

**28 August 2012**

## **Disability – Changes to the law**

***View from the Chair; Michael Wardow, Chief Commissioner, The Equality Commission for Northern Ireland.***

The London 2012 Paralympic Games are presenting us with daily examples of the achievements and determination of disabled athletes from around the world. They are a reminder that people with disabilities are entitled to be full and equal participants in every aspect of society and that to this end, we need to ensure that barriers which prevent that, whether physical or in attitudes and practices, must be removed. Despite our legislation, discrimination still exists.

For example, it might surprise you to know that the Equality Commission received more enquiries about disability discrimination than on any other equality ground - 1,112 in the last year, which is just over 3 a day.

Unfortunately, some recent developments have left gaps in disability discrimination law in Northern Ireland, with a number of inconsistencies and grey areas which can only make things more difficult for disabled people and for employers and business people who are faced with implementing the law.

For example, at the moment there are anomalies between disability law and anti-discrimination law on other equality grounds, inconsistencies within the disability legislation itself and also significant differences between disability equality law in Great Britain and Northern Ireland.

The differences in the law between here and GB have arisen because some problems in the law which had been identified through legal decisions were addressed in Great Britain through the Equality Act 2010, but remain in place in Northern Ireland. This causes difficulties for UK-wide businesses which operate in both Northern Ireland and Great Britain and have to keep pace with different equality frameworks between the two jurisdictions. It also presents difficulties for Northern Ireland employers and service providers who have previously relied on case law in Great Britain in order to help them interpret similar Northern Ireland disability equality law provisions.

Deficiencies in the law disadvantage disabled people in Northern Ireland. They also impact on employers and service providers who need clarity in the laws they are required to observe.

The Commission considers that disabled people in Northern Ireland should not have less protection against disability discrimination either in employment or when accessing

goods and services, compared to disabled individuals in other parts of the UK. It is also important that our law conforms with the UK government's international obligations under the United Nations Convention on the Rights of People with a Disability and the anticipated requirements of the draft European Commission Directive on the provision of goods and services.

Accordingly, the Equality Commission is calling for changes to simplify the legislation and harmonise it; making it more effective and easier to understand. We believe that as well as enhancing protection for disabled people, this would also make it easier for employers and others to comply with their responsibilities.

To this end, we have engaged with employers, business people and other stakeholders with an interest in and experience of disability, to ascertain their views on our proposals for disability law reform. We recently organised a well attended seminar, with disabled stakeholders, representative groups, employers and Government Ministers in attendance, to discuss the issue.

We have recommended that these proposals are reflected in the Disability Strategy, which the Northern Ireland Executive is currently consulting on.

We will continue to engage with all key stakeholders, seeking participation particularly for those with rights and responsibilities, in order to continue to develop a shared understanding of the reform required.

The Commission's proposals for reform of the law can be accessed on our website and we also provide free advice and guidance to employers and businesses on disability discrimination or any other equality issue.