



# Equality Bill Committee Stage Report

**Bill No 131 of 2008-09**

**RESEARCH PAPER 09/83** 13 November 2009

This is a report on the House of Commons Committee Stage of the *Equality Bill*. It complements and may be read in conjunction with the Library research paper [RP 09/42](#) on the Bill which was prepared for Second Reading in Commons.

The Bill was introduced into the House of Commons on 24 April 2009. It had its Second Reading in the House of Commons on 11 May 2009.

The Bill was amended in Committee and new clauses were added, in particular a clause providing for “dual discrimination” based on a combination of two of the protected characteristics covered by the Bill. The amendments made were largely technical, such as to correct drafting errors and omissions.

Legislation to outlaw discrimination has existed for over 40 years. Typically, new Acts have had as their focus one area of policy, for example, pay, equal treatment of women, race discrimination etc. Almost inevitably, the body of current law, introduced piece meal over such a long period, has developed inconsistencies of both content and approach. As well as introducing new requirements one of the main aims of this Bill is to harmonise existing law into a more coherent whole.

Vincent Keter

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## Research Paper 09/83

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## **Contents**

<b>1</b>	<b>Second Reading Debate</b>	<b>3</b>
1.1	Overview	3
1.2	Socio-economic duty	6
1.3	Gender pay and transparency	7
1.4	Age discrimination	9
1.5	Caste discrimination	10
<b>2</b>	<b>Committee Stage</b>	<b>10</b>
2.1	Sittings	11
2.2	Changes made in Committee	11
	Amendments to existing clauses	11
	New clauses	13
	Possible further changes	14
2.3	Issues raised in Committee	15
<b>3</b>	<b>Key documents (updated)</b>	<b>27</b>
	<b>Appendix 1: Members of the Public Bill Committee</b>	<b>29</b>
	<b>Appendix 2: Evidence</b>	<b>30</b>
	Witnesses	30
	Written Evidence	30



## Summary

**Amendments to the Bill have changed the numbering of its clauses. In this paper, square brackets are used to indicate these changes. For example, where there is a reference to clause X [now Y], X is the number of the clause in the Bill as first published, and debated in Committee. Y is the number of the clause as it now appears in the amended Bill.**

An electronic version of this paper is available on the Parliament website with embedded links to relevant documents and debates. Versions of the Bill and explanatory notes can also be downloaded from the Parliament website which also gives links to debates, proceedings and transcripts of evidence: <http://services.parliament.uk/bills/2008-09/equality.html>

A carry-over motion was passed on 13 May 2009 “that if, at the conclusion of this Session of Parliament, proceedings on the Equality Bill have not been completed, they shall be resumed in the next Session”.<sup>1</sup>

A large body of written evidence was submitted to the Public Bill Committee from a wide range of individuals and organisations representing a diversity of concerns and interests. The Committee sat for 20 sessions. Most of the first four sessions were taken up by the 28 witnesses who appeared before the Committee to give evidence. Evidence included written and witness evidence from the Equality and Human Rights Commission (EHRC).

The need for simplification and harmonisation arises out of an uneven process of legislative development stretching back over 40 years. This has met with growing calls for a framework that capitalises on similarities in the basic concepts that have nevertheless generated differing legislative wording, whilst maintaining the necessary differences in terms of the interests concerned. The Bill groups these together as ‘protected characteristics’ sharing common as well as special provisions and exceptions. These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The significant provisions on age would extend discrimination protection outside the workplace. The Government has published a consultation on the detail of how this might work, particularly in the areas of financial services and health and social care. The provisions will not extend to those under the age of 18. The Bill also preserves the permission for mandatory retirement after a certain age in contracts of employment, an issue which was the subject of unsuccessful legal challenge. Since the conclusion of the Committee Stage the final decision by the High Court in that case (generally referred to as the “Heyday case”) has been delivered.<sup>2</sup>

In the field of disability, the Bill seeks to address the outcome of *London Borough of Lewisham LBC v Malcolm* which is of fundamental significance for disability rights. The case is generally seen as having weakened discrimination protection. The Equality and Human Rights Commission is critical of the Bill’s proposals which rely on the concept of ‘indirect discrimination’.

The Bill’s wording of direct discrimination provisions reflects the outcome of another important disability discrimination case: *Coleman v Attridge Law*. This case clarified that

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<sup>1</sup> HC Deb 11 May 2009 c 655; motion passed in a deferred division on 13 May 2009

<sup>2</sup> *Age UK, R (on the application of) v Attorney General [2009] EWHC 2336 (Admin)* (25 September 2009); see also: Age Concern press release, *Forced retirement is lawful - but only because of Government climb-down (25.09.09)*

disability discrimination protection extended by association to a mother who cared for her disabled child. The Bill accordingly clarifies protection against discrimination by association.

Some of the Bill's provisions address different requirements that apply in disabled access to transport. There are also provisions affecting schools and further and higher education institutions. For example, protection from discrimination on the grounds of gender reassignment is extended to school pupils in the Bill.

There are also new specific protections for mothers who are breast-feeding. Discrimination in the terms of membership and benefits for private clubs and associations is prohibited by the Bill with some exceptions.

Harmonised provisions defining indirect discrimination covering all protected characteristics would, if enacted, simplify the current position in race discrimination legislation.

The Bill's unified public sector duty, intended to promote equality in public policy and decision-making, is extended to the protected characteristics of sexual orientation, age and religion or belief. There are also specific provisions intended to assist the use of public sector procurement as a technique to positively impact inequalities in the private sector. A new public sector duty is proposed addressed to socio-economic inequalities.

The current legislation addressed to sex discrimination follows two distinct legislative models which are preserved in the Bill. Separate provisions cover equal pay and terms and conditions of employment. Many would like to see a more fundamental reform of sex discrimination in equal pay legislation in light of the difficulties and complexities generated in legal claims for equal pay. This might involve the possibility of collective legal actions.

The Bill contains a power to introduce legislation requiring that employers review gender pay differences within their organisations and publish the results. These moves have been criticised by business interests. The detail of how these requirements will operate is currently being investigated by the EHRC which has been asked by the Government to report by 2013.

New provisions were added to the Bill in Committee, further to the Government having indicated its intention to provide for "multiple discrimination" protection for claims based on multiple combined protected characteristics.

The Bill extends the permission for positive action in favour of disadvantaged groups in employment to include recruitment and promotion.

Some changes are made to the way that individual claims are enforced, such measures allowing cases to be consolidated between courts and tribunals. Employment tribunals are also given wider powers to make recommendations for the collective benefit of employees.

The Bill would allow a Minister to amend UK equality legislation to comply with European law without the need for primary legislation.

The Bill extends the period for which all-women shortlists may be used for Parliamentary and other elections until 2030 and will also allow parties to reserve places on shortlists of candidates for people on the grounds of race or disability. Shortlists comprised solely of people selected on these grounds will not be allowed.

Territorial extent: the Bill will form part of the law of England and Wales. It also, with one exception, will form part of the law of Scotland. There are also a few provisions which will form part of the law of Northern Ireland.

# 1 Second Reading Debate

## 1.1 Overview

The Second Reading debate revealed that many of the Bill's aims, such as the general approach of harmonising discrimination legislation in a single statute, enjoy broad cross-party support. Various aspects of the Bill were nevertheless opposed and further measures were called for. The Conservatives did not support the Bill at Second Reading.

Harriet Harman on behalf of the Government introduced the main motivations behind the Bill:

For us, equality matters because it is right as a question of principle, and it is necessary as a matter of practice. It is essential for every individual. Everyone has the right to be treated fairly, and everyone should enjoy the opportunity to fulfil their potential. No one should suffer the indignity of discrimination—to be told, “You're old, so you're past it,” to be overlooked because of a disability, to be excluded because of the colour of their skin, to face harassment because they are gay, or to be paid unfairly because they are a woman.

Equality is not just the birthright of every individual, but necessary for the economy: a competitive economy is one that draws on everyone's talents and abilities and is not blinkered by prejudice. It is also necessary for society: a more equal society is more cohesive and at ease with itself than one marred by prejudice and discrimination. So this Labour Government are, like other Labour Governments before us, a champion of equality.

The Bill is not about turning back the clock—quite the opposite. It is looking to the future. It is backward societies that are marred by discrimination against lesbians and gay men, where women are expected to know their place and which are bound by rigid hierarchies. It is the modern and open society that can look to the future with confidence.

The point about a meritocracy is that only if we have fairness and equality will people really be considered on their individual merits, free from discrimination and unfairness. So this is not an argument against a meritocracy—quite the reverse: fairness and equality are necessary to underpin a meritocracy.<sup>3</sup>

The Conservatives opposed Second Reading of the Bill and moved the following motion:

**Mrs. Theresa May (Maidenhead) (Con):** I beg to move,

That this House declines to give a Second Reading to the Equality Bill because it fails to address the root causes of the reduction in social mobility in recent years, fails to address the disability pay gap, especially in the Civil Service, gives employment tribunals too many powers in areas where they are not best placed to judge, contains disproportionate and bureaucratic proposals on the gender pay gap which will impose unnecessary costs on business whilst failing to solve the problem, fails to implement proposals on compulsory pay audits for those organisations which are found guilty of discrimination by an employment tribunal, gives Ministers the power to amend the Act by order instead of leaving this to Parliament, and allows discrimination in recruitment and promotion decisions.

I thank the Minister for Women and Equality for bringing this Bill before the House, and we look forward to debating it with her and other hon. Members during the coming weeks and months. Indeed, I am tempted to say that this Bill has been so long in the making that I am sure I am not alone in the feeling of déjà vu that I have in speaking about it today.

I absolutely believe that fairness and equality of opportunity should be rights of every single individual in this country. Discrimination, unfair treatment and imposed disadvantage are wrong, and as politicians we should strive to stamp them out. However, the Bill and the Minister's speech have made it clear that we come at this issue from different perspectives, and that is why we have tabled our amendment today, on which I shall comment in detail later.

In the four years since the Government first pledged to introduce an Equality Bill in their 2005 manifesto, we have had false starts, empty announcements and more delays than I care to remember, so all credit to the Minister for having the staying power to stick with it. The Bill must be a labour of love for her and I am sure that hon. Members will agree that we can see her fingerprints over many of the provisions. When the right hon. and learned Lady made a statement to the House explaining the intention of the Bill, I welcomed it. We continue to welcome the fact of the Bill and I am pleased that the Government are using it to consolidate existing legislation and simplify the guidance given to businesses and other organisations. We welcome many parts of the Bill and we will be willing to work with the Government to ensure that they get on to the statute book.

I must confess that I had really high hopes for this Bill, but despite the fact that the Minister has had ample time to hone it to perfection, the overwhelming sense that one gets on reading it is of an enormous missed opportunity. The Government had the opportunity to put together a meaningful and significant piece of legislation with fairness and common sense at its heart, but by including unworkable and overly bureaucratic proposals, they have undermined the benefits of the Bill and caused us to have serious misgivings about its probable outcomes.

We must also address the fact that the environment in which we now find ourselves giving this Bill its Second Reading is vastly different from that in which it was first envisaged four years ago. The country is in deep recession, unemployment is soaring and businesses are struggling to stay afloat. I am on record as having said on many occasions that equality is not just something for the good times, but the Government have shown a complete lack of awareness of the changed conditions. Equality matters whatever the economic climate, but I am sure that Ministers would agree that we should be trying to work with business to develop equality policies that are not unnecessarily onerous or costly. I believe that there are ways we can champion fairness without penalising employers.<sup>4</sup>

The Liberal Democrats supported the Bill but thought that it should go further especially on the subject of equal pay between men and women and should also incorporate an equality guarantee in line with proposals by the EHRC:

**Lynne Featherstone (Hornsey and Wood Green) (LD):** The passion that drives and motivates Liberal Democrats—that beats in our hearts—is our quest for, and commitment to, a fairer and more open and equal world, so we very much welcome the Bill. It was too long in gestation and far too late in arriving but it is very much welcome nevertheless.

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<sup>4</sup> [HC Deb 11 May 2009, cc565-6](#)

Fairness and equality are Liberal Democrat watchwords and we shall support outcomes in the Bill that genuinely further their cause, but where there is weakness or omission we shall challenge and probe and add improvements to deliver even fairer outcomes and even more equality. Our equalities pedigree is well known. Lord Lester, who will lead for us in the other place, has a long and impeccable track record in these matters—basically, he wrote the book. Equalities legislation reflects his pioneering and lifelong commitment to the cause.

Before I turn to the key issues in the Bill, I shall touch on a few overarching matters. We think the Government could have taken a more radical perspective and extended the commitment to equality beyond the Bill, with an overarching equality guarantee. As the Equality and Human Rights Commission said, that would ensure that equality was considered in every action of the state and in every future piece of legislation. Such a guarantee would be radical and would give us a constitutional right to fairness.

It is important to establish what we are trying to achieve through the Bill. How will we measure success? How much inequality will be eradicated? My overall sense is that the Bill does not go far enough and that the length of time it has taken to reach the Floor of the House does not seem adequately reflected in the final product or the urgency to be given to some of the provisions, given the scale of inequality that the Leader of the House briefly outlined.

Women in full-time work are paid 17 per cent. less than men, and 36 per cent. less if they work part-time. A disabled person is two and a half times more likely to be out of work. A person from an ethnic minority is 15.5 per cent. less able to find work. Sixty-two per cent. of over-50s believe they have been turned down for a job because of their age, and six in 10 lesbian or gay schoolchildren experience homophobic bullying. Will the Bill cure those horrific statistics? That must be the measure of how far it can go.

The simplification and unification of our equality laws will help. It will not be a panacea for eradicating inequality but it is a good start. There are 35 Acts, 52 statutory instruments, 13 codes of practice and 16 European directives—only lawyers will get rich from them.

As has been mentioned on both sides of the House, we are in the middle of one of the deepest recessions in history. Legislation does not exist in a vacuum, so we cannot completely ignore the plight of business and the impact of new laws. However, after 10 years of boom, when the Government did not act on equality issues—especially equal pay—it would not be acceptable if there was any weakening of equality legislation. I welcome the Leader of the House's assurance that the delivery of the law will not be affected. I shall argue some of those points when I speak about the gender pay gap.

We are rewriting 40 years of equality law, and it has to be fit for the next 40 years. I encourage the Government to have the courage of their convictions, and to believe their own analysis of the cost-benefits of the new law, which is that there would be a net gain for UK plc within three and a half years. I would like to address some concerns of a general nature. An awful lot of very important things will not be in the Bill. A lot of powers are being left to Ministers, and powers to amend decisions—on, for example, exceptions regarding age discrimination in the provision of goods and services, multiple discrimination and how equal pay should be measured—are being kicked into the long grass.<sup>5</sup>

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<sup>5</sup> [HC Deb 11 May 2009, cc577-8](#)

## 1.2 Socio-economic duty

Harriet Harman referred to the public sector duty in clause 1 to have regard for the need to reduce socio-economic inequality:

We all recognise that discrimination can happen not just because of someone's age, gender or race. It can also be rooted in someone's family background, socio-economic status or class. We know, for example, that less academically able but better-off children overtake more able, poorer children at school by the age of six. We know, too, that although women generally have a longer life expectancy than men, poorer women live less long than richer men.

An important aim of public policy is to reduce the gaps that still exist between rich and poor—to narrow the gap between the top and bottom of our society. Because we believe that to be a public policy imperative, the Bill places a legal duty on public sector organisations with strategic responsibilities—it applies to Ministers and Departments, as well as to health authorities, local councils and regional development agencies—to play their part in narrowing the gap between rich and poor in the strategic decisions that they make. Although there are various public service agreements and targets across government to that effect, the approach has been piecemeal, not comprehensive, as it will be now. We will be assisted in putting that into practice by the excellent work of the national equality panel, chaired by Professor John Hills.<sup>6</sup>

Theresa May for the Conservatives criticised the proposals in the following terms:

The main problem with the Bill is that it has some really good intentions that have been muddled by ill-thought-out and, frankly, unworkable proposals that appear to have been tacked on at the last minute. I refer mainly to part 1, which deals with socio-economic inequalities. I know that this is one of the Minister's favourite projects, but giving people a legal right to a better life will not magic up a better life for them. What the Government need to do, but have so far failed to do and show little sign of doing now, is to tackle the root causes of inequality: family breakdown, poor education, and worklessness. To push the responsibility on to local authorities is to duck the issue, and it will achieve nothing. People's lives will not be changed by the provisions in the Bill, but Ministers will no doubt feel that they have fulfilled their obligations.

Last week's poverty figures showed that the number of adults living in poverty had risen by 800,000 on this Government's watch. Surely the Minister does not believe that the provisions in part 1 will change their lives by making new opportunities available to them and lifting them out of poverty. Sadly, in the past 12 years, this Government have failed to grasp the fundamental truth that just passing a law or setting a target will not change things. It takes more than that, as the 4 million children and 7.5 million adults living in poverty right now can tell them. I hope that the Government intend their forthcoming child poverty Bill to do rather more than this Bill does.<sup>7</sup>

Lynne Featherstone for the Liberal Democrats criticised the socio-economic duty as being "right aim, but the wrong vehicle and the wrong means":

Socio-economic inequality is the deepest and most intractable inequality. That is the one into which we are born, and we have very little chance of changing that. The Liberal Democrats have long argued, in this Chamber and elsewhere, that poverty and inequality are intrinsically linked. In nearly three decades of Thatcherite and new Labour Governments, Britain has steadily become a less equal and less fair society.

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<sup>6</sup> [HC Deb 11 May 2009 c564](#)

<sup>7</sup> [HC Deb 11 May 2009, cc 566-7](#)

Under this Labour Government, rates of social mobility have fallen. A person born into a poor family now is more likely to remain poor throughout their adult life than a person born 30 years ago. Educational chances are almost entirely correlated to social class, which means that children's prospects are set before they even reach school.

The equality gap has widened, and as Ms Polly Toynbee wrote last week:

"in Labour's decade, billionaires' wealth quadrupled and three out of five of them paid no income tax."

Even more importantly, in the five years before the crash, average incomes barely changed, and the poor became poorer. Inequality is at its highest level since records began—and that is under a Labour Government. The Government should have introduced measures to tackle stubborn, worsening inequality 10 years ago, and they should not have done so in a last-minute, throwaway clause, even though it has been put at the start of the Bill. It muddies the water; it has been jumbled into a Bill that was intended to unify, clarify and strengthen existing legislation.

The Government should have made legislative proposals to tackle socio-economic inequality in a Bill of its own, given the vital importance of narrowing the equality gap. It is the right aim, but the wrong vehicle and the wrong means. It is just a very weak measure. In some ways, the proposal in the Bill is no different from saying that when our taxes are spent by public bodies, those bodies should bear in mind whether they are damaging our environment in how they spend those taxes. It makes sense to think about the wider implications of how money should be spent. If we can use it to address and tackle more than one issue, and to achieve more than one goal, that is even better news, as it is more value for money in cash-strapped times, but the way in which the duty is laid out in the Bill is, I fear, simplistic and unfair. Its wording is broad enough to attract controversy, worry, and legal argument, but too weak to have much of a real impact or really address the equality gap, which is widening and damaging to all of us. That is the worst of all words.<sup>8</sup>

### 1.3 Gender pay and transparency

The provisions in the Bill that may lead to new requirements on business to publish information about gender pay disparities within organisations were explained:

**Lyn Brown (West Ham) (Lab):** Will my right hon. and learned Friend assure me that the Bill will finally ban secrecy or gagging clauses, used by firms and companies around the country, that allow and encourage firms to discriminate against women when setting their pay rates?

**Ms Harman:** Yes, I can reassure my hon. Friend that the Bill will do exactly that. A veil of secrecy over pay allows discrimination to flourish. The Bill will change that by means of a power in clause 73 to require employers to make a gender pay report every year. Fair employers have nothing to fear, but unfair employers will have nowhere to hide. Knowledge is power for employees, their unions, consumers, and shareholders. I hope that employers will compete for the reputation of being fair to their women employees. It is not a burdensome requirement; employers know whom they employ, whether their employees are men or women, and what they pay them.

The public sector will lead the way, with the Bill providing a power in clause 147 to require all public sector employers with more than 150 employees to publish annually details of their gender pay gap. However, 80 per cent. of employees are in the private sector, and gender pay discrimination there is even greater. The Equality and Human

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<sup>8</sup> [HC Deb 11 May 2009, c 579](#)

Rights Commission will bring together employers and unions to work out how gender pay reporting will operate in practice. In July this year, it will begin to consult, and it will release the first of its annual reports before the end of this year.

**Lynne Featherstone (Hornsey and Wood Green) (LD):** Does the right hon. and learned Lady not see that if we require the measure to be consulted on in the summer, but the Bill is to go through the House before the summer, it will mean that we will have to agree to something the extent of which we do not know?

**Ms Harman:** No, it will not. We would like to achieve our aim through voluntary action, but if we cannot, we must take a power in the Bill to make sure that we can force companies to be prepared to acknowledge their pay gap. In the first instance, we will ask private sector employers to report without a legal requirement, but because all employers must do so for the system to be fair, we will impose the legal requirement on all employers of more than 250 people in 2013 if sufficient progress on reporting has not been made. We hope that it will not be necessary to do so, but if there has not been sufficient openness, we will use that power.

Transparency is important in itself, and in every workplace where there is a yawning gap between the pay of men and the pay of women, it will spur employers to reflect on their practice and take action to change what they do. As a further measure for openness on gender pay discrimination, the Bill will ban secrecy clauses that prevent employees from discussing their pay with their colleagues, as my hon. Friend the Member for West Ham (Lyn Brown) asked. An estimated one fifth of employers impose secrecy clauses; those clauses will all be banned.<sup>9</sup>

The Conservatives opposed these measures for reasons which were set out as follows:

**Mrs. May:** [...] Equality of opportunity in the workplace is something on which I have campaigned for some time, particularly the gender pay gap. The Conservative party put forward proposals to tackle that gender pay gap more than a year ago, and my colleague in the other place, Baroness Morris of Bolton, has a private Member's Bill in progress. After the comments made in the other place when that Bill was debated, I was hopeful that this Equality Bill would include our proposals to address the gender pay gap, which would mean that we could work with the Government. Sadly, however, the proposals in this Bill are clumsy and ill judged. In four years' time, the Government will have the power to demand that every private sector company with more than 250 employees carries out a compulsory pay audit, regardless of whether or not it has a record of discrimination.

By the way, there is clearly one law for the public sector and another for the private sector. There are no provisions in the Bill that would have a similar effect on public sector bodies, even though the pay gap in the public sector is far from satisfactory. Our own policy, the Conservative party policy, would compel only companies found guilty of discrimination by an employment tribunal to carry out a pay audit—a punishment for those that have offended and a deterrent for those that might. Our proposal is fair and measured; the Government's is heavy-handed and obstinate.

The Leader of the House and Minister for Women said last week:

“Fair employers have nothing to fear but unfair employers have nowhere to hide.”

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<sup>9</sup> [HC Deb 11 May 2009 cc 556-7](#)

I have to say to her that it seems she does not understand her own policy, because her proposals would do exactly the reverse of what she said—fair employers will have to bear just as much cost and inconvenience as unfair employers, and the result will be a bureaucratic nightmare that will set back the equal pay campaign. I think that this proposal shows the Minister's complete lack of empathy for the situation in which many businesses find themselves. Adding another burden that will be costly and time consuming when many are struggling to stay afloat and keep people in jobs at all is completely insensitive. Even the Business Minister, the noble Baroness Vadera, has warned businesses not to be distracted by the Equality Bill, so I suggest that she, too, does not feel entirely comfortable with its proposals.

**Mr. Bellingham:** Surely what my right hon. Friend is saying makes a great deal of sense. What we should do is move towards a system of compulsory pay audits only if the situation does not improve. As she rightly points out, we need to change the culture, and placing oppressive burdens on all businesses at this stage would make no sense at all. Audits should be carried out only on companies that have broken the law.

**Mrs. May:** I entirely agree with my hon. Friend.<sup>10</sup>

The Liberal Democrats criticised the proposals on the grounds that they do not go far enough. Lynne Featherstone said:

I cannot express how disappointed I am with the Government's overly patient approach to equal pay for women. I know that their heart is in the right place, but the idea that business is to be given another four years in which to change its ways is a cop-out. It would seem that the Minister for Women and Equality has forgotten that businesses were given five years to get their house in order after the original Equal Pay Act of 1970. Forty years later, we are about to repeat that same error. How much time do businesses need to get their house in order? I am sorry that the Government have backed away from mandatory pay audits. What the Government propose is not a pay audit at all, but simply a statement of average pay by gender, without any context to make it truly meaningful. My goodness, the Government clearly understand the benefits of openness and transparency, because they rightly seek to end the mystery that shrouds pay by prohibiting firms from issuing gagging orders that require a vow of silence from their staff. However, they fall short of requiring a real pay audit that would evaluate the quality and nature of the work being done and then be published.<sup>11</sup>

#### 1.4 Age discrimination

Concerns were raised about the impact of extending age discrimination prohibition to the field of goods and services. Harriet Harman described the provisions:

The Bill will prohibit such unjustifiable age discrimination in the provision of goods and services. It will mean that an insurance company will not be able to discriminate arbitrarily against older people. We will outlaw the discrimination and unfairness that still persists against older people in social care and in the national health service. My right hon. Friend the Secretary of State for Health has initiated a national review led by the South West strategic health authority to look at how to implement the ban on age discrimination in health and social care, so that we can be sure that, whether treatment for mental illness or back pain is involved, older people get care every bit as good as that for younger people.

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<sup>10</sup> [HC Deb 11 May 2009, cc 567-8](#)

<sup>11</sup> [HC Deb 11 May 2009 cc579-580](#)

As the Bill goes through the House, we will consult on how the measure will be put into practice. The new provision will not prevent the justifiable preferential treatment of older people, such as free bus passes or cheaper ticket prices for pensioners.

**Philip Davies (Shipley) (Con):** As one who opposes all forms of discrimination, I have a lot of sympathy with the right hon. and learned Lady's point about age discrimination. However, will the Bill have any unintended consequences? Saga, for example, provides lots of great services for people over 50. Will its operations have to cease? Lots of older people get cheaper car insurance by virtue of the fact that they are older. Will that now end? There may be unintended consequences.

**Ms Harman:** I am glad that the hon. Gentleman has asked that question, because it gives me the opportunity to reassure older people that justifiable, preferential treatment such as he has described will not be banned—far from it. Unjustifiable treatment and discrimination against older people will, however, be banned under the Bill. I can reassure the hon. Gentleman on the point raised by Saga.<sup>12</sup>

The government consultation on this issue was published in June:

Government Equalities Office *Equality Bill: Making it work. Ending age discrimination in services and public functions. A consultation*, June 2009

The issue of the age discrimination employment provisions in relation to mandatory retirement was raised by David Winnick.<sup>13</sup> The Government confirmed that this is something that is being considered separately in a forthcoming review. This was previously due to take place in 2011 but has been moved forward to 2010.<sup>14</sup> Final judgement in the unsuccessful challenge to this aspect of existing legislation was given in September 2009.<sup>15</sup>

## 1.5 Caste discrimination

This issue was raised by Jeremy Corbyn. The Government does not have any plans to legislate for a specific prohibition;

**Jeremy Corbyn (Islington, North) (Lab):** The Minister will be aware that one of the biggest types of discrimination all around the world is by caste and descent, and that Dalit people suffer appalling discrimination, particularly but not exclusively in India. Is it possible that, under the Bill, such discrimination by caste and descent would be absolutely illegal?

**Ms Harman:** I think that such discrimination is already outwith the law.<sup>16</sup>

## 2 Committee Stage

Links to Public Bill Committee debates and associated memoranda are available online:

<http://www.publications.parliament.uk/pa/cm200809/cmpublic/cmpbequality.htm>

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<sup>12</sup> HC Deb 11 May 2009 c559

<sup>13</sup> HC Deb 11 May 2009, c560

<sup>14</sup> Personnel Today, *Default retirement age review brought forward to 2010*, 13 July 2009

<sup>15</sup> *Age UK, R (on the application of) v Attorney General [2009] EWHC 2336 (Admin)* (25 September 2009); see also: Age Concern press release, *Forced retirement is lawful - but only because of Government climb-down* (25.09.09)

<sup>16</sup> HC Deb 11 May 2009, c652

## 2.1 Sitings

The Committee met in 20 sittings on the following dates:

- [1st sitting](#) (morning) [2nd sitting](#) (afternoon), 2 June 2009
- [3rd sitting](#) (morning) [4th sitting](#) (afternoon), 9 June 2009
- [5th sitting](#) (morning) [6th sitting](#) (afternoon), 11 June 2009
- [7th sitting](#) (morning) [8th sitting](#) (afternoon), 16 June 2009
- [9th sitting](#) (morning) [10th sitting](#) (afternoon), 18 June 2009
- [11th sitting](#) (morning) [12th sitting](#) (afternoon), 23 June 2009
- [13th sitting](#) (morning) [14th sitting](#) (afternoon), 25 June 2009
- [15th sitting](#) (morning) [16th sitting](#) (afternoon), 30 June 2009
- [17th sitting](#) (morning) [18th sitting](#) (afternoon), 2 July 2009
- [19th sitting](#) (morning) [20th sitting](#) (afternoon), 7 July 2009

## 2.2 Changes made in Committee

### ***Amendments to existing clauses***

The following amendments were made to the Bill:

Government amendments 91 - 98 to clause 16 [now 17] concerning **pregnancy and maternity discrimination**; made changes to better reflect settled law that a woman claiming discrimination on these grounds is not required to compare her treatment with a real or hypothetical comparator.<sup>17</sup>

A minor consequential government amendment was made to clause 26 [now 27].<sup>18</sup> A further amendment to Schedule 4 was made to correct a minor drafting error.<sup>19</sup>

Government amendments 62 and 63 were made to clause 51[now 52] concerning **discrimination by qualifications bodies** without debate. The amendments were to “*correct a minor drafting error*” by inserting the word “relevant” before “qualification”.<sup>20</sup>

Government amendments 226 – 229 and 64 were made to clauses 52 [now 53] and 53 [now 54] intended to maintain the effect of existing law under the DDA whereby those providing certain **employment services** are subject to the **anticipatory duty to make reasonable adjustments**; and regardless of the manner in which those services are provided.<sup>21</sup>

Government amendments 65, 66 and 89 were made without debate to clarify that a “*non-discrimination rule does not apply in relation to pension credit members of an occupational*

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<sup>17</sup> PBC Deb (Equality Bill), 16 June 2009, cc277-282

<sup>18</sup> PBC Deb (Equality Bill), 18 June 2009, c335

<sup>19</sup> PBC Deb (Equality Bill), 18 June 2009, c368

<sup>20</sup> PBC Deb (Equality Bill), 18 June 2009, c380

<sup>21</sup> PBC Deb (Equality Bill), 18 June 2009, cc380-381

*pension scheme*". Disabled pension credit members will be "protected from discrimination in so far as communications in relation to the scheme".<sup>22</sup>

Government amendment 67 was made without debate, excluding certain security and intelligence service personnel from the **gender pay gap information** requirements in clause 73. [now 75]<sup>23</sup>

Government amendments 69 – 74 were made described as relating to minor drafting oversights. They mainly concerned the liabilities of **employment service providers** such as the application of **occupational requirement** provisions.<sup>24</sup>

Government amendment 75 made corrections in relation to **educational qualifications** similar to those made by amendments 62 and 63 (see above).<sup>25</sup>

Government amendments 79 and 80 concerned **reasonable adjustments by associations** expanded "*the scope of the duty on associations to make reasonable adjustments so that the duty applies in relation to prospective members and guests. The omission of provision to that effect from the Bill on introduction was an oversight*".<sup>26</sup>

Government amendment 81 to clause 130 [now 132] concerning the **burden of proof** in discrimination claims was intended to correct a minor drafting error.<sup>27</sup>

Government amendments 82 and 83 concerned possible attempts to **contract out** of a provision of the Bill (which will be unenforceable) and extended this to cover all provisions made under the Bill.<sup>28</sup>

Government amendment 282 was made exempting those who perform **judicial functions** from the **public sector equality duty** in clause 143 [now 145]. This was described as a minor correction, although it drew some questions from the opposition.<sup>29</sup> Further and consequential amendments 283 – 285 were made such that decisions to prosecute would be covered by the duty in clause 143 [now 145].<sup>30</sup>

Government amendments 84 – 86 ensured that only a Minister of the Crown may impose **specific duties on the National Assembly for Wales Commission**.<sup>31</sup>

Government amendment 286 corrected an error (with consequential amendment 293). This concerned clause 157 [now 159] (**exemption from taxi accessibility regulations**) and ensured that the clause would only apply in England and Wales.<sup>32</sup>

Government amendments 287 and 288 concerned **lists of wheelchair accessible vehicles** and restricted "*the application of clauses 158 [now 160], 160 to 162 [now 162 to 164], as regards Scotland, to vehicles used under special licences within the meaning of section 12 of*

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<sup>22</sup> PBC Deb (Equality Bill), 18 June 2009, [c383](#); [2 July 2009 c687](#)

<sup>23</sup> [PBC Deb \(Equality Bill\), 23 June 2009, c420](#)

<sup>24</sup> PBC Deb (Equality Bill), 23 June 2009, [cc458](#); and [464](#)

<sup>25</sup> [PBC Deb \(Equality Bill\), 23 June 2009, cc478](#)

<sup>26</sup> [PBC Deb \(Equality Bill\), 25 June 2009, cc493-4](#)

<sup>27</sup> [PBC Deb \(Equality Bill\), 25 June 2009, c515](#)

<sup>28</sup> [PBC Deb \(Equality Bill\), 25 June 2009, c516](#)

<sup>29</sup> [PBC Deb \(Equality Bill\), 30 June 2009, cc581-4](#)

<sup>30</sup> [PBC Deb \(Equality Bill\), 30 June 2009, c592](#)

<sup>31</sup> [PBC Deb \(Equality Bill\), 30 June 2009, c600](#)

<sup>32</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c621](#)

*the Transport Act 1985: that is, “taxibuses” and “PHV buses”.* Amendments 289 – 292 made separate provision in Scotland for appeals against licensing decisions.<sup>33</sup>

Government amendment 87 corrected a drafting error cross reference.<sup>34</sup>

Government amendment 88 corrected a drafting omission in relation to further and higher education in Scotland.<sup>35</sup>

Government amendment 90 to clause 199 [now 201] (and consequential amendments 78 and 60) concerned general interpretation, clarifying *“that a provision specifying when a particular part of the Bill, or Chapter of a Part, does or does not apply is not to be regarded as an express exception”*.<sup>36</sup>

### **New clauses**

Government new clause 5 concerned **trustees and managers of occupational pension schemes** and was added without debate. The explanatory statement for this was as follows:<sup>37</sup>

This amendment would ensure that trustees and managers of occupational pension schemes have power to amend scheme documentation so that it conforms to the provisions of the scheme as they have effect after the operation of the non-discrimination rule.

Government new clause 26 – **Combined discrimination: dual characteristics**, was added with associated amendment 294 providing that orders made under the new clause be subject to the affirmative procedure.<sup>38</sup> Background to the relevant issues is given in Library research paper: [RP 09/42 Equality Bill](#), 7 May 2009, pages 21-23. The minister explained the new clause as follows:

**The Solicitor-General:** New clause 26 will provide protection from discrimination due to a combination of two protected characteristics—I will call that dual discrimination. It will enable someone who has been treated less favourably because of a combination of two protected characteristics to bring a claim and secure a remedy.

We know that some people may experience discrimination because of a combination of protected characteristics over which they have no control, and that they have no protection in that situation. For example, a black woman or man of a particular religion may face discrimination because of stereotyped attitudes to that combination. It is difficult, complicated and sometimes impossible to get a legal remedy in those cases, because the law requires them to separate out their different characteristics and bring separate claims. That means, for example, a black woman who is discriminated against having to pick what she thinks is the likelier reason. Should she bring a claim for race discrimination and then one for sex discrimination? She might not succeed in either if the employer can show that black men and white women are not treated the same and so on.

The problems of not having the measure have been reasonably well aired. One of the consequences of the diversification of British society and the advances in equality that we have made is that discrimination is becoming subtler. Vulnerable people with a

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<sup>33</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c625](#)

<sup>34</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c626](#)

<sup>35</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c630](#)

<sup>36</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c687](#); 23 June [c480](#); 18 June [c335](#)

<sup>37</sup> [PBC Deb \(Equality Bill\) 7 July 2009 c693](#)

<sup>38</sup> [PBC Deb \(Equality Bill\), 2 July 2009, c681](#); 7 July 2009 [cc693-4](#)

combination of protected characteristics are, in particular, still experiencing discrimination for which there is no remedy. We raised that issue in the consultation document "Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain", back in 2007.

We asked for evidence of the problem. Many replies highlighted the issue and argued that the law needed to be changed to reflect the fact that people's identities are multifaceted. We then committed to exploring further the extent to which we could allow multiple discrimination claims to be brought without making the law overly complex or placing an undue burden on those with responsibilities under the law.

The document "Equality Bill: Assessing the Impact of a Multiple Discrimination Provision" presented a potential remedy for dual discrimination. That has been looked at during the past six weeks by interested parties. We also consulted on the specific clause, which is a good thing to have done because it clarified what we were intending to do, particularly for businesses and organisations. The overwhelming response was that businesses and organisations recognised that there was a gap in the law. However, they also expressed concern that there should not be a disproportionate burden placed on them.

Most businesses recognise that if they comply with existing discrimination legislation and make rational decisions for non-discriminatory reasons, they will not fall foul of the new provision. We know that the majority of businesses will do exactly that.

Costs were an issue for some businesses. They said that they were concerned that risk-averse businesses might spend money unnecessarily to over-comply with the law. Managing perception and minimising unnecessary over-compliance will be key and the availability of clear, practical guidance at an early stage will be important to ensure that that happens.

We will work with the commission and other relevant organisations, such as Business Link, to prepare and disseminate the guidance in good time. We think it is probably a good idea to make the change to call this dual discrimination, so that we turn a new page and make it clear that the provision is limited to combinations of two. Again, there have been some false hares set running on the extent of the measure, so we are calling it dual discrimination now.

Some Opposition Members have suggested that there should be a provision enabling claims combining an indefinite number of characteristics and that indirect discrimination and harassment should also be included. Let me reiterate what I said in earlier debates, so that we have the whole case about our position present as we debate the new clause and the amendment. We have evidence of people experiencing discrimination because of a combination of two protected characteristics, but there is insufficient evidence of cases involving more than two for us to feel that further regulation is warranted.<sup>39</sup>

### ***Possible further changes***

The following are some of the issues which were presented in Committee and which drew responses from Vera Baird for the Government which indicated further consideration or possible changes to the Bill:

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<sup>39</sup> [PBC Deb \(Equality Bill\), 2 July 2009, cc682-3](#)

- Adding the Metropolitan Police Authority and various fire and rescue services to the list of bodies covered by the socio-economic duty;<sup>40</sup>
- Making the distinct nature of protection against disability discrimination clearer, including the fact that treating disabled people more favourably is not discrimination against people who are not disabled;<sup>41</sup>
- Providing greater clarity that the "Malcolm" clause to protect against discrimination arising from disability is intended to cover discrimination that arises from matters connected with a disabled person's disability;<sup>42</sup>
- Limiting the use of pre-employment questionnaires in relation to disability-related enquiries prior to the offer of a job;<sup>43</sup>
- The introduction of representative actions.<sup>44</sup>

Mark Harper introduced an amendment to the *Dean Forest (Mines) Act 1838* which contains archaic requirements that prevent women from becoming free miners. The Government sympathised with the amendment, but pointed to parliamentary procedural problems with the amendment. Legislative changes of this nature would have to be through the procedure for hybrid bills since they engage legislated private interests.<sup>45</sup>

### 2.3 Issues raised in Committee

The following table tracks various key issues through amendments and new clauses proposed in the Committee debates, with reference where appropriate to further background contained in the more detailed Library research paper on the Bill that was produced before Second Reading. All government amendments were passed and all opposition amendments were withdraw or negated on division.

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Purpose clause / equality guarantee	New clause 11: The right to equality; considered with new clauses 12-17; and 22 to establish an <b>equality guarantee</b> (Lynne Featherstone)	19 <sup>th</sup> , 706	Page 17
Socio-economic inequality public sector duty: clause 1	Amendments 2, 107-109, 181 on <b>public authorities</b> to be covered by the duty (Mark Harper)	5 <sup>th</sup> , 125	Page 19; and section III(F)
	Amendment 110 to remove exemption from duty in relation to people who are <b>immigrants or asylum seekers</b> (Lynne Featherstone)	6 <sup>th</sup> , 159	

<sup>40</sup> PBC Deb (Equality Bill), 11 June 2009, c155

<sup>41</sup> PBC Deb (Equality Bill), 16 June 2009, c258

<sup>42</sup> PBC Deb (Equality Bill), 16 June 2009, c277

<sup>43</sup> PBC Deb (Equality Bill), 7 July 2009, c744

<sup>44</sup> PBC Deb (Equality Bill), 25 June 2009, c509

<sup>45</sup> PBC Deb (Equality Bill), 7 July 2009, cc694-706

<sup>46</sup> Library research paper *RP 09/42 Equality Bill 2008-09*, 7 May 2009

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
	<b>Division on motion that clause 1 stand part: Ayes 12, Noes 4</b>	6 <sup>th</sup> , 162	
Protected characteristics: clause 4	Amendments 115, 119-125 on <b>gender identity</b> New clause 8: gender identity (Lynne Featherstone)	6 <sup>th</sup> , 163	Page 19; and section III(E) page 136
	Amendments 6, 138-141, 149-152 adding “or <b>paternity</b> ” to protected characteristic of pregnancy and maternity (Mark Harper)	6 <sup>th</sup> , 173	
	Amendment 111 to add <b>caste</b> as a protected characteristic	6 <sup>th</sup> , 176	
	Amendment 112 to add “ <b>genetics or family medical history</b> ” as a protected characteristic (Dr. Evan Harris)	6 <sup>th</sup> , 179	
	Amendment 113 to add “ <b>disadvantaged socio-economic group</b> ” as a protected characteristic. (Lynne Featherstone)	6 <sup>th</sup> , 184	
	Amendment 182 to add “ <b>carer status</b> ” as a protected characteristic (Dr. Evan Harris)	6 <sup>th</sup> , 186	
Disability: clause 6; schedule 1	Amendment 114, 179, 180, 186-188 to remove the requirement for a disability to be <b>long-term</b> . (Dr. Evan Harris)	7 <sup>th</sup> , 191	Section V(B) page 153
	Amendment 166, 168, 169, 175 on <b>perceived disability discrimination</b> (Mark Harper)	7 <sup>th</sup> , 195	
	Amendment 167 on <b>depression</b> and the definition of disability. (Mark Harper)	7 <sup>th</sup> , 199	
Gender reassignment: clause 7 Marriage and civil partnership: clause 8	Amendment 195 on those “ <b>considering undergoing</b> ” gender reassignment (Tim Boswell)	7 <sup>th</sup> , 202	Section V(C) page 153
	Amendment 127 to extend protection to “ <b>single and co-habiting people</b> ”. (Lynne Featherstone)	7 <sup>th</sup> , 207	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Religion or belief: clause 10	Amendments 215, 216 on <b>definition</b> of religion or belief. (Dr Evan Harris)	7 <sup>th</sup> , 211	
Sexual orientation: clause 12	Amendments 217, 220 to give statutory effect to case law in <i>Amicus v Secretary of State [2004] EWHC 860 (Admin)</i> . (Dr Evan Harris)	7 <sup>th</sup> , 231	
Direct discrimination: clause 13	Amendments 7, 132 to restore <b>causality</b> requirement from “because of” to “on the grounds of” as in existing discrimination legislation. (Mark Harper)	8 <sup>th</sup> , 240	Page 20
	<b>Division on opposition amendment: Ayes 8, Noes 10</b>	8 <sup>th</sup> , 244	
Direct discrimination: Intersectional discrimination	Amendments 130,131 to permit claims based on <b>multiple forms of discrimination</b> . (Lynne Featherstone)	8 <sup>th</sup> , 245	Page 21
Direct discrimination: marketing	Amendment 194 to clarify that discrimination does not include <b>marketing</b> to a group with a protected characteristic. (John Penrose)	8 <sup>th</sup> , 247	
Direct discrimination: association and perception	Amendment 222 to make specific provision for discrimination based on <b>association and perception</b> . (Dr. Evan Harris)	8 <sup>th</sup> , 251	Page 21
Direct discrimination: disability discrimination	Amendment 133 to retain the <b>asymmetric nature of disability discrimination</b> . (Lynne Featherstone) <i>Government agreed to consider further</i>	8 <sup>th</sup> , 256	
Direct discrimination: Religion or belief	Amendments 221, 36, new clause 3 on <b>behaviour and speech</b> in religious discrimination; case law in <i>Ladele v Islington, 19 December 2008, EAT reported at [2009] ICR 387</i> . (Dr Evan Harris)	8 <sup>th</sup> , 258	
	Amendments 219, 218 on <b>religion or belief and other strands</b> . (Dr. Evan Harris)	8 <sup>th</sup> , 270	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Discrimination arising from disability: clause 14	Amendments 191, 8 on case law in <a href="#">London Borough of Lewisham LBC v Malcolm [2008] UKHL 43</a> . (Dr. Evan Harris)		Pages 26 – 33
Pregnancy and maternity discrimination: clauses 16 - 17	<b>Government amendments 91-98</b> to maintain existing protection. (The Solicitor General)	8 <sup>th</sup> , <a href="#">277</a>	Page 34
	Amendments 223, 200 on <b>restriction of discrimination protection to 26 weeks</b> . (Lynne Featherstone)	8 <sup>th</sup> , <a href="#">278</a>	
Indirect discrimination: clause 18	Amendment 153 on the “ <b>legitimate aim</b> ” test and EU law. (Dr Evan Harris)	8 <sup>th</sup> , <a href="#">282</a>	Page 24
	Amendment 224 to add <b>pregnancy and maternity</b> to list of protected characteristics covered by indirect discrimination prohibitions. (Dr Evan Harris)	8 <sup>th</sup> , <a href="#">285</a>	
	Amendment 37 on <b>indirect religious discrimination</b> . (John Mason)	8 <sup>th</sup> , <a href="#">285</a>	
Reasonable adjustments: clause 19	Amendments 170, 171-174, 154,155, 176 to require <b>regulations</b> are made under the affirmative procedure. (Mark Harper)	9 <sup>th</sup> , <a href="#">291</a>	Page 37
Harassment: clause 24	Amendments 230, 38, 231 on the <b>definition</b> of harassment. (Dr. Evan Harris)	9 <sup>th</sup> ,10 <sup>th</sup> , <a href="#">300</a> , <a href="#">317</a>	Page 39
Goods and service: application: clause 26	Amendments 10, 196, 197 on exclusion of those <b>under 18 from age discrimination</b> protection and extending goods and services protection to the protected characteristic of <b>marriage or civil partnership</b> . (Mark Harper)	10 <sup>th</sup> , <a href="#">325</a>	
	Children who are carers.	<a href="#">330</a>	
	<b>Government amendment 60</b> (The Solicitor General)	<a href="#">335</a>	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Services and public functions: clause 27 and schedule 3	Amendment 232 extending protection to protected characteristics of <b>sexual orientation and religion or belief</b> in respect of public services as defined. (Dr. Evan Harris)	10 <sup>th</sup> , 336	Page 40
	Amendments 39, 40, 41, 50 removing various <b>exemptions covering Parliament, political appointments, honours and peerages.</b> (John Mason)	10 <sup>th</sup> , 341	
	Amendment 162 on “legitimate aim” test and <b>armed forces</b> exemption. (Lynne Featherstone)	10 <sup>th</sup> , 346	
	Amendment 159 on <b>blood services</b> and blanket assessments of risk. (Lynne Featherstone)	10 <sup>th</sup> , 349	
	Amendments 160, 101-105, 161 on the <b>immigration exception</b> to disability discrimination in goods and services. (Dr. Evan Harris)	10 <sup>th</sup> , 353	
Premises: clauses 30 – 35; schedule 4	Amendments 11 and new clause 7 on <b>age</b> being excluded from provisions on premises and <b>reasonable adjustments for babies and young children.</b> (Mark Harper and John Mason)	10 <sup>th</sup> , 364	Page 49
	Amendment 163 extending protection in respect of premises to the strand of <b>marriage or civil partnership.</b> (Lynne Featherstone)	10 <sup>th</sup> , 367	
	Amendment 164 removing an <b>order making power</b> in respect of premises. (Lynne Featherstone)	10 <sup>th</sup> , 368	
	<b>Government amendment 61</b> (The Solicitor General)	10 <sup>th</sup> , 368	
Work: Part 5, clauses 36 – 56; schedule 6	Amendment 165 concerning discrimination based on the <b>name of a job applicant.</b> (Lynne Featherstone)	10 <sup>th</sup> , 368	Page 54
	Amendments 207-212 on <b>pre-employment questionnaires concerning health or disability.</b> (John Mason)	10 <sup>th</sup> , 371	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
	Amendments 213, 214 on <b>contract workers</b> . (John Penrose)	11 <sup>th</sup> , 377	
	Amendment 199 on <b>Office holders: excluded offices</b> to clarify status of GLA authorities. (Lynne Featherstone)	11 <sup>th</sup> , 379	
	<b>Government amendments 62, 63, 75, 76, 77, 226, 227, 64, 228, 229</b> (The Solicitor General)	11 <sup>th</sup> , 380	
	Amendments 244, 245 on <b>GLA authorities</b> . (Lynne Featherstone)	11 <sup>th</sup> , 382	
Occupational pension schemes: clauses 57 and 58	<b>Government amendments 65, 66</b> (The Solicitor General)	11 <sup>th</sup> , 383	Page 56
Equal pay: clauses 59 – 75	Amendments 260, 261, new clause 24 relevant types of work (No.2) on <b>hypothetical comparators in equal pay claims</b> . (Lynne Featherstone)	11 <sup>th</sup> , 383	Page 57
	<b>Division on motion that clause 59 stand part: Ayes 10, Noes 3</b>	11 <sup>th</sup> , 390	
Equal pay: Material factor defence: clause 64	New clause 25 Defence of material factor (No.2) to require <b>objective justification</b> for discriminatory pay. (Lynne Featherstone)	11 <sup>th</sup> , 391	Page 60; section III(B) page 106
Equal pay: Exclusion of sex discrimination provisions (dual system of sex discrimination legislation): clause 65	Amendment 258 to leave out clause 65 not selected. Debate on question that clause 65 stand part.	11 <sup>th</sup> , 395	Page 108
Equal pay: Transparency: clause 73	Amendment 248, new clause 23 Gender pay gap information (No. 2) to reduce the <b>threshold of number of employees</b> before transparency requirements apply. (Lynne Featherstone)	11 <sup>th</sup> , 398	Page 69

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
	Amendments 14, 13 to exclude <b>armed forces and security services</b> from the transparency requirements. (John Penrose)	11 <sup>th</sup> , 414	
	<b>Government amendment 67</b> (The Solicitor General)	12 <sup>th</sup> , 420	
	New clause 9 <b>disability pay gap information</b> to extend transparency requirements to the protected characteristic of disability. (John Penrose)	12 <sup>th</sup> , 420	
	<b>Division on question that clause 73 stand part: Ayes 13, Noes 4</b>	12 <sup>th</sup> , 437	
Offshore work: clause 77	Amendments 240, 241 to make <b>technical</b> changes. (John Penrose)	12 <sup>th</sup> , 438	
Volunteers (raised on clause 78)	Amendment 243 and new clause 19 <b>Volunteers</b> to probe the extent to which volunteers have the same discrimination protection as employees. (Lynne Featherstone)	12 <sup>th</sup> , 440	
Work: exceptions for religious employment: Schedule 9	Amendments 44, 45, 42, 43, 189, 46, 47, 250 on <b>exceptions</b> for the benefit of <b>religious organisations</b> with regard to employment. (John Mason)	12 <sup>th</sup> , 441	
Work exceptions: Employment service providers: Schedule 9	<b>Government amendments 68-74</b> (The Solicitor General)	12 <sup>th</sup> , 457, 464	
Work: Mandatory retirement: Schedule 9	Amendments 184, 185 to remove the national default retirement age provisions which allow <b>mandatory retirement</b> past age 65 or employer's normal retirement age. (David Drew)  (Final judgement of the UK High Court was given in the <a href="#">Heyday case</a> on 25 September 2009. <sup>47</sup> )	12 <sup>th</sup> , 459	Page 56

<sup>47</sup> [Age UK, R \(on the application of\) v Attorney General \[2009\] EWHC 2336 \(Admin\)](#) (25 September 2009); see also: Age Concern press release, [Forced retirement is lawful - but only because of Government climb-down \(25.09.09\)](#)

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Work: Minimum wage exception: Schedule 9	Amendment 246 to disallow <b>age differences in the rates for the National Minimum Wage.</b> (Lynne Featherstone)	12 <sup>th</sup> , 463	
Schools: clause 79	Amendment 100 seeking clarification on why <b>pregnancy and maternity</b> are not included in provisions on discrimination in <b>education.</b> (John Mason)	12 <sup>th</sup> , 465	
Schools: exceptions: Schedule 11	Amendments 253, 254 concerning <b>religion or belief exceptions</b> to discrimination prohibitions applying to <b>schools.</b> (Dr Evan Harris)	12 <sup>th</sup> , 470	
Educational qualifications: clause 92	<b>Government amendments 75-77</b> (The Solicitor General)	12 <sup>th</sup> , 478	
Education: reasonable adjustments: Schedule 13	Amendment 202 to ensure <b>anticipatory duty</b> is retained in <b>education.</b> (Lynne Featherstone)	12 <sup>th</sup> , 478	
Associations: clause 95	<b>Government amendment 78</b> (The Solicitor General)	12 <sup>th</sup> , 480	
Selection of candidates: clause 99	Amendments 203, 204, 205 to further enable <b>positive discrimination in elections.</b> (Lynne Featherstone)	13 <sup>th</sup> , 483	
BNP constitution (raised on clause 101)	(EHRC took successful legal action in June 2009 against the BNP on unlawful discrimination in its constitution. <sup>48</sup> )	13 <sup>th</sup> , 492	-
Associations: reasonable adjustments: Schedule 15	<b>Government amendments 79, 80</b> (The Solicitor General)	13 <sup>th</sup> , 493	
Representative actions (raised on clause 107)	New clause 10 <b>representative actions</b> , to provide a power to make regulations allowing representative actions in discrimination claims, for example <b>equal pay</b> claims.	13 <sup>th</sup> , 494 14 <sup>th</sup> , 509	Page 86
Remedies: clause 118	Amendments 16, 17, 18 seeking further clarification on <b>recommendations by employment tribunals.</b>	14 <sup>th</sup> , 510	Page 85

<sup>48</sup> EHRC, *Commission forces BNP to change its constitution and membership criteria after legal case victory*, 15 October 2009

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Burden of proof: clause 130	<b>Government amendment 81</b> (The Solicitor General)	14 <sup>th</sup> , 515	Page 73
Contracting out: clause 138	<b>Government amendments 82, 83</b> (The Solicitor General)	14 <sup>th</sup> , 516	
Public sector equality duty: clauses 143-153	Amendments 242, 19, 20, 279, 280, 21, on the <b>public sector equality duty</b> in relation to: <b>human rights</b> (Tim Boswell) <b>hatred and hostility</b> (David Drew) and <b>reporting progress</b> (John Penrose).	15 <sup>th</sup> , 519	Page 87
	Amendments 249, 49, 297 on equality between <b>religious</b> people, achieving <b>parity between different strands</b> , and freedom of expression. (Dr. Evan Harris)	15 <sup>th</sup> , 554 16 <sup>th</sup> , 561	
Public sector equality duty: exceptions: schedule 18	Amendment 281 to remove <b>age exception</b> from <b>public sector duty</b> in so far as it relates to education and public services for <b>young people</b> . (Lynne Featherstone)	16 <sup>th</sup> , 576	
	<b>Government amendments 282-285</b> (The Solicitor General)	16 <sup>th</sup> , 581, 592	
	Amendment 300 to remove exemption for the <b>General Synod of the Church of England</b> from the equality duty. (Dr. Evan Harris)	16 <sup>th</sup> , 584	
	Amendments 192, 193 to ensure <b>exemptions for broadcasters</b> . (Mark Harper)	16 <sup>th</sup> , 585	
	Amendment 278 to ensure <b>exemption</b> from the equality duty for <b>functions in connection with membership of the House of Commons</b> . (Mark Harper)	16 <sup>th</sup> , 588	
Public authorities: schedule 19	Amendment 266 to ensure <b>qualifications regulator</b> is specifically included in the list of public bodies in schedule 19. (Mark Harper)	16 <sup>th</sup> , 592	
Power to impose specific equality duties: clause 147	Amendment 22 to impose <b>further requirements</b> on ministers when exercising the power to impose specific duties. (John Penrose)	16 <sup>th</sup> , 595	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Public sector equality duty: interpretation: clause 151	<b>Government amendments 84-86</b> (The Solicitor General)	16 <sup>th</sup> , 599	
Positive action: clause 152	Amendment 303 to ensure <b>reasonableness</b> in <b>positive action</b> measures. (Lynne Featherstone)	16 <sup>th</sup> , 600	Page 90
Positive action: recruitment and promotion: clause 153	Amendment 29, 23, 31-34 to make the <b>wording of positive action</b> provisions more objective. (Mark Harper)	16 <sup>th</sup> , 604	
	Amendments 301, 302 to seek clarification on <b>positive action</b> in recruitment provisions. (Lynne Featherstone)	16 <sup>th</sup> , 616	
Disabled persons transport: clauses 154 – 181	<b>Government amendments 286-293</b> on exemption from <b>taxi accessibility regulations</b> . (The Solicitor General)	17 <sup>th</sup> , 621, 625	Page 92
	<b>Government amendment 87</b> on <b>rail vehicle accessibility regulations</b> . (The Solicitor General)	17 <sup>th</sup> , 626	
Exceptions: statutory provisions: schedule 22	<b>Government amendment 88</b> on exceptions for further and higher education (The Solicitor General)	17 <sup>th</sup> , 630	
	Amendments 255, 256, 257 seeking clarifications in relation to the <i>School Standards and Framework Act 1998</i> . (Dr Evan Harris)	17 <sup>th</sup> , 630	
Charities: clauses 186 and 187	Amendment 252 to protect <b>atheists</b> from discrimination by <b>charities</b> . (Dr Evan Harris)	17 <sup>th</sup> , 638	
	Amendment 308 to seek clarification in relation to provision of benefits by <b>charities</b> by reference to <b>colour</b> . (Dr Evan Harris)	17 <sup>th</sup> , 642	
Sport: clause 188	Amendments 309, 304 to ensure that there is no historical <b>bias toward male sports</b> . (Dr Evan Harris)	18 <sup>th</sup> , 647	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Goods, facilities and services: exceptions: Schedule 23	Amendments 58, 295, 296, 59, 305, 251 concerning <b>exceptions</b> applying to <b>religious organisations</b> . (John Mason)	18 <sup>th</sup> , <a href="#">653</a>	
	Amendment 306 to narrow the exemption applying in the provision of <b>communal accommodation to transsexual people</b> . (Dr Evan Harris)	18 <sup>th</sup> , <a href="#">666</a>	
Age: clause 190	Amendment 30 to place restrictions on the order making power to introduce <b>age discrimination provisions outside the employment field</b> such that the minister would be required to demonstrate that such discrimination was taking place. (John Penrose)	18 <sup>th</sup> , <a href="#">668</a>	Page 40
	Amendment 206 to require that <b>orders be made within six months</b> under clause 190 extending <b>age discrimination</b> coverage <b>outside employment</b> . (Lynne Featherstone)	18 <sup>th</sup> , <a href="#">677</a>	
EU Harmonisation: clause 191	Amendment 31 to place more confined requirements on the order making power allowing ministers to <b>harmonise domestic law with EU discrimination law</b> . (Mark Harper)	18 <sup>th</sup> , <a href="#">680</a>	Page 95
	<b>Division on opposition amendment: Ayes 8, Noes 10</b> <b>Government amendments 294, new clause 29 Combined discrimination: dual characteristics</b> . (The Solicitor General)	18 <sup>th</sup> , <a href="#">681</a>	Page 21
Multiple/intersectional discrimination	<b>Government new clause 26</b> (The Solicitor General)	19 <sup>th</sup> , <a href="#">693</a>	
	Amendment 299 to provide that such orders be subject to the <b>affirmative procedure</b> . (Dr Evan Harris)	18 <sup>th</sup> , <a href="#">686</a>	
General interpretation: clause 199	<b>Government amendments 89, 90</b> on general interpretation. (The Solicitor General)	18 <sup>th</sup> , <a href="#">687</a>	

Issue	Amendments and new clauses debated in Committee	Sitting, Column	Background given in RP 09/42 <sup>46</sup>
Occupational pension schemes	<b>Government new clause 5</b> on powers of trustees of <b>occupational pension schemes</b> to amend scheme documentation. (The Solicitor General)	19 <sup>th</sup> , <a href="#">693</a>	
Free miners	New clause 1 to change the <b><i>Dean Forest (Mines) Act 1838</i></b> to allow women to become free miners of the Forest of Dean. (Mark Harper)	19 <sup>th</sup> , <a href="#">694</a>	
Disability: Pre-employment inquiries	New clause 20 <b>Prohibited pre-employment inquiries</b> and new clause 21 Employees and applicants: prohibited pre-employment inquiries: to introduce new prohibitions on disability discrimination in employment. (David Drew)	19 <sup>th</sup> , <a href="#">732</a>	

### 3 Key documents (updated)

The following list of key documents includes those published since 7 May 2009.

Many of the proposals in the Bill were discussed in the consultation document: *Discrimination Law Review – A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain* published in June 2007 by the Department of Communities and Local Government. For brevity, this is described throughout this Paper as the ‘Consultation document’ or ‘the Consultation’

The Government’s response to the Consultation (Framework for a Fairer Future) can be found in *Equality Bill - Government Response to the Consultation*, Cm 7454, July 2008. For brevity, this is described throughout this Paper as the ‘Consultation Response document’ or ‘the Consultation Response’.

- [The Bill as introduced and Explanatory Notes on Clauses](#), Bill 85 of 2008-09
- [The Bill as amended in Committee](#), Bill 131 of 2008-09
- [The Impact Assessment on the Bill \(as introduced\)](#)
  
- Department of Health, [Age Equality in Health and Social Care](#), 22 October 2009
- Equality and Human Rights Commission, [Equality and Human Rights Commission Disability Committee: Priorities and work programme 2009-10](#), 1 October 2009
- EHRC, [Response of the Equality and Human Rights Commission to the Consultation: GEO International - EU Directive](#) 22 July 2009
- Women and Work Commission, [Shaping a Fairer Future A review of the recommendations of the Women and Work Commission three years on](#), July 2009
- Work and Pensions Committee, [The Equality Bill: how disability equality fits within a single Equality Act: Government Response to the Third Report from the Committee, Session 2008–09](#), HC 836, 3 July 2009
- Government Equalities Office, [Ending age discrimination in services and public functions - a consultation](#) 29 June 2009
- GEO, [Framework for a Fairer Future, Cm 7431](#), 26 June 2008
- Government Equalities Office, [Specific Duties Consultation Document](#) 11 June 2009
- Equality Bill Committee, [Equality Bill- House of Commons Amendments](#), 19 May 2009
- Equality and Human Rights Commission, [Parliamentary briefing for Commons Second Reading](#) 11 May 2009
- [Letter dated 05/05/2009 from Vera Baird MP to Andrew Dismore MP regarding the Equality Bill - Human Rights](#). Inc a memorandum, 5 May 2009, Deposited paper DEP2009-1293
- Work and Pensions Committee, [The Equality Bill: how disability equality fits within a single Equality Bill. Vol 2](#) Third Report of Session 2008-09, HC 158-2, 29 April 2009
- Government Equalities Office, [Equality Bill: Assessing the impact of a multiple discrimination provision. A discussion document](#), 27 April 2009
- Government Equalities Office, [A Fairer Future: The Equality Bill and other action to make equality a reality](#), 24 April 2009
- Fairness and Freedom: [The Final Report of the Equalities Review](#), 23 March 2007
- Women and Work Commission, [Final Report, Shaping a Fairer Future](#), 27 February 2006
- [Employment Equality \(Sexual Orientation\) Regulations 2007](#)
- [Equality Act 2006](#)
- [Employment Equality \(Religion or Belief\) Regulations 2003](#)

- *Employment Equality (Sexual Orientation) Regulations 2003*
- *Employment Equality (Age) Regulations 2003*
- B. Hepple, M. Coussey, T. Choudhury, *Equality: a New Framework. Report of the Independent Review of the Enforcement of UK Anti-Discrimination Legislation* Oxford: Hart Publishing, 2000
- *Disability Discrimination Act 1995*
- *Race Relations Act 1976*
- *Sex Discrimination Act 1975*
- *Equal Pay Act 1970*

## Appendix 1: Members of the Public Bill Committee

### **Chairmen:**

Mr. Joe Benton, Ann Winterton

### **Members**

Abbott, Ms Diane (*Hackney, North and Stoke Newington*) (Lab)  
 Baird, Vera (*Solicitor-General*)  
 Baron, Mr. John (*Billericay*) (Con)  
 Boswell, Mr. Tim (*Daventry*) (Con)  
 Brown, Lyn (*West Ham*) (Lab)  
 Drew, Mr. David (*Stroud*) (Lab/Co-op)  
 Eagle, Maria (*Parliamentary Secretary, Government Equalities Office*)  
 Featherstone, Lynne (*Hornsey and Wood Green*) (LD)  
 Foster, Michael Jabez (*Parliamentary Secretary, Government Equalities Office*)  
 Griffith, Nia (*Llanelli*) (Lab)  
 Harper, Mr. Mark (*Forest of Dean*) (Con)  
 Harris, Dr. Evan (*Oxford, West and Abingdon*) (LD)  
 Hesford, Stephen (*Wirral, West*) (Lab)  
 Hodgson, Mrs. Sharon (*Gateshead, East and Washington, West*) (Lab)  
 Howell, John (*Henley*) (Con)  
 Keeley, Barbara (*Worsley*) (Lab)  
 Kidney, Mr. David (*Stafford*) (Lab)  
 Mason, John (*Glasgow, East*) (SNP)  
 Osborne, Sandra (*Ayr, Carrick and Cumnock*) (Lab)  
 Penrose, John (*Weston-super-Mare*) (Con)  
 Sheridan, Jim (*Paisley and Renfrewshire, North*) (Lab)  
 Thornberry, Emily (*Islington, South and Finsbury*) (Lab)

### **Committee Clerks**

Alan Sandall, Eliot Wilson

## **Appendix 2: Evidence**

### ***Witnesses***

#### [Tuesday 2 June 2009 \(Morning\)](#)

Sarah Spencer CBE, Chair, Equality and Diversity Forum  
John Wadham, Group Director, Legal, Equality and Human Rights Commission  
Kevin Sadler, Chief Executive, Employment Tribunals Service  
Andrew Harrop, Head of Policy, Help the Aged/Age Concern  
Mike Lindsay, National Co-ordinator, Children's Rights Alliance  
Ruth Scott, Policy Group Member, Disability Charities Consortium  
Caroline Gooding, Specialist Adviser, RADAR  
Imelda Redmond, Chief Executive, Carers UK

#### [Tuesday 2 June 2009 \(Afternoon\)](#)

Ben Summerskill, Chief Executive, Stonewall  
Professor Stephen Whittle, Press for Change  
Rob Berkeley, Director, Runnymede Trust  
Theo Gavrielides, Chief Executive, Race on the Agenda  
Dr. Katherine Rake, Director, Fawcett Society  
Baroness Joyce Gould, Chair, Women's National Commission  
Emma Stewart, Director of Partnership, Women Like Us

#### [Tuesday 9 June \(Morning\)](#)

Andrew Copson, Director of Education and Public Affairs, British Humanist Association  
William Fittall, Secretary-General, General Synod of the Church of England  
Richard Kornicki, Parliamentary Co-ordinator, Catholic Bishops Conference  
Maleiha Malik, Muslim Women's Network  
Jon Benjamin, Chief Executive, Board of Deputies of British Jews  
Katja Hall, Director of Employment Policy, Confederation of British Industry  
Nick Starling, Director of General Insurance and Health, Association of British Insurers  
Stephen Alambritis, Chief Spokesman, Federation of Small Businesses  
Dianah Worman, Diversity Adviser, Chartered Institute of Personnel and Development  
Sarah Veale, Head of Equality and Employment Rights, Trades Union Congress

#### [Tuesday 9 June \(Afternoon\)](#)

Vera Baird QC MP, Solicitor-General  
Melanie Field, Deputy Director, Discrimination Law Team, Government Equalities Office  
James Maskell, Treasury Solicitor's Department

### ***Written Evidence***

[Memorandum submitted by the Disability Charities Consortium \(E01\)](#)  
[Memorandum In Chief by Chartered Institute of Personnel and Development \(CIPD\) \(E 02\)](#)  
[Memorandum submitted by Alliance for Inclusive Education \(ALLFIE\) \(E03\)](#)  
[Memorandum submitted by UNISON \(E 04\)](#)  
[Memorandum submitted by Accord \(E 05\)](#)  
[Memorandum submitted by Friends, Families and Travellers \(E 06\)](#)  
[Memorandum submitted by Age Concern and Help the Aged \(E 07\)](#)  
[Memorandum submitted by Young Equals \(E 08\)](#)

Memorandum submitted by the Equality and Diversity Forum (E 09)  
 Memorandum submitted by The Equal Rights Trust (E 10)  
 Memorandum submitted by Press for Change (E 11)  
 Memorandum submitted by Discrimination Law Association (E 12)  
 Memorandum In Chief submitted by the British Humanist Association (E 13)  
 Memorandum In Chief submitted by Catholic Bishops' Conference of England and Wales (E14)  
 Memorandum submitted by End Violence Against Women (E 15)  
 Memorandum submitted by Support Transgenre Strasbourg (E 16)  
 Memorandum submitted by Equality and Human Rights Commission (E 17)  
 Memorandum submitted by Equality and Human Rights Commission Disability Committee (E18)  
 Memorandum submitted by The Finance & Leasing Association (FLA) (E 19)  
 Memorandum submitted by Anonymous (E 20)  
 Memorandum submitted by Gender Identity Research and Education Society (E21)  
 Memorandum In Chief submitted by the TUC (E 22)  
 Memorandum submitted by Carers UK (E 23)  
 Additional Memorandum submitted by Disability Charities Consortium (E 24)  
 Memorandum submitted by Equality Network (E 25)  
 Memorandum In Chief submitted by The Association of British Insurers (E 26)  
 Memorandum submitted by National Union of Teachers (E 27)  
 Memorandum submitted by British Chambers of Commerce (E 28)  
 Memorandum submitted by YWCA (E 29) Equality Bill Written Evidence  
 Additional memorandum submitted by GIRES (E 30)  
 Memorandum submitted by ROTA (E 31)  
 Memorandum submitted by Kate Phizackerley (E 32)  
 Memorandum submitted by the Law Society (E 33)  
 Memorandum submitted by Saga Group Ltd (E 34)  
 Memorandum submitted by Gender Spectrum UK (E 35)  
 Memorandum submitted by Stonewall Housing (E 36)  
 Memorandum submitted by Diabetes UK (E 37)  
 Additional memorandum submitted by ROTA (E 38)  
 Memorandum submitted by Gender Matters (E 39)  
 Memorandum submitted by TransLondon (E 40)  
 Memorandum by submitted the Mothers' Union (E 41)  
 Memorandum submitted by Unison and Fawcett Society (E 42)  
 Memorandum submitted by University and College Union (E 43)  
 Additional memorandum submitted by THE Equality and Diversity Forum (E 44)  
 Memorandum by the Equality Commission for Northern Ireland (E 45)  
 Memorandum by the Public Interest Research Unit (E 46)  
 Memorandum submitted by National Union of Students (E 47)  
 Memorandum submitted by Committed2Equality (E 48)  
 Memorandum submitted by The Equity Partnership (E 49)  
 Memorandum submitted by Scottish Women's Aid (E 50)  
 Memorandum submitted by Elaine Smith MSP (E 51)  
 Additional Memorandum submitted by Equality and Diversity Forum (E 52)  
 Memorandum submitted by Paul Thomas (E 53)  
 Additional memorandum submitted by the Public Interest Research Unit (PIRU) (E 54)  
 Memorandum submitted by the Fitness Industry Association (FIA) (E 55)  
 Memorandum submitted by Business in the Community (E 56)  
 Memorandum submitted by Michael Connolly (E 57)  
 Memorandum submitted by Union of Shop, Distributive and Allied Workers (USDAW) (E 58)  
 Memorandum submitted by Rory O'Loughlin (E 59)  
 Additional memorandum submitted by BCC (E 60)  
 Additional memorandum submitted by Equality and Diversity Forum (EDF) (E 61)

Memorandum submitted by National Assembly for Wales' Equality of Opportunity Committee (E 62)

Memorandum submitted by Royal College of Physicians (E 63)

Memorandum submitted by LOVELLS LLP (E 64)

Memorandum submitted by David Mason (E 65)

Memorandum submitted by Tribunals Service (E 66)

Memorandum submitted by CasteWatchUK (E 67)