

Equalities Panel Briefing

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A Framework for a Fairer Future – The Equality Bill

The Government is proposing to introduce a new Equality Bill early in 2009. This legislation is intended ultimately to replace all existing equality laws.

The foreword to the Government's proposals for an Equality Bill says everyone has a right to be treated fairly and have the opportunity to fulfil his or her potential. Government's commitment is based on the belief that equality is necessary for the individual, for society and the economy. This agenda is for everyone because fairness is the foundation for individual rights, a society at ease with itself and a prosperous economy.

40 years of discrimination laws have resulted in a great deal of progress but an extremely complex legislative environment. There are nine major pieces of legislation, 100 statutory instruments, 2,500 pages of guidance and statutory codes of practice. The Equality Bill is intended to 'declutter' this landscape.

Although laws, and wider action, have brought progress, inequality and discrimination persists today. Achieving greater equality is still a big issue. For example, Britain still has a gender pay gap of 12.6% an hour and disabled people are 2½ times more likely to be out of work than others.

The Bill will place a new Equality Duty on public bodies, which will bring together the three existing duties but will also include gender reassignment, age, sexual orientation and religion or belief. It will also require public bodies to tackle discrimination and promote equality through their purchasing functions and contract compliance.

Transparency is considered essential. Public bodies will have to report annually on rates of pay by gender and on their employment of people from ethnic minorities and disabled people. More widely, secrecy clauses that prevent people discussing their own pay will be banned.

Government will work with business to improve transparency in the private sector, with the development of a new equality 'kite-mark', and gathering evidence on the effectiveness of equal pay audits. The Equality and Human Rights Commission (EHRC) will conduct enquiries into sectors like financial services and the construction industry.

The Bill will outlaw unjustifiable age discrimination by those providing goods, facilities and services. It will extend positive action so that employers can take into account under-representation of disadvantaged groups if they wish.

The Bill will allow tribunals to make wider recommendations in discrimination cases, which will go beyond benefiting the individual taking the case so that there are benefits for the rest of the workforce of the employer who has been

found to have discriminated. Government will also explore whether it is practical to allow discrimination claims to be brought on combined multiple grounds, such as gender and race.

Government will consider whether to allow representative actions in discrimination law, which would allow trade unions, EHRC and others to take cases to court on behalf of a group of people who have been discriminated against.

Whilst proposals for the Bill have generally been welcomed, particularly the proposals to simplify the legislation, there has been considerable criticism that there is still very little required of private sector employers.

The Employers Forum on Disability believes that the Bill will only achieve its aims only if it is credible in the eyes of employers and disabled people. They don't want the current Disability Equality Duty watered down and argue that all employers should provide accessibility.

The Fawcett Society wants to see tougher measures in the private sector, gender pay audits, a ban on dismissing pregnant women, contract compliance by Government and representative actions.

The CBI, on the other hand, says that unlawful discrimination in the private sector is not the main reason why inequalities exist. The issues are cultural educational and occupational.

There is still much debate on the precise content of the Bill and the debate may be further influenced by the current economic downturn. At stake is how Britain achieves effective equality of opportunity and outcomes for all its citizens. It is probably asking a lot of one piece of legislation to deliver this.

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