Rights and Duties

Train the Trainer
Maritime Modules

REAL
REAL Passenger REAL Person

Department for Transport

Rights and Duties

This module is for **maritime directors**, **managers** and **staff**. It can be used alone or as part of a broader package of training.

Suggested timings are given below. Depending on delivery and delegate numbers, the content in this module could be delivered in 100–135 minutes.

Learning Objectives

1. Understanding rights and duties affecting maritime travel

Guidance to Accompany Slides

Legal and Regulatory Framework

Suggested timings: 5 minutes

Purpose: To **summarise the duties of ports and carriers** under UK and European law.

Explain that maritime services are covered by both UK and European law. Ports are covered both by the UK Equality Act 2010 and the EU regulation. Carriers, travel agents and tour operators are covered by the European legislation.

Explain that this slide lists all of the laws and regulations that cover some or all ports, carriers, travel agents and tour operators, and that you will focus on several of these in more detail later in the session.

Definition of Persons with Reduced Mobility (PRMs)

Suggested timings: 5 minutes

Purpose: To **explain the definition of persons with reduced mobility (PRMs)**.

Explain that the legal definition of a PRM is enshrined in EU Regulation 1177/2010 concerning the rights of passengers when travelling by sea and inland waterways.

Read the text on the slide and explain that this differs from the definition in the Equality Act 2010 and includes people who may have short-term limitations to their mobility.

Terminal Operator Duties

Suggested timings: 5 minutes

Purpose: To explain that for ports, this PRM definition means that anyone who has difficulty moving around has a right to assistance at various points of their journey.

Assistance

Suggested timings: 5 minutes

Purpose: To **explain for which stages** of a journey special assistance must be provided.

This slide gives more detail about the right to assistance throughout the passenger's journey from arrival at the port.

Setting the PRM Charge

Suggested timings: 5–10 minutes

Purpose: To **explain how the PRM charge on port users is set and operates**.

Encourage discussion of whether the process for setting the charge is fair and reasonable and what could be improved.

Carriers, Travel Agents' and Tour Operators' Duties

Suggested timings: 5–10 minutes

Purpose: To **explain the only circumstances in which it would be legal to refuse to carry a PRM**, and the actions that carriers, travel agents and tour operators must take to ensure a safe and comfortable journey for disabled people and PRMs.

General Duties
Complaints

Suggested timings: 10 minutes

Purpose: To **summarise how PRMs can bring complaints** against a port or carrier, and the powers of the Maritime and Coastguard Agency (MCA).

General Duties

Staff Training

Suggested timings: 10 minutes

Purpose: To **explain the key elements required** for training and to encourage discussion of who needs to be trained.

Under the provisions of the EU Maritime Passenger Rights Regulation, carriers and where appropriate terminal operators are responsible for ensuring that staff receive disability-related training and instruction.

After reading the text on the four staff training slides, encourage discussion of who needs to be trained. List all the types of job identified, making sure that delegates have covered ancillary posts such as shop workers and cleaners as well as the more obvious categories of check-in and bag-drop staff, crew etc.

Maritime and Coastguard Agency

Suggested timings: 5–10 minutes

Purpose: To **explain the stages of resolving a complaint** and the powers of the MCA and the penalties that can be imposed on ports and operators.

Human Rights Act 1998

Suggested timings: 5 minutes

Purpose: To **explain key provisions in the Human Rights Act 1998** that are relevant to disability and travel.

The Human Rights Act 1998 requires public bodies to act in accordance with the rights set out in the European Convention on Human Rights. As a transport provider, you should provide services in a manner that is compatible with the requirements of the Human Rights Act 1998.

The rights provided by the Convention include a qualified right of protection from discrimination, which is set out in Article 14.

Article 14 states that the enjoyment of the rights and freedoms set out in the European Convention on Human Rights shall be secured without 'discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'. This means that the protection provided by Article 14 only applies to matters that are covered within the Convention. The European Court of Human Rights has determined that 'other status' includes the grounds of 'disability'.

Consumer Rights Act 2015

Suggested timings: 5 minutes

Purpose: To **explain key provisions in the Consumer Rights Act 2015** that are relevant to disability and travel.

The Consumer Rights Act 2015 provides to passengers a route to redress, and potentially a full or partial refund, should an operator fail to provide a service with reasonable care and skill and/or where information provided to a passenger before purchasing a ticket, whether orally or in writing (and relied upon by the passenger in making the purchase) is not adhered to.

Equality Act 2010

Suggested timings: 5 minutes

Purpose: To **explain coverage of the Equality Act 2010**.

The Equality Act 2010 covers England, Scotland and Wales. There are similar provisions in separate legislation active in Northern Ireland. It only applies to terminal operators, not carriers, travel agents and tour operators, which are covered separately by European law.

Equality Act 2010
Protected Characteristics

Suggested timings: 5 minutes

Purpose: To set the disability provisions in the Equality Act 2010 within the context of all nine protected characteristics.

These are the Equality Act 2010 protected characteristics. This training focuses on disability.

Equality Act 2010
Definition of Disability

Suggested timings: 10–15 minutes

Purpose: To **ensure delegates understand the legal definition of disability** and how it may differ from their own perceptions of who is disabled and what disability is.

Explain that the first quote is all that the Equality Act 2010 includes to define who is disabled for the purposes of the Equality Act 2010, but that there is substantial guidance and case law about its interpretation.

Guidance explains that 'substantial' means 'more than minor or trivial' and that 'long-term' means that it has lasted or is likely to last more than 12 months. You will find that the presentation and accompanying notes in the core module **What is Disability?** give plenty of further detail to enable you to explore the breadth of the definition of disability and the numbers of people covered — in Britain, around 1 in 5 of the population is estimated to have the protection of the Equality Act 2010 from disability discrimination.

The Equality Act 2010 identifies nine protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Continued

This section of the training is to help delegates understand what the law says, and how it might apply to their organisation.

Part 3 of the Equality Act 2010 makes it unlawful for service providers or public authorities to discriminate against a service user on the basis of a protected characteristic. This part applies whether the service is being provided by the public sector or privately, and whether that service is for payment or otherwise.

Service providers have a legal obligation under Section 29 of the Equality Act 2010 not to discriminate against people on the basis of a protected characteristic. This includes by refusing to provide them with a service, by terminating a service provided to them, by not providing them with the service in the manner or on the terms that are usually offered to the public, or subjecting them to any other detriment concerning the service provided.

For people who meet the definition of disability within the Equality Act 2010, there is an additional duty on service providers to make 'reasonable adjustments'. This applies where a provision, criterion or practice puts a person with a disability at a substantial disadvantage compared with a person who is not disabled.

Continued

It also applies where a physical feature puts a disabled person at a substantial disadvantage in comparison with a person who is not disabled.

Finally, it applies where a disabled person would be at a substantial disadvantage in comparison with a person who is not disabled if an auxiliary aid is not provided, to take reasonable steps to provide the auxiliary aid.

Equality Act 2010

Suggested timings: 5 minutes

Purpose: To **explain the key concept** of reasonable adjustments in the Equality Act 2010.

What changes are 'reasonable'?

Suggested timings: 5 minutes

Purpose: To **explain and enable discussion** on the key concept of reasonable adjustments in the Equality Act 2010.

You may like to say: 'The test of what is a reasonable adjustment is by its nature a subjective one and whether an adjustment is reasonable depends on all the circumstances including… [read the text on the slide].'

Reasonable adjustments under Part 3 of the Equality Act 2010 are owed to the public at large. This means that any organisation that provides services to the public has to consider and take action to remove disability-related barriers in anticipation of their use by disabled people.

Continued

Service providers also have to make any further adjustments that are reasonable for individuals who would otherwise face a substantial disability-related barrier.

The onus is on the operator to ensure that they comply with the Equality Act 2010. Failing to do so could make them liable to civil court proceedings, with financial and reputational consequences.

Open a discussion on how compliant the ports and terminals are with the provisions of the Equality Act 2010.

Ask participants to think about examples that may discriminate — e.g. are all the shops and cafes accessible? Do disabled passengers get the same opportunities to visit duty free etc as other passengers? What changes could or should be made?

REAL

Suggested timings: 5–20 minutes

Purpose: Depending on the time available, use this slide to **summarise key messages**, and remind people about the Respect, Empathise, Ask, Listen theme of the training.

You can use the train the trainer notes on REAL here and/or in other sections of the training.

REAL

Respect

REAL

Empathise

REAL

Ask

REAL

Listen

REAL Passenger **REAL** Person

Department for Transport