

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:—

LL.B.

LL.B. Part II: Equality Law

COURSE CODE : LAWS3034

DATE : 09-MAY-05

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

EQUALITY LAW

Answer **THREE** questions.

1. Critically assess the significance of the concept of direct discrimination in promoting equality through law.
2. Does the law on discriminatory harassment adequately capture the relationship between, on the one hand, individuals being demeaned on the basis of their identity and, on the other hand, the entrenched disadvantage of certain social groups?
3. 'The Disability Discrimination Act 1995 offers the most promising template for the reform of anti-discrimination law as a whole.'

Discuss.

4. 'In theory imposing positive duties to promote equality on public authorities and others, on the model suggested by the Stephen Lawrence Inquiry, is a brilliant idea. In practice it is hard to believe that such duties will make much difference.'

Discuss.

5. 'Recent legal developments regarding sexual orientation prove that it is only when fundamental human rights are given constitutional protection that there can be real progress in promoting tolerance of, and fairness to, historically oppressed groups.'

Discuss.

6. 'Anti-discrimination rights related to pregnancy and specific rights for parents will make only a marginal contribution to achieving equality for women so long as they derive from laws that are underpinned by traditional visions of parenting roles.'

Discuss.

TURN OVER

7. 'The greatness weakness in anti-discrimination law is its failure to make adequate provision for positive or affirmative action.'

Critically evaluate this statement with particular reference to equality in education.

8. 'Neither Parliament nor the judiciary can legitimately play their constitutional roles unless, as a group, they are reflective of society. That is why radical legal measures are needed to alter the membership of both of these public institutions.'

Discuss.

9. Ama, who is of African descent, was a trainee accountant with Lost & Sons. She was the first ever member of an ethnic minority community to be given one of the firm's coveted traineeships. The other 9 trainees taken on at the same time were all white, with a broadly even gender mix. The only other non-white employees at Lost & Sons are secretaries, catering staff and cleaners.

Ama's contract was terminated at the end of her one year probation period. She was told that her technical abilities were thought to be strong, but there were worries about her general presentation and people skills. In particular, there had been feedback from colleagues and clients that Ama came across as overly intense and serious. Lost & Sons' advice to Ama for the future was to 'lighten up'. She needed to learn that, although career success was important, other things mattered too. Anyway work success depends partly on having good non-work contacts and on being sociable, because this is what really counts for attracting new clients.

Only one other trainee failed to get through her probation. She was told that her style of dress and her general demeanour were too showy. Apparently colleagues and clients found her embarrassing. Basically she was much too fashion-conscious ever to fit into a traditional accountancy firm like Lost & Sons. The partners laughingly suggested she should pursue her dancing hobby as a career.

Critically evaluate Ama's chances of succeeding in a claim under the Race Relations Act 1976.

CONTINUED

10. Zebedee is a 55 year old sufferer from Parkinson's Disease. His symptoms include a tremor in his left (non-dominant) hand, slight stiffness in his movements and rare episodes of freezing when he is unable to move for up to 30 seconds. For some time Zebedee has taken a range of drugs that help to minimize these effects. He now finds that he has developed further problems, in that for the last six months his spirits have been low and he has had moments of confusion.

Zebedee has been employed in the post room of a large law firm since the Parkinson's Disease was diagnosed 5 years ago. Following the more recent deterioration in his condition, he has occasionally mis-delivered letters having become mixed up about which floor he is on. He also now takes about half an hour longer on his twice daily round to collect and deposit post. Finally people have noticed that Zebedee has gone from being cheerful and chatty to being grumpy and monosyllabic.

The decision has been taken to require Zebedee to retire early. In other words, he is to be dismissed. He is heartbroken at learning of this because the last thing he wants to do is to leave work.

Critically evaluate Zebedee's chances of succeeding in a claim under the Disability Discrimination Act 1995 in respect of his dismissal.

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