

UNITED KINGDOM

The Race Relations Amendment Act 2000

The Act came into force on 2nd April 2001. It requires public authorities to make the promotion of racial equality central to all activities. The general duty of the Act also expects public authorities to take the lead in:

- eliminating racial discrimination
- promoting equality of opportunity and good relations between people of different racial groups.

The new public duty requires public bodies to implement race equality in all aspects of employment matters, such as:

- recruitment & selection
- training
- promotion
- discipline, and
- dismissal.

Therefore to comply with the general duty, all public bodies should ‘equality proof’ their employment procedures and practice and take all necessary steps to prevent discrimination.

The Act also places specific duties on public authorities to:

- develop and implement a Race Equality Scheme
- assess whether their functions and policies are relevant to race equality
- monitor their policies to see how they affect race equality
- assess and consult on policies they are proposing to introduce
- publish the results of their consultations, monitoring and assessments
- make sure that the public have access to the information and services they provide
- train staff on the new duties

The Amended Act supports positive action measures permitted by the 1976 Act, such as the making facilities or services available to meet the specific education, training or welfare needs of particular racial or minority groups

who are economically backward. This is one provision that Malaysia can adopt if a law for promoting good race relations between the different races is tabled. For example, the UK Amended Act stipulates:

1. Providing English language classes for refugees.
2. Seeking to attract ethnic minorities through targeted publicity to inform of opportunities and services provided.

Genuine occupational qualification (GOQ)

Previously, being from a particular racial group could be a genuine occupational qualification for a specific type of job, and employers could, where appropriate, employ only people from that group to do that job. The references to particular types of job have now been abolished (under the Race Relations Amendment Regulations 2003) and any job may now be restricted to a racial group based on the relevant grounds – but only if there is a genuine occupational requirement and if it is applied appropriately.

Under the legislation both the individual and the organization are liable for acts of discrimination. For instance Section 32 of the 1976 Act made employers vicariously liable for acts of unlawful discrimination by their employees, even if the employers did not approve or know about the acts in question.

However, employers will not be liable if they can prove that they took reasonable practicable steps such as following the Commission of Racial Equality (CRE) statutory code of practice in employment.

Equality in education

The governing body of an institution within the higher education sector is responsible for ensuring compliance with the Race Relations Act.

Implications for JMU

- To continue collecting recruitment data for ethnic minority staff and students
- To review current provisions and support provided to members of racial minorities
- To monitor progress for career development, promotion opportunities for staff and retention and success rates for students

- Address under-representation of racial minorities at all levels of the university
- To take speedy action over complaints alleging race discrimination and/or harassment
- Ensure that zero tolerance is practiced.

The Commission of Racial Equality (CRE) has the power to enforce the duties specified in the act.

The main goals of the CRE are:

- To encourage greater integration and better relations between people from different ethnic groups
- To use its legal powers to help eradicate racial discrimination and harassment
- To work with government and public authorities to promote racial equality in all public services
- To support local and regional organizations, and employers in all sectors, in their efforts to ensure equality of opportunity and good race relations
- To raise public awareness of racial discrimination and injustice, and to win support for efforts to create a fairer and more equal society.