

Briefing

Yorkshire & the Humber

regional forum

voice of the voluntary & community sector



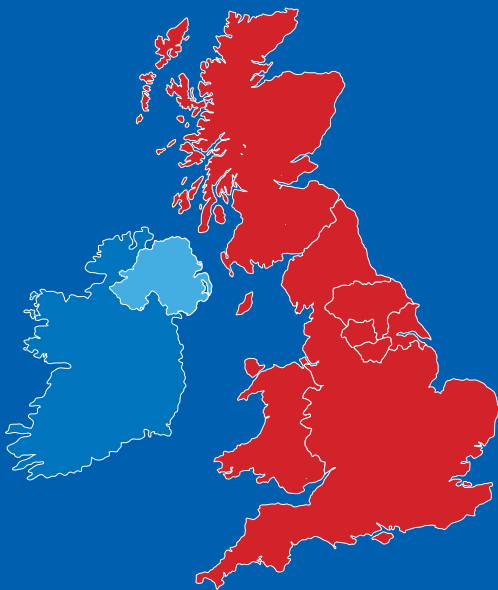
The Equality Bill

an update

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Significance: Great Britain



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Summary

This briefing updates the Policy Briefing 'The Single Equality Bill' published by the Regional Forum in March 2009.

This update gives details on:

- the progress of the Bill through Parliament
- the content of the Bill
- some key Issues and Concerns

Background

The Government's long awaited Equality Bill was published on 27th April 2009. It is a very lengthy piece of legislation, running to 540 pages and 200 clauses. The aim of the Bill is to promote equality and tackle discrimination in all its forms. It proposes to do this by streamlining the law into a single Act of Parliament and by creating a climate where action can be taken more quickly. Currently there are 9 pieces of legislation, around 100 statutory instruments, and more than 2000 pages of guidance and statutory codes of practice!

The Bill's passage through Parliament

The Bill received its second reading in the House of Commons on 11th May. This was a general debate and did not go into detail, which will happen in Committee.

The Committee stage takes place from 2nd June to 7th July. This is where amendments and changes are likely to be made, but the main proposals are likely to stay the same.

The Bill then goes through the House of Lords and, if all goes well, Royal Assent is scheduled for Spring 2010.

Most of the measures contained in the Bill will be introduced in autumn 2010 but some will be delayed until 2011.

If there is an early General Election the Bill is likely to be lost.

Content of the Bill

A duty to consider socio-economic Inequalities

The Bill proposes placing a duty on public bodies (such as local authorities, PCTs, education authorities), to consider what effect their policies will have on reducing inequalities that arise from economic disadvantage (or social class).

An Equality Duty on public bodies

The Bill proposes a new Equality Duty that will require public bodies to consider *all* types of inequality: race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, and gender re-assignment. (Since 2006 public bodies have had to consider race, gender, and disability issues when designing their policies.)

Ending age discrimination

The Bill will make it unlawful to discriminate against someone because of their age when providing goods, facilities or services.

Clarifying rights

At present there are a number of 'grey' areas when it comes to the law on equality. The Bill aims to clarify these. For example, *all* equality groups will have the same legal protection from age discrimination. Carers who are associated with someone who is protected from discrimination under the law will also be protected.

Positive action

The Bill will allow employers choosing between two equally qualified candidates to select the successful candidate on the grounds that he/she is from an under-represented group. For example, choosing a male headteacher for a Primary school in preference to a female because there are fewer male heads. This would be a voluntary rather than a mandatory requirement.

Gender pay gap

The Bill will require private sector organisations with more than 250 employees, and public organisations with more than 150 employees, to report publicly on their gender pay gap. The aim is to lift the veil of secrecy surrounding gender and pay and provide greater transparency.

Key issues and concerns

- Some people will argue that the Bill does not go far enough. For example, it could propose to abolish mandatory retirement ages.
- The duty on public bodies to consider what effect their policies will have on reducing inequalities that arise from socio-economic disadvantage only applies to 'strategic' decisions, not to day to day delivery of services.
- As part of the Public Sector Equality Duty the Bill could *require* public authorities to prioritise their activities to focus on what the evidence points to as the most pressing inequalities, and *require* them to genuinely involve those who use their services in consultation.
- The House of Commons Work and Pensions Committee Report, (April 2009), makes recommendations that are *not* contained in the Bill. For example, the Committee wants protection for anyone who has, (or has had), an impairment without requiring the effects of that impairment to be substantial or long term. This is about a wider definition of disability.
- The Work and Pensions Committee also has concerns about the division of responsibility for equality issues within government departments. It says that this is confusing and risks undermining the effectiveness of any single Equality Act.

- The Bill does not include a legal duty to make equality part of procurement. We believe that private and third sector organisations carrying out public services should have to meet basic equality standards.
- Many Acts of Parliament have a ‘Purpose Clause’, which sets out what the law is for. No such clause is planned for the Equality Bill.

Conclusions

We believe the Equality Bill is a major step forward in tackling discrimination.

Much of the impact of the Bill will be in the detail. There are still a lot of unanswered questions about how the Bill’s proposals will work in practice.

There are a number of issues relating to whether the interests of ‘single issue groups’ will be protected effectively under the new Equality Bill.

The current political and economic situation, coupled with a tight timetable for introducing the Bill in Parliament, may mean that the Government has to hope for cross party support if it is to succeed before a General Election. The Conservative Party likes some of the proposals but voted against the Bill at the second reading.

What happens next?

In June the Regional Forum will publish a Briefing looking at current information and developments that impact on Equalities groups in the sector. This will link the Equalities Bill with the wider Human Rights agenda.

We will track the progress of the Bill as it goes through Parliament and keep the sector informed.

More information



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the Equality Bill: www.communities.gov.uk/publications/communities/tacklingraceinequalities

Regional Forum Briefing ‘the Single Equality Bill’ (March 2009) www.regionalforum.org.uk/publications_resources/policy_briefings.php



www.communities.gov.uk/publications/communities/opportunity-progress-report

www.equalityhumanrights.com

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We use our briefings to summarise important developments and their implications, including proposals for new structures or legislation. They are designed to promote debate, put forward an argument, elicit response and encourage action, as appropriate.

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