



## Policy briefing: The Single Equality Bill and equality organisations in the Third Sector

### Introduction

In June this year, Government published *Framework for a Fairer Future*<sup>i</sup>, which sets out a programme of legislative measures for the Single Equality Bill. This Bill aims to simplify discrimination laws, which at the moment are complex and hard to understand, as well as extend existing protection. It will bring together existing laws on age, disability, gender, race, religion or belief, sexual orientation and transgender discrimination together in a single Equality Act.

Over the coming months, Government will be taking forward a range of work needed to support the new legislation in time for the introduction of the Bill in the next parliamentary session. Equality organisations in London's third sector need to be aware of and informing these developments to ensure the Bill adequately reflects and protects the communities they work for.

This briefing aims to provide London's third sector with a basic overview of the policy proposals in the Bill, highlight areas of particular importance for equality organisations<sup>ii</sup> and propose actions such organisations might want to take.

While this briefing focuses on the Bill itself, it should be noted that it is accompanied by *The Equality Bill – Government response to the Consultation*<sup>iii</sup>, which includes more detail about how the policy proposals will be taken forward. Over the coming weeks and months HEAR, ROTA and LVSC will be looking in more detail at the accompanying document and informing equality organisations through subsequent updates.

If you think the Bill is likely to have any impact that this briefing has not highlighted, please let us know, to inform subsequent updates.

HEAR hopes to hold an event in November to consider further the implications of this Bill. Further information will be available shortly.



In addition to this briefing focusing on equality organisations, ROTA and LVSC have produced briefings focusing on the implications of the Bill for BME and mainstream organisations respectively. These are available at [www.rota.org.uk](http://www.rota.org.uk) and [www.lvsc.org.uk](http://www.lvsc.org.uk).



# An overview of the policy proposals

## 1. A new Equality Duty on public bodies

The Bill will contain a new streamlined Equality Duty on public bodies, which will bring together the three existing duties and extend to gender reassignment, age, sexual orientation and religion or belief. This will require public authorities to promote equality by ensuring they:

- Mainstream equality considerations into all their actions
- Have 'due regard' to the need to eliminate discrimination and promote equality in all that they do.

The Bill gives the following examples of what a single duty could lead to:

- Extra park benches being provided in local parks by the council, so that older people can benefit from public spaces as well as younger people
- A residential care home being sensitive to the fear that a resident may feel about disclosing they have a same-sex partner, which they want to share accommodation with
- A health authority targeting a diabetes awareness-raising campaign at South Asian people, after identifying that they are at greater risk of developing the disease
- Transport service planners improving bus routes to supermarkets, schools and health centres to cater for women who use public transport in different ways and for different reasons than men.

### **Implications for equality organisations**

Over the coming months, The Government Equalities Office will be discussing, with relevant organisations, how the new duty will work in practice. It will be consulting on what processes will be required of public bodies through secondary legislation and which public bodies will be subject to the requirements. Equality organisations need to be informed about and engaged in these developments to ensure their expertise is considered. Equality organisations will also have various important roles to play in supporting public authorities to fulfil their Equality Duties in the future.

## 2. Ending age discrimination

The Bill will contain powers to outlaw unjustifiable age discrimination against people over the age of 18 by those providing goods, facilities and services or carrying out public functions. The specifics of the new law will be set out in secondary legislation made under the new Equality Bill. There will be a transition period to provide businesses and public authorities time to prepare for new legislation, however. The new legislation will also need to be designed and will be consulted on.

### **Implications for equality organisations**

Over the coming months, Government will be working with stakeholders to take forward work to end age discrimination, including the development of detailed proposals for the prohibition of unjustifiable discrimination on the grounds of age in goods, facilities, services and public functions.

Equality organisations, in particular older people's and children and young people's organisations, should keep up to date on progress, and engage in the consultation, to ensure the legislation produced provides adequate protection. Equality organisations may also need to place pressure on Government to ensure the work to end age discrimination, which will take place according to a variable timetable, maintains momentum.

Equality organisations also need to consider whether it is satisfactory that the proposed measures do not protect children and young people under the age of 18 and possibly write to and lobby their MPs to voice their concerns as the Bill passes through parliament.

### **3. Requiring transparency**

The Bill includes measures to make inequality more visible where it exists, so that it can be addressed. Government will:

- Expect public sector bodies to publish clear information about their progress on important equality issues, for example gender pay, ethnic minority employment and disability employment
- Improve transparency in the private sector through public sector purchasing
- Ban secrecy clauses that prevent people discussing their own pay
- Work with the Equality and Human Rights Commission (EHRC) and businesses to improve equality practice and transparency within the private sector
- Gather and publish evidence on the effectiveness of equality pay audits in closing the gender pay gap
- Work with EHRC and others to develop a 'kite-mark' scheme for employers who are transparent about reporting their progress on equality
- Review progress on transparency and its contribution to the achievement of equality outcomes and, in the light of this, consider, over the next five years, using existing legislation for greater transparency in company reporting on equality.

In addition, EHRC will launch a series of inquiries into inequality in the financial and professional services and construction sectors, beginning this year.

#### **Implications for equality organisations**

Later this year, Government will be consulting about what information public authorities should be expected to publish and which public authorities should be subject to these requirements. Equality organisations should keep informed and engage in the consultation to ensure information about the inequalities they feel have most impact on their communities are monitored and published and that all relevant public authorities are subject to the requirements.

### **4. Extend positive action**

The Bill will allow positive action<sup>iv</sup> to be extended so that employers can take into account, when selecting between two equally qualified candidates, under-

representation of disadvantaged groups, for example women and people from ethnic minority communities.

It will also extend the permission to use women-only shortlists in selecting parliamentary candidates from 2015 until 2030. Government will not legislate, at this stage, for all-ethnic minority shortlists, but will pursue non-legislative measures to increase the number of ethnic minority elected representatives in both Parliament and local councils. A task force has been set up to encourage more BAME women to become councillors by making the role of councillors more widely known and better understood; increasing awareness and building confidence and skills; reaching out into communities to encourage women to step forward to become local councillors; identifying and tackling barriers within political parties; and reducing disadvantage and stereotyping within and outside their communities.

A Speakers' Conference will also be held to consider, against the backdrop of a decline in voting turnout, a number of important issues including the representation of women and ethnic minorities in the House of Commons.

Government will consider whether a specific power for the Commissioner for Public Appointments to encourage diversity within her remit would assist her in ensuring diversity in public appointments.

### **Implications for equality organisations**

Equality organisations already do, and have further potential to, play key roles in positive action measures in ensuring a more representative democracy. Equality organisations should consider how they can further develop these roles, which should also be recognised by Government in its positive action measures.

For example, many leaders of equality organisations might make ideal MPs and local councillors since they:

- Understand and have access to their communities, which are sometimes considered 'hard-to-reach' by public authorities
- Are active in their communities
- Do, or have the potential to, represent their communities.

Equality organisations, in particular those of BAME women, should play a key role in supporting the taskforce referred to, to meet its aims of ensuring greater representation of BAME women as local councillors and MPs.

Equality organisations should play a key role in the debate, which will be the focus of the Speaker's Conference referred to, about representation in the House of Commons.

## **5. Strengthening enforcement**

Tribunals will be allowed 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.

Government will also explore further how to allow discrimination claims to be brought on combined multiple grounds, such as where someone is discriminated against because she is black and a woman.

Government will also explore how representative court actions might be taken by EHRC, trade unions and other appropriate bodies, on behalf of a group of people who have been discriminated against.

Government will support trade union equality representatives, initially through pilot projects.

### **Implications for equality organisations**

Equality organisations of people belonging to multiple equality groups, for example older lesbian's organisations, with specialist expertise on multiple discrimination, should inform Government's exploration of discrimination claims on combined multiple groups, which will be taken forward over the coming months.

Equality organisations should consider how they can work with and encourage EHRC, trade unions and other appropriate bodies to take representative action against the discrimination faced by their communities.

### **About HEAR**

HEAR is a regional network of equality, human rights and mainstream infrastructure organisations concerned with the support available to and issues affecting equality organisations. It is underpinned by the belief that people who have direct experience of inequality and discrimination are best placed to develop strategies to achieve equality. It was originally set up as the equalities and human rights sub-group of the ChangeUp London Regional Consortium. To find out more visit [www.rota.org.uk/pages/HEAR.aspx](http://www.rota.org.uk/pages/HEAR.aspx)

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<sup>i</sup> Government Equalities Office (June 2008) *Framework for a Fairer Future – The Equality Bill*.

<sup>ii</sup> Equality organisations are frontline and second-tier organisations that are 'led by and for' specific communities and people who experience discrimination, including Black, Asian and minority ethnic (BAME) people, children and young people, disabled people, lesbian, gay, bisexual and transgender (LGBT) people, older people, people of particular religion or belief, refugees and migrants, and women.

<sup>iii</sup> Government Equality Office (July 2008) *The Equality Bill – Government Response to the Consultation*.

<sup>iv</sup> "Positive action is a range of measures which employers can lawfully take to encourage and train people from under-represented (racial and ethnic groups) in order to help them overcome disadvantages in competing with other applicants. However, selection for interviews and jobs must be based on judgements of individual's ability to carry out the work required." Taylor, 2000:159