

# Contract law to reduce social inequality for LGBT+ people

Reuben Fisher

Laidlaw Research Project under supervision of Dr Niamh Connolly (UCL Faculty of Laws) and Qasim Maxim



## Introduction

Private law is often left ignored when looking at solutions to inequalities faced by disadvantaged groups. Current rights laws provide insufficient remedies.

This project aims to identify where contract law remedies could be expanded to **incorporate social inequalities (harms) and compensate for them directly**



## What are the harms that require remedies?

**Some harms** that can be exacerbated for LGBT+ people **cannot be resolved by contract law**, such as mental health conditions which vary from person to person.

**Through case analysis, these harms were found to be significant for LGBT+ people and align with current contract remedies.**

- Loss of dignity
- Loss of access to services
- Loss of reputation
- Loss of employment

If these damages for breach were made available for these, it could not only reduce inequalities experienced by LGBT+ people when contracting, **but for the entire population**

## Abstraction

A key issue is **abstraction** - where the identity of claimants is not included in judgments as it is deemed irrelevant. This obscures harms that may have been experienced due to sexuality or gender identity. It also ignores interactions between personal identity and contracting in the outside world.

## What contract law remedies currently exist?

**Damages are the most common remedy.** Usually financial loss is used to calculate these, however non-financial harms are sometimes considered.

Many non-financial harms that can be exacerbated for LGBT+ people are not currently addressed. **These also tend to be considered too indirect to be addressed by discrimination legislation.**



**In the 1960s, LGBT+ rights groups in the US used private law mechanisms to further equality when discrimination laws did not exist.**

Today in the UK, remedies in the Human Rights Act and the Equality Act can be 'scarce' and take time to pursue.



**Chymorvah Hotel in Cornwall, where a gay couple were denied access to their hotel room in breach of their contract with the premises, in *Bull v Hull* (2013)**

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