

Appendix F – Legislation

Race Relations Act 1976

The Race Relations Act 1976 (RRA) makes it unlawful to treat a person less favourably than another on racial grounds in the areas of employment, education, and the provision of goods, facilities, services and premises. These cover grounds of race, colour, nationality (including citizenship), and national or ethnic origin.

Race Relations (Amendment) Act 2000

In 2000, the Race Relations Act was amended (RRAA) to give public authorities a new statutory duty to promote race equality; it outlawed discrimination (direct and indirect) and victimisation in all public authority functions not previously covered by the RRA and with only limited exceptions. The aim was to help public authorities to provide fair and accessible services, and to improve equal opportunities in employment. The general duty states that public authorities must have 'due regard to the need':

- To eliminate unlawful racial discrimination;
- To promote equality of opportunity;
- To promote good relations between persons of different racial groups.

The legislation was necessary to ensure that we all receive the best from our public services. Previously many public bodies were failing to address the problems of racial discrimination and inequality; this was highlighted by the inquiry into the murder of Stephen Lawrence.

The legislation helps ensure public authorities become more accountable to the people they serve and allows everyone the opportunity to give their views about the services that affect them. That means it helps provide the kind of public functions and services all of us need, want and deserve as well as helping to further equality of opportunity and better race relations.

The duty to promote race equality is commonly referred to as the race equality duty. This is used as a generic term to refer to the general statutory duty under section 71(1) of the Race Relations Act 1976, as amended (the Act) and the various specific duties (including the employment duty) that were introduced by way of statutory instruments.

The specific duties were introduced to help public authorities to meet the general duty. There are different specific duties placed on schools and further and higher education institutions which include:

- (1) ... before 31st May 2002,
 - (a) prepare a written statement of its policy for promoting race equality (referred to in this article as its "race equality policy"), and
 - (b) have in place arrangements for fulfilling, as soon as is reasonably practicable, its duties under paragraph (4)

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- (2) Such a body shall,
 - (a) maintain a copy of the statement, and
 - (b) fulfill those duties in accordance with such arrangements.
- (4) It shall be the duty of [such] a body to
 - (a) assess the impact of its policies, including its race equality policy, on students and staff of different racial groups;
 - (b) monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff; and
 - (c) include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring under sub-paragraphs (a) and (b).
- (5) Such a body shall take such steps as are reasonably practicable to publish annually the results of its monitoring under this article.

Race Relations Act 1976 (Amendment) Regulations 2003

The Act was amended again in 2003 with the introduction of new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

Employment Equality (Religion or Belief) Regulation 2003

The directive protects against discrimination on the grounds of religion and belief in employment, vocational training, promotion and working conditions. Religion or belief is defined as being a religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to a religious belief. It is unlawful to discriminate in employment or training on grounds of religion or belief including:

- To discriminate directly against anyone. That is, to treat them less favourably than others because of their religion or belief;
- To discriminate indirectly against anyone. This is, to apply a criterion, provision or practice which disadvantages people of a particular religion or belief unless it can be objectively justified;
- To subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and the perception of the victim;
- To victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on the grounds of religion or belief;
- To discriminate or harass someone in certain circumstances after the working relationship has ended.

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Exceptions can be made in very limited circumstances if there is a genuine occupational requirement for the worker to be of a particular religion or belief in order to do the job or to comply with the religious or belief ethos of the organisation.

Equality Act 2006

Part 2 of the Equality Act 2006, Discrimination on the Grounds of Religion or Belief, will come into force on 30 April 2007. The Equality Act 2006 has non-discrimination to include the provision of goods, facilities and services. As with the 2007 Sexual Orientation Regulations this means that the relations between independent student unions or societies and their members are covered by the legislation so as to outlaw discrimination and victimisation (not harassment) on grounds of religion and belief.

The Equality Act does contain a broad exemption that allows religious organisations, which include student societies with a religious purpose, to impose restrictions on membership, activities and services provided. There are no limits as to what those restrictions might be, though clearly if they involve restrictions that touch on sexual orientation or any other protected equality group the other relevant equality legislation would come into play.

Racial and Religious Hatred Act 2006

The Racial and Religious Hatred Bill received Royal Assent on 16 February 2006 and is therefore now an Act of Parliament. The Racial and Religious Hatred Act 2006 amends the Public Order Act 1986, to create offences involving stirring up hatred against persons on religious grounds. The legislation ensures that protection is provided to people against harm because of their religious beliefs or lack of religious beliefs. The Act came into force on 1 October 2007.