

DISCRIMINATION

Mediation services and individual mediators need to be aware of the many forms discrimination can take and be willing to change practices, which, however unintentional, may be discriminatory.

Discrimination is direct, indirect, unfair or unequal treatment of individuals or groups in relation to the following:

- > Race
- > Gender
- > Age
- > Religion
- > Class
- > Culture
- > Political beliefs
- > Mental or physical disability
- > Sexual orientation

Types of discrimination

- > Direct discrimination
This is where a person in any of the categories listed above is treated less favourably than others would be in similar circumstances.
- > Indirect discrimination
This occurs where a requirement is applied equally to all groups but has the effect of disadvantaging a particular group e.g. if a job or volunteering opportunity is advertised in a locality, medium or publication that is not widely accessible to some groups. This could be deemed indirect discrimination.
- > Institutional discrimination
The Stephen Lawrence Inquiry defined institutional discrimination as 'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture of ethnic origins. [Discrimination] can be detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages [the individual].

The Judicial Studies Board booklet on Race and the Courts, September 1999

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Legislation

As well as being familiar with the Equal Opportunities policies, guidelines and codes of practice of their particular service, mediators need to be aware of the following –

The *Equality and Human Rights Commission* opened for business on 1 October 2007. A key aim of the commission is to end discrimination and harassment of people because of their disability, age, religion or belief, race, gender, or sexual orientation.

The three equality commissions merged into the new *Equality and Human Rights Commission (EHRC)*:

- > *Commission for Racial Equality (CRE)*
- > *Disability Rights Commission (DRC)*
- > *Equal Opportunities Commission (EOC)*

The websites of these commissions have also been incorporated into the new equality and Human Rights Commission website: www.equalityhumanrights.com.

Human Rights Act 1998

This act came into force in October 2000. It allows people to take action in the UK Courts for alleged violations of their rights including amongst others, the right to life, to a fair trial, to privacy, family life and the home. The act applies to individuals, government departments, local authorities and other 'public authorities.'

Further Reading

Cant B, Kelly E, Wing Sau Sit K (1995): *The Roads to Racial Equality*. Scottish Council for Voluntary Organisations

Liebmann, M. (ed.) (1998) *Community and Neighbour Mediation*. London. Cavendish p183-196



Scottish
Community
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Centre