

The Government's long-awaited Equality Bill was published on 27 April. Including explanatory notes, the Bill is 540 pages long and contains 205 clauses and 28 schedules. Some of its main provisions are set out below.

- Why is equality important?

The Government recognises that equality is important for:

- **individuals**: fairness is a basic human right
- **society**: in unequal societies people feel excluded and communities lack cohesion
- **the economy**: in the current economic downturn, it is vital that everyone contributes and that employers can draw on the widest pool of talent

- What are the aims of the Equality Bill?

The Equality Bill has two main aims:

- **streamline the law**: currently, there are nine major pieces of discrimination legislation, around 100 statutory instruments, and around 2,500 pages of guidance and codes of practice dealing with equality law. Understandably this body of law has become difficult for people to navigate
- **accelerate progress**: despite all this legislation over the last 40 years, we've seen only limited progress on equality issues. In fact, government figures show: the gender pay gap will not close until 2085; it will take almost 100 years before people from ethnic minorities will have the same job prospects as British white people; and disabled people will probably never have the same job prospects

- The duty to consider socio-economic inequalities

The new Bill recognises that inequality does not just come from discrimination based on race, gender, disability or any other traditional equality group. Even today, the effects of class play a huge role in determining people's life chances.

For example: a recent report found that people living in wealthier areas enjoy a significantly longer life expectancy than those living in deprived areas (people living in Hampstead, London can expect to live 11 years longer than those in nearby St Pancras)

The Equality Bill proposes a duty on some public bodies – such as local authorities, PCTs, and education authorities – to consider what effect their policies will have on reducing the inequalities that arise from socio-economic disadvantage. The duty only applies to 'strategic' decisions.

- a Primary Care Trust identifies poorer long-term health outcomes associated with socioeconomic disadvantage in a particular geographical area. One option could be to target frequent health checks in that area
- a local education authority analyses the impact of a campaign to inform parents about the school's application process. It collates the results by socioeconomic status and/or neighbourhood. The results point to inequalities related to socioeconomic disadvantage in terms of parents' ability to access or understand the information provided. Under the duty, the authority could decide to make adjustments to future campaigns to ensure that they reach those segments of the population

GEO (2009) *Proposed duty on public bodies to tackle socioeconomic inequality*

- **The new Equality Duty on public bodies**

Since 2006, public bodies (including schools, hospitals, and the police service) have had to consider the impact of their policies on race, gender, and disability equality.

The Equality Bill proposes a new Equality Duty that will mean that public bodies have to think about **race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment**. The government says that this new, single duty will streamline the existing three.

The Government will publish full details of what the Equality Duty entails later.

the Equality Duty could mean:

- in respect of age, a local council putting extra park benches in local parks so older people can enjoy public spaces as well as younger people
- in respect of sexual orientation, a school adapting its anti-bullying strategy to explicitly address bullying of gay and lesbian school children
- in respect of religion or belief, a local council looking for a provider of meals on wheels that delivers culturally diverse food including halal and kosher meals

GEO (2009) *A Fairer Future: The Equality Bill and other action to make equality a reality*

- **Extending and clarifying rights**

At the moment there are some loopholes and uncertainties in equality law. The Equality aims to plug some gaps and make certain things explicit:

- **banning age discrimination:** the Bill gives all equality groups the same legal protection. This means it will be illegal to discriminate against someone aged 18 or over in the provision of public services or when letting, selling, or managing premises. This applies to the 'new' equality areas of pregnancy and maternity and gender reassignment too.
- **new rights for carers:** currently, it is illegal to discriminate against someone because they are 'associated with' a person of a particular race, religion or belief, or sexual orientation. The Bill will extend this provision, so it will be unlawful to discriminate against individuals who are associated with people who are themselves protected under the Bill (people treated negatively because of their race, gender, disability, sexual orientation, religion or belief, age, gender reassignment, or marital status).

To be 'associated with' someone can mean that you are related to them or you care for them. So this new provision will mean an employer could not refuse to promote someone just because they care for an older relative or someone with a disability.

- **clarifying breastfeeding rights:** the Bill makes it clear that mothers have a right to breastfeed in public places like coffee shops and restaurants. Asking them to leave will be unlawful.
- **reinforcing disabled people's rights:** due to recent rulings, the Government wants to make it explicit that disability discrimination is when someone knowingly treats a disabled person in a particular way which amounts to poor treatment, unless the treatment can be justified.

For example: A woman with a learning disability is asked to leave a restaurant because she is eating in a messy way, which is caused by her disability. If the restaurant owner could reasonably be expected to know that she is disabled and could not justify asking her to leave, this would be unlawful discrimination.

GEO (2009) *A Fairer Future: The Equality Bill and other action to make equality a reality*

- **Positive action**

Employment

Positive action usually means encouraging people to apply for jobs or promotion opportunities. It often takes the form of targeted job adverts or staff training.

The Equality Bill extends the scope of what positive action means. It will allow employers to take into account underrepresented or disadvantaged backgrounds when choosing people for recruitment or promotion. There are two conditions to this:

- the candidates have to be equally qualified
- the organisation can't have a general policy to do this in every case

Employers can use this provision if they 'reasonably' believe the person in question suffers disadvantage connected with one of the equality groups mentioned above.

Positive action is different from positive discrimination. This proposal will not allow organisations to hire people for jobs if there are other, more qualified people. Employment quotas are illegal and will remain so.

Service provision

The Bill confirms that service providers can take positive action to meet the needs of disadvantaged equality groups (running women-only sessions at a health clinic, for example).

- **Equality in the workplace**

Certain people still face disadvantage in the sphere of employment. The Bill tries to tackle this by increasing transparency.

Private sector organisations	Public sector organisations
<ul style="list-style-type: none"> → the Bill asks organisations with more than 250 employees to report on their gender pay gap → the government will not use this power until 2013. It will only use it if not enough organisations are reporting voluntarily. The Bill allows the Government to fine organisations up to £5,000 if they do not comply → the EHRC has been asked to investigate how reporting should be carried out → the Bill will ban 'secrecy' clauses which stop colleagues discussing how much they get paid 	<ul style="list-style-type: none"> → public sector organisations with over 150 employees may have to report on their: <ul style="list-style-type: none"> • gender pay gap • ethnic minority employment rate • disability employment rate → the Bill will ban 'secrecy' clauses which stop colleagues discussing how much they get paid

- **Next steps**

The Bill will be debated in Parliament over the coming months, with the expectation that it will become law in spring 2010. Although all the provisions within the Bill are subject to change, it is likely the final Act will very closely resemble what the Government is currently proposing.

Some other dates to look out for:

- summer 2009: consultation on detailed proposals for the public service Equality Duty; the Equality Human Rights Commission to work with employers to decide how gender pay gaps to be reported
- spring 2011: parts of the Bill – such as the Equality Duty and duty to consider socio-economic disadvantage – come into force.

- **Further information**

To view the documents referred to in this fact sheet visit the Government Equalities Office website:

→ www.equalities.gov.uk

For more in-depth information see the brap publications:

- The Equality Bill and local authorities: a guide
- The Equality Bill and health: a guide
- The Equality Bill and housing: a guide
- The Equality Bill and education: a guide

If you are a brap affiliate and would like to discuss how the Equality Bill will affect your organisation, please contact us using the details below.