

VEHRN Policy Briefing 1

(Voluntary & Community Sector Equality and Human Rights Network Yorkshire and the Humber)
with
Yorkshire & the Humber Regional Forum

The Single Equality Bill, March 2009

"My Government is committed to ensuring everyone has a fair chance in life. My Government will bring forward a bill to promote equality, fight discrimination and introduce transparency in the workplace to help address the difference in pay between men and women."

(the Queen's Speech, 3rd December 2008)

Introduction

This briefing provides you with an introduction to the Single Equalities Bill in the light of the Government's plans in passing the Bill through the Parliament by the end of 2009. It summarises key element and areas of the Bill, and major policy issues. It also lists actions and decisions that you will need to consider.

Background

In 2005, the government under its general election manifesto committed to introduce the Equality Bill to the Parliament. To make this happen the Discrimination Law Review (DLR) was launched in February 2005 in order to create a clearer equality legislation framework. The DLR set out to address long-held concerns about inconsistencies in the current anti-discrimination legislative framework.

The outcomes of the review were published on the consultation paper: "*A Framework for Fairness: Proposals for an Equality Bill for Great Britain*", June 2007, which outlined the DLR's proposals to simplify and increase the effectiveness of discrimination law. The planned equality bill was then announced in the Queens Speech in November 2008, which means that government intends to take a draft Bill to Parliament this year. The Bill is expected to be published in April – June.

Why have a single Equality Bill

There are currently nine major pieces of discrimination legislation, around 100 statutory instruments setting out connected rules and regulations and more than 2500 pages of guidance and statutory codes of practice. The Equality Bill will reduce these pieces of legislation into a single Act, making the law more accessible and easier to understand, so that everyone can be clear on their rights and responsibilities.

The Bill will require public bodies to consider the diverse needs and requirements of their workforce, and the communities they serve.

The purpose of the Bill

The Equality Bill will promote equality and fight discrimination in all its forms.

The main elements of the Bill are:

- *Delivering public policy objectives – An Equality Duty on public bodies.*
The Equality Duty will contain a new streamlined Equality Duty to replace the race, disability and gender equality duties, which will also cover gender reassignment, age, sexual orientation and religion or belief. The EHRC will work with public authorities to help them improve their performance.
- *Ending age discrimination*
The Equality Bill will make it unlawful to discriminate against someone because of their age when providing goods, facilities and services or carrying out public functions. The Equality Bill will ban age discrimination in the provision of goods, facilities or services and public functions.
- *Requiring transparency*

The new expanded single sector duty will make public bodies more transparent without putting an undue administrative burden on them. The public bodies will report on equality areas such as: gender pay; ethnic minority employment and disability employment.

- *Positive action to open up opportunities*
The Bill will extend positive action so that employers can take under-representation into account when selecting between two equally qualified candidates. Extending positive action measures to allow employers to make their organisation or business more representative.
- *Strengthened enforcement*
The Bill will allow employment tribunals to make wider recommendations in discrimination cases, which will benefit the wider workforce and help to prevent similar types of discrimination occurring in the future. The Bill will also allow discrimination claims to be brought on combined multiple grounds.

Issues raised

- Businesses could face legal challenges if they are seen to be positively discriminating in favour of certain candidates.
- Employers will have to show evidence of what they are doing and why. They will have to show people have gone through the same recruitment process.
- Public procurement can be an effective lever. But making firms that are bidding for government contracts audit their pay would be pointless and would do nothing to improve equality in the workplace.
- The government is exploring further how to allow discrimination claims to be brought on multiple combined grounds.
- The government was expected to consult before the end of 2008 on legislation to protect people '**associated**' with a disabled person. So far no protection is envisaged for people '**perceived**' as having disability.

Our Concerns

- **Purpose Clause** – Many existing equality laws have a purpose clause. This sets out what the law is for. This has been useful and was used in the Southall Black Sisters case to stop Ealing Council trying to misuse race equality legislation to cut funding. The Government is not planning to have a purpose clause in the Equality Bill.
- **Equality duties and equality impact assessments** – The Government is planning to have a general equality duty to promote equality but is not planning to have a specific duty telling public bodies *how* to promote equality. We think that this duty should be included in the Bill.
- **Procurement** – There is no plan to include a legal duty to make equality part of procurement. We think that private and third sector organisations carrying out public services should have to meet equality standards. This should be done in a way which does not become excessively bureaucratic or resource heavy.

Next Steps

The government will publish a more comprehensive paper content of the Equality Bill, which will also include the Government's response to the DLR consultation. The Bill is expected to be published in April/June 2009. It is therefore likely to run into the next year 2009-10 session of Parliament.

What can you do?

Write to the Government about your concerns. You should send an email to enquiries@geo.gsi.gov.uk and include:

- who you are and why your opinion counts (who do you represent, what work do you do on equality)
- what your concerns are and what you want the bill to include.

- Prepare for May-June when the bill will be discussed in Parliament. At this time **lobby your MP** and the MPs that are on the committee scrutinising the Bill (hasn't been announced who these are yet).

Matilda Korovesi and Ruth Beattie

VCS Equality and Human Rights Network Yorkshire and the Humber (VEHRN)

VEHRN (Voluntary & Community Sector Equality and Human Rights Network, Yorkshire and the Humber) is set up to ensure that excluded groups can influence policy, programmes and agencies through a united voice.

Yorkshire & the Humber Regional Forum is the representative network for voluntary and community organisations in the region.

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