representative workforce.

- Provide support and advice to all our staff to enable them to understand and apply our policies.
- Ensure that our performance management systems including pay, appraisal, bonuses and non-monetary reward and recognition are applied equitably and do not unfairly disadvantage certain groups or individuals.
- Ensure our performance management systems are monitored, analysed and revised as appropriate.
- Promote our family friendly and work/life balance policies and support the MPS to implement similar practices.
- Provide opportunities for staff development, appropriate leave provisions and support to staff to help them balance their work and home lives.
- Raise awareness of the importance of developing an understanding of the competing demands in achieving work/life balance.
- Ensure that our procedures for filling vacancies and promoting people are fair and equitable.
- Ensure all applicants for appointment will be dealt with fairly and equitably and in a way that does not adversely discriminate unfairly against any person.
- Support our staff networks to enable the views of staff from different sections of society to be directly expressed to senior management.
- Ensure all members of staff will have access to support, mentoring and facilities, which lead to family and culture friendly work practices, the avoidance of bullying and the maintenance of personal dignity.
- Provide effective processes and opportunities for staff to identify problems and give feedback to members/senior and line managers

5.6. *The MPA as a **Communicator** aims to:*

- Strive to achieve an organisational culture that is open and encourages all staff to contribute to its continuous development.
- Support social and other non-work activities that contribute to improved communication between members and staff at the MPA.
- Present itself to the outside world as an organisation that recognises, reflects and values the diversity of its own people and the society it serves.

5.7. *The MPA as a Purchaser of Goods and Services aims to:*

- Increasingly only purchase goods and services with those organisations and groups that share our commitment to valuing diversity and providing equality of opportunity.
- Publish our equalities and diversity procurement statement so that our potential business partners are aware of our equalities values.
- Continuously monitor our own and the MPS performance in implementing equality of opportunity in the procurement process.
- Continuously monitor and review our procurement processes and practices to ensure that these are compliant with the standards of the Race Relations (Amendment) Act 2000 and other equalities legislation with respect to all equality strands.

## 6. Monitoring and Assessing Effectiveness

- 6.1. The MPA will commit to undertake equality self-assessment and scrutiny as the basis for continuous improvement.
- 6.2. The MPA will collect, analyse and assess relevant data in order to measure performance and effectiveness and consider how improvements could be made through the setting of targets or other action.
- 6.2. Staff monitoring will cover all activities that relate to staff secondment, recruitment, selection, performance management, career development, retention, training, opportunities for progression, support networks, disciplinary proceedings, grievances and staff leaving employment.
- 6.3. Monitoring information will be regularly assessed and reported to the Equal Opportunities and Diversity Board and Co-ordination and Policing Committee to evaluate the progress that the MPA is making towards meeting its objectives. These assessments will also be reported to the Finance Committee where this will result in cost implications. These assessments will assist the MPA to:
  - Welcome and encourage diversity;
  - Identify and eliminate barriers to diversity;
  - Take advantage of the positive action provisions of the relevant equality legislation where necessary and appropriate; and
  - Decide what more can be done realistically to improve the recruitment, retention and progression of staff.



## 7. Roles and Responsibilities

- 7.1. The implementation and monitoring of this policy is the responsibility of the Equal Opportunities and Diversity Board, the MPA, the Clerk to the Authority and all those with responsibility for progressing key aspects of this policy. The Chair of the MPA has the ultimate authority for the application of this policy and the Clerk to the Authority has day-to-day responsibility. The Head of Race and Diversity will be responsible for ensuring that the members and staff of the Authority are advised on all aspects of this policy and are supported to implement it.
- 7.2. This policy will be monitored and reviewed as required by the Race & Diversity Unit who will report to the Equal Opportunities and Diversity Board.
- 7.3. ***The MPA Senior Management Team*** is responsible for ensuring that:
- The MPA complies with all the anti-discriminatory legislation requirements, in particular the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005, Sex Discrimination Acts 1975 (including the Gender Reassignment Regulations 1999), Equal Pay Act 1970, Greater London Authority Act 1999 and the Employment Equality Regulations on Sexual Orientation and Religion and Belief which came into force in December 2003, the Employment Equality (Age) Regulations 2006 and the Equality Act 2006
  - The Equality and Diversity policy and its related action plans, procedures, strategies and arrangements are implemented with assistance from managers and team leaders; and
  - The Equality and Diversity policy is continuously reviewed and all staff are provided with and attend appropriate training.
- 7.4. ***The Equal Opportunities and Diversity Board*** lead on the development of the Equality and Diversity Policy, oversee its implementation and will have specific responsibilities for:
- Co-ordinating equality and diversity work in accordance with their terms of reference; and
  - Providing guidance to the Senior Management Team, Members and Managers
- 7.5. ***The Chairs of the MPA's Committees*** are responsible for ensuring that equal opportunity and diversity principles are built into all the MPA's policies and procedures through the work of the Committees they lead.

7.6. **The Chair of the MPA and the Clerk** are responsible for:

- Ensuring that the policy and its related procedures, mechanisms and strategies are implemented effectively;
- Providing a consistently high profile lead on issues covered by the policy;
- Ensuring that all staff are aware of their responsibilities under the policy; and
- Ensuring that appropriate action, under the policy, is taken against staff or those who are found to have acted, in any way, in an unlawfully discriminatory manner, although the ultimate accountability to Londoners for delivery and the targets in the Corporate Equality Plan rests with the Chair of the MPA.

7.7. **The Head of Race and Diversity** has responsibility for the development, co-ordination, dissemination and monitoring of this policy in respect of all staff, with specific responsibility for:

- Promoting equal opportunities, the management of diversity and raising awareness of equality issues across the MPA's core business;
- Developing guidance for the Senior Management Team and supporting members in ensuring these are being implemented;
- Providing appropriate training and information opportunities to staff and members in support of the policy and adequately supporting them in order for them to fulfil their responsibilities appropriately;
- Identifying and designating members of staff throughout the MPA to deal with reported incidents of discrimination or harassment;
- Monitoring the impact of the policy on the work of external partners especially those acting on behalf of the MPA.

7.8. **Heads of Unit** should:

- Implement the policy and its related procedures and strategies, including local policy planning and review;
- Providing and publishing monitoring data in respect of staff in support of the policy (Head of Human Resources);
- Ensure that staff are aware of their responsibilities and give appropriate training and support;

- Take appropriate action against staff who discriminate unlawfully; and
- Ensure external partners are aware of the policy.

7.9. **All staff** should:

- Promote equality and diversity in their day-to-day work;
- Eliminate unlawful discrimination in their day-to-day work; and
- Promote good relations between persons of different groups in their day-to-day work.

7.10. It is expected that **all those working with the MPA** will abide by the principles of this policy.

7.11. The **MPA's Officers** responsible for purchasing are responsible for ensuring that contractors and suppliers comply with this policy.

## **8. Breaches of the Policy**

8.1. The MPA expects all staff, members and partners to comply with this policy and will not tolerate any acts of unlawful discrimination or harassment. Any such acts will be investigated and where appropriate dealt with under relevant disciplinary procedures.

## **9. Complaints**

9.1. Any member of staff who considers that they have been treated in a way that is contrary to this policy should raise the matter with their line manager or Head of Unit, in the first instance attempting to resolve the issue. Alternatively they might wish to contact Human Resources, the Race & Diversity Unit or, if they are a member of a recognised trade union, their trade union representative. It should be the objective of all parties to reach a satisfactory resolution, via informal channels, wherever possible, with HR advice, as appropriate. If the matter is not resolved or the member of staff does not consider that it is appropriate to pursue the complaint through informal means, the individual might wish to seek redress through the Metropolitan Police Authority's Grievance procedure. This will be dealt with promptly, fairly and confidentially.

9.2. The MPA treats acts of discrimination and harassment extremely seriously and will seek to safeguard all parties during the investigation of allegations. Disciplinary action will be taken, as appropriate, where allegations of discrimination or harassment are founded or

where allegations are found to be vexatious and have caused unnecessary distress to colleagues.

- 9.3. The MPA will ensure that staff who make a complaint of unlawful discrimination or harassment are fully supported and are not victimised as a result of making a complaint.
- 9.4. Staff who consider that they have been subject to unlawful discrimination or harassment have the right to make a complaint under the MPA's Harassment Policy and Procedures and Grievance Procedure. Details can be found in the Staff Handbook.
- 9.5. Any complainant who is not a member of the MPA staff should direct their complaint to the Complaints and Compliments Officer, 10 Dean Farrar Street, London SW1H 0NY.

## **10. Maintenance and Review**

10.1. The MPA will aim to:

- Ensure that all staff, members and partners are made fully aware of their responsibilities under the policy and informed of their obligations under the relevant legislation;
- Provide relevant briefing/training to all staff and members on areas related to the policy and its implementation;
- Welcome diversity and promote equal opportunities and good relations between persons of different groups, assess, review and revise other MPA policies for their effectiveness and impact in eliminating discrimination;
- Use cross-referencing to ensure clear links between the Equality and Diversity policy and other MPA policies and functions;
- Include equal opportunities and diversity impact questions into policy development and planning processes; and
- Use the assessment and monitoring findings to expand, revise, update, improve and maintain the Equality and Diversity Policy and also establish or revise priorities, targets and initiatives in appropriate strategic plans.

10.2. The MPA will review the Equality and Diversity Policy on a regular basis, ensuring that key stakeholders are involved in the assessment and monitoring procedures and processes, and consult with stakeholders to improve the effectiveness of such procedures and processes.

10.3. The MPA will undertake Equality Impact Assessments on all policy decisions and the results will be published on the MPA website.

## **11. Publishing Arrangements**

### **11.1. The MPA will:**

- Publicise and promote the Equality and Diversity policy through the MPA's website, the Staff Handbook and articles in relevant newsletters;
- Make a copy of the policy available to current staff and issue new staff with a copy of the policy with their contract of employment;
- Make new staff aware of this policy as part of the central induction process.
- Issue the policy, on request, to members of the public in a range of accessible formats.

## **12. Vicarious Liability**

- 12.1. Heads of Unit and line managers should be aware that any form of discrimination against members of staff or colleagues might result in formal proceedings against them at an Employment Tribunal. In such cases the Head of Unit or line manager would be required to attend the Tribunal and could, if the case were proven, be deemed to be vicariously liable for any such discrimination.

## **13. Definitions**

### **13.1. Note**

The Race Relations Act 1976 and amendments, the Sex Discrimination Act 1975 and amendments and the Disability Discrimination Act 2005 cover discrimination in relation to premises, education, goods, facilities and services and other areas as well as employment. The Employment Equality Regulations on Sexual Orientation (2003), Religion and Belief (2003) and Age (2006) only cover discrimination in relation to employment. The Equality Act 2006 amends the Sex Discrimination Act of 1975 and the Equal Pay Act 1970 (as amended by the Employment Equality (Sex Discrimination Regulations 2005), and places a statutory duty upon public authorities when carrying out their public duties to have due regard of the need to eliminate unlawful discrimination and harassment and promote equality of opportunity between men and women. This is known as the Gender Duty and will come into force in April 2007. The Equality Act also makes it unlawful to discriminate on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education and the exercise of public functions. The Equality Act also includes

an order making power that allows Regulations to be made to prohibit sexual orientation discrimination in the provision of goods, facilities and services and the execution of public functions (due in 2007).

## ***13.2. Race Discrimination***

### ***Direct Discrimination on the grounds of race***

This is treating one person less favourably than another on racial grounds. Direct discrimination is unlawful under the Race Relations Act 1976. For example, racist abuse and harassment are forms of direct discrimination. Racial harassment would include someone engaging in unwanted conduct which has the purpose or effect of violating another person's dignity or is creating an intimidating, hostile, degrading, humiliating or offensive environment.

### ***Indirect Discrimination on the grounds of race***

This occurs when a rule or condition which applies equally to everyone:

- Can be met by a considerably smaller proportion of people from a particular racial group;
- Is to the disadvantage of that group; and
- Cannot be justified on non-racial grounds.

All three conditions must apply. Indirect discrimination on the grounds of race also occurs when a 'provision, criterion or practice', which applies equally to everyone, substantially disadvantages people from a particular racial group. For example, a rule that employees must not wear headgear could exclude Sikh men who wear a turban, or Jewish men who wear a yarmulka, in accordance with practice within their racial group.

**Note:** The Race Relations Act 1976 (Amendment) Regulations 2003 brought in a new definition of indirect discrimination on grounds of race or ethnic or national origin. However, the original definition of indirect discrimination applies in complaints of discrimination based on grounds of colour or nationality.

### ***Victimisation on the grounds of race***

This is punishing or treating someone unfairly because they have made a complaint of racial discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of racial discrimination. Victimisation is defined as unlawful under the Race Relations Act.

### ***13.3. Sex Discrimination***

Women, men and transgender people are covered by the Sex Discrimination Act 1975, Gender (Reassignment) Regulations 1999 and the Gender Duty introduced by the Equality Act 2006.

#### ***Direct discrimination on grounds of gender***

Direct sex discrimination is less favourable treatment of a woman than a man (or vice versa) because of her sex. If the less favourable treatment is for reasons connected with pregnancy, or maternity, this is automatically direct sex discrimination since men do not get pregnant and would, therefore, not be treated in the same way. Direct discrimination is unlawful under the Sex Discrimination Act 1975. Most sexual harassment is direct discrimination, because you are being treated in a way a person of the other sex would not be treated. Direct discrimination on the grounds of marital status is less favourable treatment of a married person compared with a single person of the same sex. Discrimination on grounds that someone is not married is not unlawful. For example, not giving a married woman equal treatment compared with other single women competitors for a post, because she might have a baby in the near future.

#### ***Indirect discrimination on the grounds of gender***

Indirect sex discrimination occurs when an employer applies a provision, criterion or practice, which is to the detriment of a considerably larger proportion of women than men (or vice versa) unless the provision, criterion or practice is genuinely necessary. For example, a mortgage provider who will only lend to full time workers. Many more women than men work part time but not all of them are on the low wages typically associated with women's part time work. Some will be in well-paid secure jobs, so it may be unreasonable to have a blanket ban on part time workers. A rule saying that only people more than six feet tall will be hired will exclude far more women than men and will be unlawful sex discrimination unless the employer can show the rule is an appropriate and proportionate way of meeting a genuine business need.

#### ***Victimisation on the grounds of gender***

Victimisation occurs when you are treated less favourably than others because you acted in good faith to assert your rights under the SDA or the Equal Pay Act. For example, being taken off more challenging work because you complained about not being allowed reasonable time off for antenatal visits.

### **13.4. Disability Discrimination**

#### **Definition**

The Disability Discrimination Act (DDA) 1995 deals with discrimination against disabled people and applies to all those who provide goods, facilities & services to the public. A disabled person is described in the Disability Discrimination Act 1995 as anyone 'with a physical or mental impairment, which has a substantial and long term adverse effect upon their ability to carry out normal day-to-day activities'. This definition includes not just those with mobility or sensory impairments but also a wide range of other impairments including mental health problems such as depression, learning difficulties including dyslexia, diabetes, heart conditions, progressive and fluctuating conditions such as Multiple Sclerosis or epilepsy. A long-term adverse effect is one that has lasted at least twelve months or is likely to last permanently.

In April 2005, a new Disability Discrimination Act 2005 was passed by Parliament, which amends or extends existing provisions in the DDA 1995, including making it unlawful for operators of transport vehicles to discriminate against disabled people, ensuring that discrimination law covers all the activities of the public sector and a duty (requirement) for public bodies to promote equality of opportunity for disabled people. Some of the new laws came into force in December 2005 and some in December 2006 (such as the duty to promote equality of opportunity for disabled people). Other amendments include making it easier for disabled people to rent property and for tenants to make disability-related adaptations; making sure that private clubs with 25 or more members cannot keep disabled people out, just because they have a disability and extending protection to cover people who have HIV infection, cancer and multiple sclerosis from the moment they are diagnosed.

#### **Types of discrimination under the DDA**

- Direct discrimination on the ground of a disabled person's disability;
- Disability related discrimination: for a reason that relates to the disabled person's disability he/she is treated less favourably than others to whom that reason does not or would not apply and the treatment cannot be justified;
- Failure to carry out reasonable adjustments;
- Harassment; and
- Victimisation (it is the equivalent to unlawful victimisation under the RRA 1976 and SDA 1975 and the same case law applies to all three Acts)



### **13.5. Religious Discrimination**

As part of the European Council's general Framework Directive, discrimination on grounds of religion was made unlawful in December 2003 through the Employment Equality (Religion or Belief) Regulations 2003. The Regulations are structured in a similar way to the RRA 1976 and SDA 1975. The usual concepts of discrimination apply i.e. direct discrimination, indirect discrimination, victimisation and harassment. The Equality Act 2006 makes it unlawful to discriminate on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, education and the exercise of public functions.

#### **Definition**

'Religion or belief' is defined as being 'any religion, religious belief or similar philosophical belief'. This does not include any philosophical or political belief unless it is similar to a religious belief. A religious belief is likely to include some form of collective worship, a clear belief system or a profound belief affecting a way of life or view of the world. Non-belief is also covered by the Regulations.

### **13.6. Discrimination on the grounds of sexual orientation**

As part of the European Council's general Framework Directive, discrimination on grounds of sexual orientation was made unlawful in December 2003 through the Employment Equality (Sexual Orientation) Regulations 2003. The Regulations are structured in a similar way to the RRA 1976 and SDA 1975. The usual concepts of discrimination apply i.e. direct discrimination, indirect discrimination, victimisation and harassment. The Equality Act 2006 includes an order making power that allows Regulations to be made to prohibit sexual orientation discrimination in the provision of goods, facilities and services and the execution of public functions (due in 2007).

#### **Definition**

Sexual orientation is defined as being an orientation towards:

- Persons of the same sex (gay /lesbian)
- Persons of the opposite sex (heterosexual)
- Persons of the same sex and the opposite sex (bisexual)

The legislation does not extend to sexual practices.

### **13.7 Discrimination on the grounds of age**

From 1 October 2006, the new law protects workers from age discrimination. The Employment Equality (Age) Regulations make it illegal for employers to discriminate against

employees, trainees or job seekers because of their age (young or old) and ensure that all workers, regardless of age, have the same rights in terms of employment-related training (including further and higher education courses) and promotion. The usual concepts of discrimination apply i.e. direct discrimination, indirect discrimination, victimisation and harassment.

Upper age limits on unfair dismissal and redundancy have been removed. There is a national default retirement age of 65, making compulsory retirement below 65 unlawful unless objectively justified. Employees have the right to request to work beyond 65 or any other retirement age set by the company and the employer has a duty to consider such requests.