



Government
Equalities Office

Putting equality at the heart of government

Framework for a Fairer Future – The Equality Bill



Framework for a Fairer Future – The Equality Bill

Presented to Parliament by The Lord Privy Seal, Leader of the
House of Commons and Minister for Women and Equality
by command of Her Majesty

June 2008

© Crown Copyright 2008

The text in this document (excluding the Royal Arms and other departmental or agency logos) may be reproduced free of charge in any format or medium providing it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

For any other use of this material please write to Office of Public Sector Information, Information Policy Team, Kew, Richmond, Surrey TW9 4DU or e-mail: licensing@opsi.gov.uk

ISBN: 9780101743129

Contents

	Page
Ministerial Foreword	5
Executive Summary	9
Chapter 1: Delivering public policy objectives – An Equality Duty on public bodies	12
Chapter 2: Ending age discrimination	16
Chapter 3: Requiring transparency	18
Chapter 4: Positive action to open up opportunities	26
Chapter 5: Strengthened enforcement	30
Chapter 6: Next steps towards The Equality Bill	34

Ministerial Foreword



The Rt Hon Harriet Harman QC MP
Leader of the House of Commons

Everyone has the right to be treated fairly and to have the opportunity to fulfil their potential, but equality is not just right in principle.

This Government is, and always has been, the champion of equality in public policy and in representation in our democratic institutions.

Our commitment to equality is based on the belief that equality is:

- necessary for the individual – it is a basic right to be free from prejudice and discrimination;
- necessary for society – an unequal society can't be at ease with itself, an equal society gives greater social cohesion; and
- necessary for our economy – a modern economy thrives in a culture of equality which brings employers the widest labour pool, which sees all participate in the labour market rather than some being marginalised and excluded and recognises that diversity makes us outward facing and helps us compete in a global economy.

This agenda is for everyone, because fairness is the foundation for individual rights, a society at ease with itself, and a prosperous economy.

What we have achieved

We are proud of our record on fighting discrimination and inequality and our strong legal framework. Over the last 40 years we have introduced laws both to create and respond to change in society and to promote civil rights and equality. From the first Race Relations Acts back in the 1960s to the important steps towards equality for women in the Equal Pay and Sex Discrimination Acts in the 1970s. From strengthening rights for disabled people in the 1990s to the introduction of civil partnerships in 2004. From banning age discrimination in the workplace to making sure people are not treated unfairly because of their sexual orientation and their religion or belief. And in our pioneering approach to requiring public bodies to promote equality and tackle discrimination, through the public sector duties on race, disability and gender equality.

Britain is now a fairer and more confident nation because equality has been at the heart of what we have done.

Time to declutter the law

Our discrimination laws have helped us make progress on equality but, because they have developed over more than 40 years, they have become extremely complex. There are currently nine major pieces of discrimination legislation, around 100 statutory instruments setting out connected rules and regulations and more than 2,500 pages of guidance and statutory codes of practice.

The Bill will declutter what has become a thicket of legislation and guidance. It will be written in plain English, so that those who benefit from the law, and those who need to comply with it, can see the wood for the trees.

Time to strengthen the law

While a combination of laws and wider action has brought us a long way over the past 40 years, inequality and discrimination persist today.

Even in the 21st century, and in one of the most dynamic economies in the world, achieving greater equality is still an issue.

- The gender pay gap, though down from 17.4% in 1997, still means that a woman's full time pay is on average 12.6% less per hour than a man's. Women working part-time are paid around 40% less per hour;
- The rate of employment of disabled people has risen from 38% ten years ago to 48% today, but if you are disabled, you are still two and a half times more likely to be out of work than a non-disabled person;
- If you are from an ethnic minority, in 1997 you were 17.9% less likely to find work than if you are white. The difference is still 15.5%;
- 62% of over-fifties feel that they are turned down for a job because they are considered too old, compared with 5% of people in their thirties;
- 6 out of 10 lesbian and gay schoolchildren experience homophobic bullying and half of those contemplate killing themselves as a result.

Unless we step up progress:

- the pay gap between men and women will not close until 2085;
- it will take almost 100 years for people from ethnic minorities to get the same job prospects as white people;
- disabled people will probably never get the same job prospects;

- it will take 20 years for women to achieve equal representation in the Senior Civil Service; and
- it will take 80 years to elect a representative House of Commons.

The Equality Bill

The purpose of the Bill and its accompanying package of measures is to strengthen protection, advance equality and declutter the law.

We will:

1. Introduce a new Equality Duty on the public sector
2. End age discrimination
3. Require transparency
4. Extend the scope of positive action
5. Strengthen enforcement

Executive Summary

Promoting equality is essential for individuals to fulfil their potential, for the creation of a cohesive society and for a strong economy. A substantial body of equality legislation has been introduced over the last four decades, protecting millions of people from discrimination and promoting greater equality. But the legislation has become complex and hard to understand. This Bill will de-clutter and strengthen the law.

Delivering public policy objectives – a new Equality Duty on public bodies

The three existing public sector equality duties have required public authorities to tackle discrimination and promote equality for race, disability and gender. To help make progress on our public policy objectives, we will place a new 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.

Ending age discrimination

The Bill will contain powers to outlaw unjustifiable age discrimination by those providing goods, facilities and services in the future. To allow businesses and public authorities to prepare, and to make sure the law does not prevent justified differences in treatment for different age groups, there will be further consultation on the design of the legislation and a transition period before the new legal protections from age discrimination are implemented.

Requiring transparency

We cannot tackle inequality if it is hidden. Transparency is essential to tackling discrimination. We want public bodies to comply with the Equality Duty in their role as employers by reporting on important inequalities:

- gender pay
- ethnic minority employment; and
- disability employment.

£160 billion is spent by the public sector on private sector contracts every year. The Equality Duty will require public bodies to tackle discrimination and promote equality through their purchasing functions. We will use this purchasing power to help us deliver our public policy objectives of greater equality.

We will ban secrecy clauses which prevent people discussing their own pay.

The Equality and Human Rights Commission will conduct inquiries into particular sectors, including the financial services sector and the construction industry.

We will work with business to improve transparency in the private sector, in particular through the introduction of a new “kite-mark”, and gather and publish evidence on the effectiveness of equal pay audits in closing the gender pay gap.

We expect business will increasingly regard reporting on their progress on equality as an important part of explaining to investors and others the prospects for the company. We will 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.

Extending positive action

We will extend positive action 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.

We will also extend the permission to use women-only shortlists in selecting parliamentary candidates to 2030. Whilst we will not legislate to allow for ethnic minority shortlists at this stage, we will pursue non-legislative measures to increase the number of ethnic minority elected representatives in both Parliament and local councils.

We will consider with the Commissioner for Public Appointments whether a specific power to encourage diversity for appointments within her remit would assist her.

Strengthening enforcement

We 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 found to have discriminated.

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

We will consider how to take forward the question of introducing representative actions in discrimination law, to allow trade unions, the Commission for Equality and Human Rights and other bodies (with the permission of the Court) to take cases to court on behalf of a group of people who have been discriminated against. We will take this forward over the coming months.

Next steps towards the Equality Bill

We will publish a more comprehensive paper on the content of the Equality Bill shortly, which will also include the Government's response to the consultation, '*Discrimination Law Review; A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain*' we carried out last year.

Over the coming months, we will continue to work closely with stakeholders in preparing for the introduction of the Bill.

Chapter 1:

Delivering public policy objectives – An Equality Duty on public bodies

Fairer and more effective public services

We have a public policy objective to achieve a fair society in which people have the opportunity to succeed. This is supported by equality targets, such as reducing the gap between people from ethnic minority communities and the rest of the population. Public bodies, such as local authorities, health authorities, schools, colleges, universities and government departments, have an important role in helping us to achieve our targets because of the services they provide, the people they employ and the money they spend in the private sector. Public services affect people's day to day lives and the opportunities open to them. We expect the public sector to play its part in taking forward our progress towards equality.

Recognising this, we brought in three separate equality duties on public bodies: on race in 2000, disability in 2005 and gender in 2006. The public sector duties operate alongside the prohibitions on discrimination to ensure that the whole of the public sector is engaged in actively tackling discrimination and disadvantage. The duties have resulted in public authorities considering more broadly the needs of women, disabled people and the local ethnic minority communities who use their services and are employed by them.

As a result of these duties, public bodies focus on the way their spending decisions, employment practices and service delivery affect local people whatever their race, disability or gender. The duties have brought about a positive culture change in many public authorities.

Recent research found increases in the proportion of ethnic minority and disabled people in public authorities' in workforces; improvements in community relations and attitudes; an increase in access to services; and improved customer satisfaction. The Equalities Review chaired by Trevor Phillips shared this view, and concluded that the public sector duties are a valuable lever for change.

The Equality Bill 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.

What this means in practice is that the duty will require public bodies to consider how their policies, programmes and services affect different disadvantaged groups in the community. We will be discussing with relevant organisations how the new duty will work in practice, especially in relation to religion or belief.

A single duty could lead to:

A town planner thinking about the impact that drop-down kerbs and accessible public toilets can have on the day to day life of a wheelchair user.

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, who 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.

A police authority developing an emergency mobile phone text service, and incorporating sign language video clips on its web site to meet the needs of Deaf people.

A local authority looking for a provider of 'meals on wheels' that delivers culturally diverse food, including Kosher and Halal meals.

A local authority not providing parking tickets through complicated technology which older people are less able to use.

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 from men.

The new Equality Duty will be more effective than the existing three separate duties because there will be one streamlined process instead of three different ones. It will help public authorities to focus their efforts on outcomes, rather than on producing plans and documents. We 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. A number of public bodies have already implemented single equality schemes.

We will work with a range of public bodies and build on the good practice which already exists to ensure that the design of the new Equality Duty can be used flexibly and effectively by all the different kinds of public bodies, in proportion to their size, their resources and the challenges they face, to make a positive difference to people's lives without being too bureaucratic.

The Equality and Human Rights Commission will work with public authorities to help them improve their performance.

Chapter 2:

Ending age discrimination

It is wrong that people are treated in a discriminatory way because of their age. We have already banned unjustifiable age discrimination in the workplace. With the number of people aged over 85 set to double over the next two decades, we need to ensure that older people are treated fairly, have fulfilling lives and are able to play a full part in society.

But there is a significant amount of evidence that older people are being treated in a discriminatory way by those providing goods and services, including health and social care. There are also concerns about restricted access to some financial services, such as insurance. Such treatment is not currently against the law.

The Equality Bill will enable us to make it unlawful to discriminate against someone because of their age when providing goods, facilities and services or carrying out public functions.

The new law will ban unjustifiable age discrimination against over-18 year olds. For example, a doctor failing to investigate a health complaint raised by an older person or not providing treatment simply because of their age; or retailers assuming that older people are incapable of signing a contract – for example for a mobile phone or loan – without a younger person present to explain the details.

It will not affect the differential provision of products or services for older people where this is justified – for example free bus passes for over-60s and priority flu vaccinations for over-60s or group holidays for particular age groups or actuarially justifiable age-based treatment in areas such as financial services.

The specifics of the new law will be set out in secondary legislation made under the Equality Bill. We will give service providers time to address the practical and organisational issues that are likely to arise. For example, in mental health and social care, research suggests that there are extensive differences in treatment between age groups. We recognise that tackling this is likely to be a long-term challenge and non-legislative measures are already making a difference. We will start straight away on work to improve our understanding of the impact on different sectors and we will make provision to be able to bring the new law into force more quickly in those sectors which will be ready to comply with the law earlier than others. The inclusion of age in the new public sector Equality Duty will help public bodies to prepare for the ban. The Equality and Human Rights Commission will also help those service providers affected prepare for the introduction of the new law.

We will start to consult interested parties on how to make the new law effective – including health and social care providers, the financial services sector and others in the public and private sectors as well as organisations representing people who experience age discrimination. We have already established a working group to help us understand where age discrimination exists in the provision of financial services and the possible impact of legislation in this area. We want to make sure we only outlaw unjustified discrimination without unintentionally stopping things that are beneficial to particular age groups. In the light of these discussions, we will set out a timetable for further public consultation and introduction of the new age discrimination ban.

Chapter 3:

Requiring transparency

The Government has national targets to reduce the gender pay gap and the ethnic minority and disability employment gaps. But to tackle inequality, we must be able to see it.

We know that across the country as a whole, there is a full-time pay gap between men and women of 12.6%; if you are from an ethnic minority you are a fifth less likely to find work than if you are white; and if you are disabled you are two and a half times more likely to be out of work. But we do not know what the picture is by workplace.

Transparency will highlight areas where we need to make progress. We will:

- ensure public sector employers publish clear information about their progress on important equality issues.
- improve transparency in the private sector through public sector purchasing.
- ban secrecy clauses which prevent people discussing their own pay.
- work with the Equality and Human Rights Commission and businesses to improve equality practice.

We believe these measures will deliver improvements, but we will work with business, the Equality and Human Rights Commission and others to monitor the situation. We will 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.

Delivering transparency in the public sector

Public authorities are under legal equality duties on race, disability and gender but there is no clear mechanism for identifying progress on these duties. That means the public cannot hold public authorities to account for their performance on addressing discrimination and promoting equality. We want to make progress in areas such as closing the gender pay gap, so we need more transparency on how the public sector is performing.

The new expanded single public sector duty will make our public bodies more transparent without putting an undue administrative burden on them.

We want public bodies to report on important equality areas such as:

- gender pay;
- ethnic minority employment; and
- disability employment.

This transparency will enable us to see progress year by year within a public authority and to:

- see which authorities are making progress and learn lessons from them;
- identify which authorities are lagging behind; and
- allow comparisons between similar authorities.

The following tables show workforce diversity figures and the gender pay gap in various Government departments.¹

The ‘gender pay gap’ – representing the difference between male and female pay

Government Department	Gender pay gap
Government Equalities Office	-4%
Department for Work and Pensions	7%
Communities and Local Government	8%
Department for Education and Skills (former)	10%
Department for Culture, Media and Sport	16%
Department for Environment, Food and Rural Affairs	17%
Department for Transport	21%
HM Treasury	26%

(A higher figure means a larger gap between male and female pay, with male pay being higher.)

The proportion of black and minority ethnic (BME) staff

Government Department	BME Staff
HM Treasury	19%
Department for Education and Skills (former)	13%
Department for Culture, Media and Sport	12%
Government Equalities Office	12%
Department for Work and Pensions	10%
Communities and Local Government	9%
Department for Environment, Food and Rural Affairs	8%
Department for Transport	6%

¹ Notes:

1. The reference point for the data is 30 September 2006.
2. The gender pay gap data is based on ‘mandate returns’ from Departments to the Office for National Statistics.
3. Figures on cross-departmental gender pay gaps have been calculated by dividing the difference between median male and female salaries, by the median male salary. Median salaries are based on the annual, ‘full-time equivalent’ salaries of permanent employees. This is consistent with the Office for National Statistics’ methodology for calculating the headline gender pay gap using the Annual Survey of Hourly Earnings. The methodology captures both drivers of the gender pay gap, being (a) differences in pay for work of equal value between the sexes and (b) the disproportionate concentration of women in lower paid jobs. When we just look at the issue of pay for work of equal value the gender pay gap is between 2% to 6%, meaning that the main driver of gender pay differences within the Civil Service is that there are greater numbers of women, than men, at the lower responsibility levels.
4. Figures include agencies of Departments, with the following exceptions:
 - The gender pay gap figure for CLG excludes the QEII Conference Centre and the Fire Service College.
 - The gender pay gap figure for DWP excludes the Health and Safety Executive and the Rent Service.
 - The gender pay gap figure for DEFRA excludes the Rural Payments Agency.
 - The gender pay gap figure for DfT excludes the Office of the Rail Regulator, Maritime and Coastguard Agency, Government Car and Despatch Agency.
5. The percentage of black and minority ethnic (BME) employees is shown as a proportion of those with known ethnic origin. Ethnic origin is not known for around 21% of employees.
6. The percentage of disabled employees is calculated by dividing the number of people who are declared disabled by the number of all employees.
7. The percentages of BME employees and disabled employees are based on headcount data.

The proportion of staff who are disabled

Government Department	Disabled Staff
Department for Environment, Food and Rural Affairs	6%
Department for Education and Skills (former)	6%
Department for Transport	6%
Department for Work and Pensions	5%
Communities and Local Government	3%
HM Treasury	3%
Department for Culture, Media and Sport	3%
Government Equalities Office	Under review

Source: Government Equalities Office calculations based on 'Civil Service Employment Statistics 2006'² and Office for National Statistics data.

We are doing further work before putting forward proposals for exactly what information public bodies should be required to publish, and which public bodies should be listed in the legislation as subject to these requirements, and we will consult on this later. The Scottish Executive and the Welsh Assembly Government will decide on the requirements for Scottish and Welsh public bodies.

Delivering transparency in the private sector

Our public policy commitment to promoting equality is underpinned by targets to reduce the gender pay gap and the ethnic minority and disability employment gaps. The Equality Duty will require public bodies to help us deliver these targets, but we will not be able to meet the targets unless we also see progress in the private sector: 80% of people are employed in the private sector and the gender pay gap is double what it is in the public sector. We can drive progress in the private sector in a number of ways, including using the spending power of the public sector to deliver greater transparency in the private sector and working with business to improve practice on equality issues.

² <http://www.statistics.gov.uk/StatBase/Product.asp?vink=2899&Pos=&Co/Rank=1&Rank=422>

Public sector procurement

The Equality Duty on the public sector applies to public bodies as purchasers of goods and services, so public bodies are already required to tackle discrimination and promote equality through their procurement activity.

The public sector spends £160 billion every year on purchasing goods and services from the private sector. 30% of British companies are contracted by the public sector. The Government recently set out how social outcomes can be delivered through public sector purchasing³.

Under the existing public sector equality duties, public bodies already have to consider how to promote race, disability and gender equality through their procurement functions. Some public bodies are already complying with the duties by, for example, asking potential contractors what percentage of their staff are from ethnic minority communities.

The new Equality Duty will clarify and strengthen the existing requirements and give a greater focus on increasing transparency. We are looking at how to help public bodies comply with the duty more effectively, through legislative and non-legislative mechanisms, to encourage greater transparency among private sector contractors to contribute to the delivery of our equality targets.

Banning secrecy clauses about discussing pay

We are committed to closing the gender pay gap and for the first time we have a Government target to reduce it.

Without transparency, it is difficult to see where unequal pay exists. It means that firms and employees are less likely to discuss their pay and tackle any pay inequality. That means

³ Buy and Make a Difference – How to address Social Issues in Public Procurement (Office of Government Commerce) (http://www.ogc.gov.uk/documents/Social_Issues_in_Public_Procurement.pdf)

that women – and other groups – find it more difficult to challenge employers who unfairly and unlawfully pay them less.

One of the obstacles to transparency is pay secrecy clauses.

According to research carried out by the former Equal Opportunities Commission in 2004, 22% of employers did not permit employees to share pay information with their colleagues, and women were more likely than men to be in the dark about colleagues' pay.

The Equality Bill will outlaw pay secrecy clauses and make it unlawful to stop employees discussing their pay. This does not mean that people will be compelled to disclose their pay details. But in situations where colleagues work closely together, on similar work, but are paid different rates or have different packages, it is right that they should be able to compare if they want.

Equal pay job evaluation audits

An equal pay job evaluation audit is a systematic examination of how women and men are rewarded as employees in an organisation, to expose any gender pay gap. The Civil Service has been conducting equal pay job evaluation audits since 2003 and some private sector companies have voluntarily carried them out, with mixed results. We want to examine in more detail the impact that equal pay job evaluation audits have.

We will work with the CBI, unions and others to gather evidence on the effectiveness of equal pay job evaluation audits in narrowing the pay gap and spreading best practice.

Sector inquiries

The level of inequality varies between different sectors of our economy. For example:

- In the financial sector, which employs over 1 million people, the gender pay gap is 41.5% compared to the national figure of 12.6%.

Even in sectors which benefit significantly from large Government contracts and large amounts of public money, inequalities remain. For example:

- In the construction industry, 2.5% of workers are from ethnic minorities, whereas the average for the workforce as a whole is around 8%.

There is an important role for the Equality and Human Rights Commission to play in highlighting these persistent inequalities in different sectors of our economy and ensuring the private sector tackles discrimination and promotes equality.

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

An equality “kite-mark”

We expect to see greater openness on equality issues in the private sector. Many businesses, of all sizes, want to be able to demonstrate their equality credentials because they recognise that this information is of interest to shareholders, potential investors, customers, the media, their existing workforce and prospective employees.

We will work with business, the Equality and Human Rights Commission and others to develop a “kite-mark” scheme for employers who are transparent about reporting their progress on equality. This was one of the recommendations of the Business Commission on Race Equality in the Workplace⁴.

Businesses increasingly recognise the advantages they can gain from improving their performance on equality, so that they can attract and retain talent from the widest possible pool and tap into new markets. We therefore expect that performance on equality will increasingly be a matter which companies choose to report to their shareholders and stakeholders.

We are confident that business will want to make progress in this area, and that this will lead to the delivery of improved equality outcomes. We will 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.

⁴ The Business Commission on Race Equality in the Workplace: a report by the National Employment Panel, October 2007 (<http://www.dwp.gov.uk/ndpb/nep-pdfs/BusCommissionReport.pdf>)

Chapter 4:

Positive action to open up opportunities

To end inequality you have to take positive action to redress disadvantage as well as tackle discrimination. Positive action means that, all other things being equal, you can take steps to recruit under-represented groups to your organisations or develop talent within under-represented groups in your workforce.

Such measures are permissive and include job advertising and training. Specific examples of positive action initiatives currently in are:

Leeds Mental Health Teaching NHS Trust provides a mentoring scheme for ethnic minority staff.

The University of Oxford has developed Career Development Fellowship schemes for women and candidates from ethnic minority groups who are under-represented in applications for academic posts.

While employers can currently target a particular group with job adverts, training or mentoring schemes, the law does not allow an employer to take under-representation into account when it comes to choosing between two equally qualified candidates. This is problematic for organisations like the police who want to increase the number of ethnic minority police officers. For example, if a Chief Constable wants their force to be more representative of the local community, it would be unlawful to introduce a recruitment policy stating that where two candidates for a job are equally qualified, under-representation could be used to decide between them.

Widening the scope of positive action will make a difference because it will increase opportunities for people from under-represented groups. There is clear evidence that certain groups, for whatever reasons, do not get the same opportunities as others – despite having equivalent educational qualifications.

- There is only one High Court Judge from an ethnic minority
- Only 8% of University Vice Chancellors are women
- Only 11% of Directors in the UK's top 100 companies are women
- Not a single Member of Parliament is an Asian woman

The Bill will extend positive action so that employers can take under-representation into account when selecting between two equally qualified candidates.

Under the Equality Bill, employers will have greater freedom to “fast-track” or select recruits from under-represented groups, as long as they are equally suitable and there is no fixed rule that this must be done in all cases. The new positive action measures will be available to all employers to use on a voluntary basis. They are not about employment quotas and will not allow people to promote one candidate above another if that person is less suitable. They can be used in all types of organisations from businesses, to local authorities through to bodies such as police services. This will allow employers to recruit more people from groups that are currently under-represented in their workforce, so that their workforce in turn better reflects the local community.

The CBI, TUC and Equality and Human Rights Commission support positive action. There are clear benefits of workforce diversity in an increasingly diverse society – in attracting new business, understanding customers' needs and filling skills gaps.

The Equality and Human Rights Commission will publish clear, user-friendly guidance on the new measures to illustrate the range of actions which employers and service providers will be able to take, if they wish to do so.

Political candidates

It is important to ensure that Parliament and our other democratic institutions properly reflect the make-up of our society, including women as well as men and people from ethnic minorities. Of course, all our MPs represent the whole community in their constituencies, but having more representative elected bodies ensures that our political institutions better understand and reflect the society they serve.

All-women shortlists for selection of parliamentary candidates have been extremely successful. The number of women MPs rose from 60 in 1992, to 128 in 2005. But this still only amounts to just over 19% of MPs despite women making up 51% of the population.

The Bill will extend the use of women-only shortlists, which are due to expire in 2015, to 2030.

We must also increase the number of black, Asian and ethnic minority MPs in the House of Commons. According to a recently published report by Operation Black Vote, commissioned by the Government Equalities Office, on achieving better representation for black and ethnic minority communities, only 15 of 643 MPs are from those communities. There is a democratic imperative to make the House of Commons more representative.

Operation Black Vote's report made a valuable contribution to the debate, and suggested legislative and non-legislative ways forward.

We have decided not to legislate at this stage to allow for all-ethnic minority shortlists, as there is not a consensus – including among black and Asian MPs – that this is the best approach.

We will take forward non-legislative measures to increase black and ethnic minority representation. We have set up a Taskforce to encourage more ethnic minority women to become councillors.

The taskforce will make the role of councillors more widely known and better understood; increase awareness and build confidence and skills; reach out into communities to encourage women to step forward to become local councillors; identify and tackle barriers within political parties; and reduce disadvantage and stereotyping from within and outside their communities.

The Speaker agreed, at the Prime Minister's suggestion, to call a Speaker's Conference 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. The Speaker's Conference and the taskforce will play a vital role in making progress in these areas.

Public Appointments

The Government is committed to working to ensure that public appointments take into account the diversity of the population, while also maintaining the principle of selection on merit. We have made some progress in the last ten years in increasing the number of public appointees who are women, disabled or from ethnic minority communities. We also welcome the efforts of the Commissioner for Public Appointments and individual Departments to promote diversity and we will continue to work with them. **In particular, we will consider with the Commissioner whether a specific power to encourage diversity for appointments within her remit would assist her in this task.**

Chapter 5:

Strengthened enforcement

Strong and effective enforcement is necessary to make a reality of legal rights.

At present the individual who has experienced discrimination shoulders the considerable financial and emotional burdens of bringing a claim.

We know that much discrimination arises as a result of institutional policies and practices, many of which have been in place for years and are part of an organisation's culture. Tackling this behaviour requires a systemic approach.

Recommendations by employment tribunals

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.

Currently tribunals can make recommendations where an employer has been found to have discriminated, but only if they directly benefit the person who has been discriminated against. However, as around 70% of employees involved in discrimination cases leave the organisation, this ties the hands of tribunals.

Allowing a tribunal to make a wider recommendation will mean that for example, where a female employee had left her employer because of discrimination, and had subsequently won the case, the tribunal could recommend that the employer should introduce an equal opportunities policy, or review its policies on pay.

This would not benefit the woman who had left; but it would benefit women still in the workforce. And it would also benefit the employer, who would be less vulnerable to future claims. If the employer did not comply and a further claim was made, the tribunal would be able to take the earlier recommendation into account when considering the case, and this could result in a tougher ruling.

This wider recommendation power will encourage better employment practice and should help reduce the number of race, sex, disability and other types of discrimination claims at the employment tribunal. We will also explore how we can ensure employers learn from tribunal judgments by looking to spread learning from individual cases in a systematic way. These measures will help achieve a shift in corporate culture – providing more of an incentive than a punishment, and helping employers as well as employees.

Multiple discrimination

Currently, people can only bring a claim that someone has treated them unfairly because of one particular characteristic, for example their race, sexual orientation or gender. However, there are situations where people are discriminated against because of a particular combination of characteristics. For example, a black woman may suffer prejudice or harassment that is not faced by a black man or a white woman.

We want to allow discrimination claims to be brought on combined multiple grounds. This is a very complex area and we are exploring this further, including how the legislation would work in practice and what the costs and benefits would be.

Trade Union Equality Representatives

Workplace equality representatives play a supportive role for individuals in the workforce. They look at a range of issues which are of concern to employees, including flexible

working, equal pay, discrimination and harassment. Equality representatives contribute to the delivery of key Government public policy objectives, including tackling child poverty where one of the ways to do this is to ensure that parents of children with a disability or lone parents can be supported to remain in work and be better off.

This is why the Government is supporting the development of the trade union equality representative's role in various ways:

- We have sponsored fifteen pilot projects through the Union Modernisation Fund, which is providing about £1.5m to help develop a union infrastructure to support the workplace activities of equality representatives – for example through training and development.
- We held an event on 24 June 2008 with equality representatives and the unions to highlight the good work already being done by equality representatives and to identify any learning points which other equality representatives can use as their roles become more established within their organisations.

We will support trade union equality representatives in their roles by building on these initiatives. We will review and report on what the pilot projects have delivered by next year, with a view to next steps.

Representative actions

Currently, individuals who have been discriminated against have to shoulder the burden of bringing a claim. This carries financial, and emotional costs, as well as reputational risk. However, some discrimination is systemic and a number of employees may face the same kind of unfair treatment.

Representative actions would enable bodies such as trade unions or the Equality and Human Rights Commission to take cases to court on behalf of a group of individuals as a single claim.

As these actions would be a new departure for Great Britain, the Civil Justice Council – an advisory body on civil justice issues – is in the process of gathering evidence on the case for introducing representative actions. The Civil Justice Council is aware of the strong response to the Discrimination Law Review proposing this measure and will be drafting findings and recommendations, following a final stakeholder event. Members of the public and interested parties can contribute to the debate by emailing the Civil Justice Council at: cjc@judiciary.gsi.gov.uk or by post to: Civil Justice Council, Room E214, Royal Courts of Justice, Strand, London, WC2A 2LL. The Civil Justice Council expects to submit formal advice to the Lord Chancellor by the end of July 2008.

In the light of the Civil Justice Council's recommendations, we will consider the case for introducing representative actions in discrimination cases and will consult on any proposals for reform.

Chapter 6:

Next steps towards The Equality Bill

We have set out an ambitious programme of legislative measures for the Equality Bill. Over the coming months, we will be working on getting the Bill ready for introduction in the next parliamentary session. We will also be taking forward a range of work needed to support the new legislation. In particular, we will be:

- Working with other government departments, the Equality and Human Rights Commission and a range of public authorities to develop the specific duties which will underpin effective performance of the general public sector Equality Duty.
- Working with stakeholders including business, health and social care interests and the financial service sector to take forward work to end age discrimination, including the development of detailed proposals for the prohibition of unjustifiable discrimination on grounds of age in goods, facilities, services and public functions.
- Working with the Office for Government Commerce and other Departments to develop ways of improving how public bodies use their purchasing power to support the delivery of equality outcomes.
- Working with the CBI and other business representatives, trades unions and the Equality and Human Rights Commission to develop proposals for improving reporting and performance on equality issues in the business community.

We will publish a detailed paper on the content of the Equality Bill, setting out the Government's response to the consultation we carried out last year, *'Discrimination Law Review; A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain'*, shortly.

Alternative formats:

We will consider any requests for alternative formats that may be required. Please send your request to:

Kate Richardson
Government Equalities Office
Zone J9 5th Floor
Eland House
Bressenden Place
London SW1A 2HQ

Telephone 020 7944 0640

The document can be accessed on line at www.equalities.gov.uk



Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone Fax & E-Mail

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries 0870 600 5522
Order through the Parliamentary Hotline Lo-Call 0845 7 023474
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone: 0870 240 3701

TSO Shops

16 Arthur Street, Belfast BT1 4GD
028 9023 8451 Fax 028 9023 5401
71 Lothian Road, Edinburgh EH3 9AZ
0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,
London SW1A 2JX

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-174312-9

