

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

LL.B.

LL.B. Part II: Discrimination Law - half option

COURSE CODE : LAWSII36

DATE : 14-MAY-02

TIME : 10.00

TIME ALLOWED : 2 hours 15 minutes

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TURN OVER

DISCRIMINATION LAW

Answer **THREE** questions.

1. "The emphasis on treating likes alike has made the law on direct race and sex discrimination admirably clear."

Critically evaluate this statement.

2. "Positive duties to promote equality are the key to achieving genuine equality of opportunity."

Discuss.

3. Why is it so intractably difficult to find ways of using law to combat discrimination against women where such discrimination is rooted in women's reproductive capacities and traditional childcare responsibilities?
4. "After years of confusion, a new era is dawning of effective and coherent laws to prevent sexual orientation discrimination."

Do you agree?

5. Bridget and Mark work for a PR company called Jones & Field. They regularly send one another flirtatious e-mails. These are sexually explicit, making frequent reference to what the other is wearing and how it reveals their physique. One day Bridget wears an especially provocative dress. Mark sends her a flurry of e-mails during the course of the day. These become increasingly lewd as Bridget fails to respond.

Unfortunately, Mark has mistakenly sent the e-mails to a new American colleague whose name is Bridge. Bridge has come to the UK to escape the aftermath of an acrimonious divorce. She has put on a lot of weight and is in a vulnerable emotional state. Bridge is persuaded that Mark's e-mails are deliberately taunting her about her appearance and nationality. Bridge rushes home in floods of tears, is unable to work for weeks and becomes concerned about her future prospects with Jones & Field. Mark is severely reprimanded by his boss, who reminds him of the company's strict written harassment and e-mail policies. These explicitly prohibit e-mail correspondence of the type Mark has been engaging in, although this is the first time Mark has seen them.

Advise about possible claims by Bridge under the Sex Discrimination Act 1975 and the Race Relations Act 1976.

TURN OVER

6. Hercule is married to Agatha, who is a highly successful novelist. On the birth of their third child, Hercule asks his employer, a charity called Fight Crime, to be allowed to work part-time so that he can assist with childcare. Hercule is told that each request for part-time working is assessed on its individual merits, with a particular view to ensuring that the efficiency of the charity is not impaired.

Hercule's request is refused, and he is told it is because he cannot be spared. Hercule suspects that the real reason is that Agatha's fame means it is well known that the family can afford the highest quality childcare. Hercule's suspicion is primarily based on comments that have been made over the years about how easy it is for Hercule to manage his family life compared to others in his position. Hercule is incensed by the refusal, especially because many women at Fight Crime have been allowed to work part-time. But Hercule accepts that none of them is in quite as senior a position as he.

Advise Hercule about a possible claim under the Sex Discrimination Act 1975.

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