The potential of anti-discrimination law to protect people living with HIV from discrimination in the UK exists but is seriously hampered by the complexity and inconsistent way in which it seeks to promote equality and address discrimination.

**Current Framework of UK Anti-Discrimination Law**

UK anti-discrimination law is currently made up of three main statutes dealing with sex, race and disability respectively:

- **The Sex Discrimination Act 1975** (SDA 1975) prohibits discrimination on grounds of sex, marital status and gender reassignment (only in the field of employment) in the fields of employment, education and provision of goods and services. It applies in England, Scotland and Wales.


The Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC) are the agencies in charge of the monitoring and administrative enforcement of the SDA 1975, RRA 1976 and the DDA 1995 respectively.

Also, since December 2003, the Employment Equality (Sexual Orientation) Regulations 2003 prohibit sexual orientation discrimination in employment and vocational training. The regulations apply across England, Scotland and Wales, whatever the size of the organisation, whether in the public or the private sector. New Regulations prohibiting discrimination on grounds of religion or belief are also in force.

**Key Issue: Disability**

Since October 2004, the Disability Discrimination Act 1995 (Amendment) Regulations 2003 have amended the employment provisions of the DDA 1995. The changes include:

- The removal of the small employers exemption;

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• The extension of the employment section of the DDA 1995 to cover office holders, prison officers, fire fighters, police officers, barristers, advocates and their pupils, partners in businesses, qualifying and examining bodies, practical experience and private households;

• The prohibition of constructive dismissal and instructions or pressure to discriminate; and

• The inclusion of a specific provision for harassment A new Disability Discrimination Bill is expected to become law in Spring 2005 with some of the provisions coming into force shortly afterwards.

The Bill will address key deficiencies of the DDA 1995, especially in relation to the definition of disability. In particular, the Bill will extend the scope of the Act to cover people with HIV from the moment of diagnosis. This change is expected to come into force in December 2005.

Future Changes

The Government has also announced the creation of a Commission for Equality and Human Rights (CEHR). The new body will bring together the three existing commissions and will also take responsibility for the new legislation prohibiting discrimination in employment and vocational training on grounds of age, sexual orientation and religion or belief. For more information go to www.womenandequalityunit.gov.uk/equality/project/index.htm

Why the UK Needs a Single Equality Act

- The Current Legislation is Complex and Inconsistent
The multiplication of statutes has led to significant inconsistency and inequality in the landscape of anti-discrimination law with the existing Acts and new Regulations providing different standards of protection according to the ground covered. This leads to a hierarchy of equalities with the RRA 1996 providing the highest level of protection.

- The Law is Inadequate to Challenge Multiple Discrimination
The current patchwork of anti-discrimination statutes is inadequate to address and challenge discrimination on multiple grounds. The complexity of HIV- and AIDS-related discrimination is a key argument for the adoption of a piece of legislation which would allow tackling multiple discrimination which in the case of HIV can involve 4 factors: HIV status, sexual orientation, race and gender.

For more information visit the campaign website at www.areyouhivprejudiced.org