



## Legislation – Equality and Diversity

This is about the legislation relating to disability and equality, which includes discrimination, inclusion, equal pay and human rights. These laws have been arranged in alphabetical order for ease of use.

D

### The Disabled Persons Act 1986

This Act deals mainly with accessibility to premises and adaptation to buildings to cater for persons with mobility problems. It states that, premises should have suitable access, such as wheelchair ramps, and widened doors, and obstructive kerbs, etc. should be removed.

Employers must conform to standards set by The Code of Practice for Access for the Disabled in Buildings (BSI). This Act also applies to public highways. Highway authorities, planning departments and construction companies should have full regard for the needs of the disabled and blind people. Finally, the Act requires the Secretary of State to report to Parliament any proposals for improvements in access to public highways and buildings commonly used by the public.

E

### Equality Act 2010

The Equality Act 2010 came into effect in October 2010. This legislation brings together the many laws that protect people and creates anti-discrimination legislation across protected characteristics:

- Race.
- Sex and Sexual orientation.
- Disability.
- Religion or belief.
- Gender reassignment.
- Pregnancy and maternity.
- Married/Civil partnership (regarding work or training).
- Age (work/training situations).

This law will replace existing relevant laws. It combines all of these laws, and in some cases, it strengthens them. They also make the laws more clear to understand.

The nine main pieces of legislation that have merged are:

- The Equal Pay Act 1970.
- The Sex Discrimination Act 1975.
- The Race Relations Act 1976.
- The Disability Discrimination Act 1995.
- The Employment Equality (Religion or Belief) Regulations 2003.
- The Employment Equality (Sexual Orientation) Regulations 2003.
- The Employment Equality (Age) Regulations 2006.
- The Equality Act 2006, Part 2.
- The Equality Act (Sexual Orientation) Regulations 2007.

In addition to the current content of the laws, you can find out more information by visiting [http://www.equalities.gov.uk/equality\\_act\\_2010.aspx](http://www.equalities.gov.uk/equality_act_2010.aspx)

This legislation applies in Wales and Scotland but not to Northern Ireland which has its own separate Acts. In Northern Ireland there is a range of anti-discrimination legislation which protects students, staff and recipients of services from unlawful discrimination, harassment or victimisation on the basis of:

- Age: Employment Equality (Age) Regulations (Northern Ireland) 2006.
- Disability: Disability Discrimination Act 1995 (DDA) and the Disability Discrimination (Northern Ireland) Order 2006 (DDO).
- Race: Race Relations (Northern Ireland) Order 1997.
- Religion and belief or political opinion: Fair Employment and Treatment (Northern Ireland) Order 1998.
- Sex: (including gender reassignment, marriage and civil partnerships, and maternity and pregnancy) Sex Discrimination (Northern Ireland) Order 1976, Equal Pay Act (Northern Ireland) 1970.
- Sexual orientation: Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.

The Northern Ireland Act 1998 places public authorities, including HEIs, under a duty to have due regard to the need to promote equality of opportunity between:

- People of different religious beliefs, political opinions, racial groups, ages, marital statuses or sexual orientations.
- Men and women generally.
- People with and without a disability.
- People with and without dependants.



Public authorities are also required to have regard for the desirability of promoting good relations between persons of different religious belief, political opinion and racial group (in the rest of the UK this aspect of the duty applies also to other protected characteristics with the exception of marital or civil partnership status).



### **The Human Rights Act 1998**

The Human Rights Act 1998 came into effect in October 1998 and strengthens the rights of adults and children. These rights affect a person's everyday life as well as more serious life and death situations.

These basic rights include:

- The freedom to say and do what you wish within the law.
- Have your own personal beliefs.
- The right to a fair trial.

However, many of these rights have limitations to ensure that by exercising your own rights you are not unfairly damaging the rights of others.

Human rights are about the mutual respect for your rights and the rights of others.



Your human rights include the right to:

- The right to live.
- Be free from torture and degrading treatment.
- Be free from slavery and forced labour.
- Be free (the right to liberty).
- Have a fair trial.
- Not to be punished for something that wasn't a crime at the time it was carried out.
- Receive respect for your private and family life.
- The freedom of thought (to think what you want).
- Have and follow your principles and a sense of right / wrong (conscience).
- Be able to choose your religion and express your beliefs.
- The freedom of expression.
- Have the freedom to participate in meetings and join an organisation such as a union (freedom of assembly and association).
- Get married and start a family.
- Not to be discriminated against when carrying out these rights and freedoms.
- Peaceful enjoyment of your property.
- An education.
- Participate in free elections.
- Not to be subjected to the death penalty.

The Human Rights Act requires court and tribunals to make judgements based upon the European Convention of Human Rights.

If you are denied any of these rights, even if this is done by a person in authority such as a police officer, you have the right to a legal solution. If a situation is not resolved out of court, the case will be brought before court or tribunal. However, it is advised that you should seek legal advice from an organisation such as the Citizens Advice Bureau.

The Human Rights Act requires court and tribunals to make judgements based upon the European Convention of Human Rights. This now means legislation passed in the UK must reflect its articles. In terms of the way we relate to children, article 8 relates to the right to privacy, article 10 to freedom of expression and article 14 to discrimination.

