

**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 : 10-MAY-06**

**TIME : 10.00**

**TIME ALLOWED : 3 Hours 15 Minutes**

## EQUALITY LAW

Answer **THREE** questions

1. "The concept of direct discrimination has outlived its usefulness. Until it is up-dated, UK anti-discrimination law can make only a marginal further contribution to improving the life-chances of members of traditionally disadvantaged groups."

Critically evaluate this statement.

2. "Recent changes have left the law on discriminatory harassment confused and unprincipled."

Discuss.

3. "It would have made more sense, and worked better, if the 2003 law prohibiting discrimination on grounds of religion or belief had modeled itself on the Disability Discrimination Act 1995."

Discuss.

4. "The capacity of UK anti-discrimination law to assist in creating a more equal society is hampered by the respect it accords to traditional ideas about merit."

Discuss

5. "A free-standing right to equality is a welcome omission from the rights protected by the Human Rights Act 1998, because it makes it easier for the legislature to experiment in combating inequality through law."

Critically evaluate this statement.

6. "Attitudes to gender roles are too deeply-rooted for laws related to parenthood to change them. This is the main reason that law is unable to ensure equality between men and women in their working lives."

Critically evaluate this statement

**TURN OVER**

7. "Positive action in the selection of candidates for political office is fundamentally at odds with the idea of democracy."

Critically evaluate this statement.

8. Is it justifiable when selecting judges to pursue the aim of having a more representative judiciary?

9. Marissa was trained in the hospital in which she spent the early years of her career as an orthopaedic surgeon. She had always been prone to losing her temper with her peers and colleagues, even when they were senior to her. But while she was a student and a junior doctor her outbursts were largely ignored. Rather there was a tendency for people to laugh at her and call her a drama queen.

In fact, Marissa was a highly competent surgeon. As a result, she was promoted to being a consultant two years more quickly than had ever happened before. She was also the first woman in the hospital to achieve this honour.

Following the promotion Marissa received several complaints from colleagues about her behaviour. Eventually, her employers took disciplinary action against her. This ultimately led to her dismissal. Marissa was dismayed, including because she was the least aggressive of the consultants in her department. But she acknowledged that no complaints had been made about them.

Critically evaluate Marissa's chances of succeeding in a claim under the Sex Discrimination Act 1975.

**CONTINUED**

10. Ennis had worked as a management consultant in a large multinational company, BB Ltd, for five years. He was prone to bouts of depression. These had caused him to take about 2 weeks of sick leave in every year of his employment with BB Ltd. Ennis always provided certificates from his GP to cover his absences.

Ennis also typically failed to meet his billing targets by about 10 % in every year. In his yearly appraisals he explained to his manager that he had fallen short because his depression affected his motivation, particularly in the winter months. He had tried several alternative therapies but had never managed to overcome this feature of his illness. Ennis thought it entirely fair that his salary and bonus were reduced in keeping with this under-performance.

There was a downturn in the global economy and BB Ltd decided to make redundancies. Ennis was one of those dismissed because of his poor sickness record and his consistent failure to meet his billing targets.

Critically evaluate Ennis' chances of succeeding in a claim under the Disability Discrimination Act 1995.

**END OF PAPER**