

# DOES THE LAW HELP OR HINDER EQUALITY, DIVERSITY AND INCLUSION?

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# WHAT IS THE LAW?

EQUALITY ACT 2010

SIX TYPES OF DISCRIMINATION

NINE PROTECTED CHARACTERISTICS

# TYPES OF DISCRIMINATION

DIRECT

PERCEPTIVE

ASSOCIATIVE

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INDIRECT

HARASSMENT

VICTIMISATION

# PROTECTED CHARACTERISTICS

AGE

DISABILITY

MARITAL STATUS/CIVIL PARTNERSHIP

MATERNITY/PREGNANCY

RACE

RELIGION/BELIEF

SEX

SEXUAL ORIENTATION

TRANSGENDER STATUS

(CASTE TO BE ADDED)

# ROLE OF THE EMPLOYER

VICARIOUS LIABILITY

ALL THAT HAPPENS IN THE COURSE OF EMPLOYMENT

JONES V TOWER BOOT COMPANY [1996]

# CREATING AN EFFECTIVE WORKING ENVIRONMENT

HARASSMENT IS 'UNWANTED CONDUCT RELATED TO A PROTECTED CHARACTERISTIC WHICH HAS THE PURPOSE OR EFFECT OF VIOLATING AN INDIVIDUAL'S DIGNITY OR CREATING AN INTIMIDATING, HOSTILE, DEGRADING, HUMILIATING OR OFFENSIVE ENVIRONMENT FOR THAT INDIVIDUAL'.

# THE CORRECT PROTECTION?

RICHMOND PHARMACOLOGY LTD V DHALIWAL [2009]

QUALITY SOLICITORS CMHT V TUNSTALL [2014]

MOONSAR V FIVEWAYS EXPRESS TRANSPORT [2004]

# LOOKING MORE WIDELY AT DISCRIMINATION LEGISLATION



# NECESSARY PROTECTION?

ARCHIBALD V FIFE COUNCIL [2004]

WEBB V EMO CARGO LTD [1994]

BRITISH AIRWAYS V STARMER [2005]

# TOO MUCH PROTECTION?

MOYHING V BARTS AND LONDON NHS TRUST [2006]

AMNESTY INTERNATIONAL V AHMED [2009]

NOAH V DESROSIER T/A WEDGE [2009]

# TOO LITTLE PROTECTION?

QUINLAN V B&Q [1998]

O'HANLON V COMMISSIONERS OF HMRC [2007]

SERCO LTD T/A WEST YORKSHIRE TRANSPORT V REDFEARN  
[2006]

# LIMITATIONS OF THE LAW

SOMETIMES A RATHER 'BLUNT TOOL'

GIVES A ROUTE OF SEEKING REMEDY, BUT CANNOT STOP  
DISCRIMINATION

DOES IT HELP OR HINDER?