



PCS briefing for the Joint Committee on Human Rights The work of the Equality and Human Rights Commission

Introduction

1. The Public and Commercial Services union is the largest trade union in the civil service with 300,000 members working in government departments, non departmental public bodies and related areas.
2. PCS has 360 members in the Equality and Human Rights Commission, comprising over 85% of permanent staff below director level.
3. Our members include policy officers, lawyers, caseworkers, advisers, information officers, administrators, regional officers, ICT and communications staff. They are all highly committed to using their expertise and experience to ensure that the Commission achieves the goals with which it has been tasked as a robust, authoritative body that can deliver its remit.
4. PCS published our own vision for the future of the Commission for Equality and Human Rights (now EHRC) in 2006, "**What Price Equality**". This was produced following consultation with our members at the three legacy commissions and stakeholders such as the TUC. We believe that the arguments we made then are still highly relevant. For example:
 - The new body must be equipped to achieve the goals with which it has been tasked, to use its enforcement powers effectively, to run high profile campaigns, and to work with employers on good practice development. It must also have national and regional structures able to deliver local advice provision and work with communities to promote equality.
 - The Commission cannot be fully effective without harmonising the legislation.

EHRC direction of travel

5. In the last quarter of the 20th century, a variety of equality legislation was enacted in response to pressure from the women's movement, anti racists, LGBT and disability rights campaigners. Yet women in Britain are still paid an average of 17% less than men and less than one in twenty rapes are reported. Raunch culture is rife, homophobia is widespread, hate crimes perpetrated on disabled people are on the increase, Islamophobia has become commonplace and a recent Panorama programme has demonstrated the extent to which racism continues to blight society.
6. We believe that the light touch approach adopted by the Commissions' leadership has weakened EHRC's enforcement ability at a time that a strong authoritative enforcer is needed more than ever. The notion of 'fairness' is vague and too open to interpretation. It undermines the EHRC's ability to tackle discrimination effectively by promoting equality as something non-negotiable.

7. PCS recognises that there have been good EHRC initiatives such as its report which completely undermined racist lies about immigrants jumping housing queues. However, there have been too many missed opportunities to tackle issues such as Islamophobia, the rise of racist attacks in communities where far right political parties have gained ground, the impact of the Welfare Reform Bill on disabled people and single parents, and a failure to demand mandatory equal pay audits in the Equality Bill.

Human Rights

8. Whilst we acknowledge the groundwork laid by the Human Rights inquiry, we believe the EHRC could play a more active role in helping negotiate difficult areas where rights come into conflict. For example the right of the leader of the BNP to appear on BBC's Question Time against the rights of vulnerable minorities. It could also have produced modules for schools to help students discuss the impact on the safety, dignity and respect of women in a rising culture of lap-dancing and porn.
9. We are also concerned about what action has been taking concerning the following issues:
 - What guidance has been produced for public bodies, parliamentarians, the media and educational bodies to promote human rights?
 - What tools have been produced for public bodies to help them meet their human rights obligations?
 - Where is the system to rebut misinformation about human rights? This should be a central plank of the EHRC's educational and promotional role, and crucial in relation to the media who shape the public's perception of human rights.
10. PCS believe that the Commission's failure to communicate its role effectively is reflected in its absence from key human rights debates. For example:
 - Police collecting data on 'domestic extremists'
 - The rise of surveillance society (ID cards, CCTV)
 - Detention of asylum seeking children
 - Rendition, use of torture
 - Increasingly sophisticated information on people's genetic make-up
11. PCS believe that using human rights arguments are key to making progress on tackling discrimination and that the Commission has missed opportunities to do this. When promoting flexible working and equal pay for example, this should also be fashioned into a broader narrative about socio-economic rights such as keeping women in poverty has human rights implications for their children who grow up in poverty.

PCS concerns

12. PCS believe that the EHRC should be above reproach as a government funded body. The budget cut and recent revelations regarding the Commission's financial and operational failings could have a detrimental impact on EHRC's unique statutory role, service delivery, capacity building and its essential grants programme for voluntary bodies.

13. Now that a budget cut has been announced, we are concerned as to how the Commission will maintain ongoing essential work programmes such as the flagship Codes of Practice & Guidance project.
14. PCS is particularly concerned that the EHRC appears to be losing touch with the real experiences of ordinary people. The recent BBC TV Panorama programme on racial harassment and news reports of stop & search targeting young black men both belie EHRC statements that having neighbours of a different ethnic origin is no longer an issue in modern Britain, or that the police should no longer be accused of institutional racism.

Helpline cuts and working in partnership with communities

15. We believe that two internal issues are contributing to the Commission appearing out of step with the reality of ordinary people's lives. These are:
 - i) Working in partnership with communities – We are concerned that the EHRC regional hubs with small groups of staff working with local partners in the community are given too low a profile. There are not even contact details or the important role this service plays in terms of human rights on the EHRC website.
 - ii) Helpline cuts – This important function is now at risk because of job cuts with posts cut from 115 to 65. This is an essential public advice service on human rights and all six equality strands. It should provide the key interface with the public feeding in to all areas of the Commission's work. A recent report by the Department for Business, Innovation and Skills shows that more than 20% of the working population still do not their employment rights.¹ We are concerned that the cuts mean that the EHRC will become more out of touch because without this interface with people with direct experience of racism and discrimination it will not be able to identify strategic cases and emerging issues used for investigations and policy development. PCS's alternative proposals to the cuts were rejected.
16. PCS believes the helpline cuts should be reversed. They are a false economy in terms of service delivery. Stakeholders and service users were not consulted, and no equality impact assessment was carried out until after the restructuring proposals were completed. We are concerned that two years after the Commission was set up, the public launch to promote and advertise this service is still being delayed.
17. Calls continue to increase, to a large extent because of the impact of the recession - a point recognised by ministers who have in past months emphasised the need for individuals and employers to be more aware of their legal rights and duties when redundancies are contemplated.
18. Since job cuts have been introduced, the helpline has been increasingly run as a regimented call centre operation. Callers are waiting in queues of up to an hour, and if they request a call back are allowed limited scope to specify a time. If the helpline adviser does not reach the caller at the first attempt, they are under instruction not to leave a message or call again. In Scotland and Wales, helpline teams do not have the capacity to advise in any detail on devolved issues.

Law enforcement

19. PCS believes that the 450 EHRC compliance and enforcement actions since October 2007 is a very low number for a statutory body charged with enforcement in six different strands. The Commission should intervene earlier, and be more proactive, rather than waiting for cases to arrive.

20. We would like to see the legal interventions made on behalf of the EHRC by prominent QCs followed up by expert seminars for in-house lawyers who can then develop the skills necessary to make these interventions in the future.
21. We would like to know the following:
- How much funding for compliance and enforcement will the Commission be allocating in 2009, 2010 and 2011?
 - What are the Commission's plans to strengthen the Equality Bill?
 - Does it plan to demand mandatory equal pay audits?
 - What are its plans to make recommendations on agency workers, the Policing and Crime Bill (particularly regarding trafficked women), the Child Poverty Bill, treaty reports such as CERD and the employment of members of the BNP and other fascist organisations as public servants.

The EHRC as an employer

22. In October 2009, the EHRC launched a new 'Workplace Report' into how a range of UK organisations have established equality policies. However, despite assurances to PCS from the Chair that the EHRC would be an exemplar employer, the findings of this report have not so far been reflected internally.
23. A revolving door of human resource consultants has resulted in no policies on recruitment, performance appraisal, dignity at work, flexible working, supporting carers or reasonable adjustments. We are concerned that work has only just commenced on developing these policies.
24. PCS is also concerned at the growing number of internal grievances and fifteen employment tribunal claims involving bullying, unfair treatment and discrimination.
25. We believe a lack of equality/human rights expertise at management level has resulted in staff being micro-managed.
26. The recently published equality scheme report identifies worrying gender, race and disability pay gaps. We believe that, rather than consulting externally, the EHRC should approach the union as we can bring our expertise to carry out a joint equal pay audit with associated action plans. It is concerning that over 20 staff have been waiting for two years to appeal the grading of their post, and over 30 are not yet matched to a permanent EHRC post.
27. This year's staff survey report, which has been placed in the House of Commons library, shows low morale and stress levels to be unacceptably high.
28. According to a written answer to a parliamentary question on 19 October, the EHRC spent over £6 million on interim staff during 2008/09. Most of this was spent on consultants. Meanwhile, the internal talent with years of experience advising external organisations on best practice has been overlooked. We understand that the EHRC is now reducing its use of consultants, but we question how it will maintain continuity of delivery and transfer of knowledge when handing over to in-house staff who to date have been largely excluded from this work.
29. PCS believe that there is a serious reputational risk of the statutory body responsible for enforcing and promoting human rights falling short of the standard it expects other employers to comply with. These problems will persist unless staff concerns are addressed and in-house talent is nurtured, valued and developed.

ⁱ 'The Fair Treatment at Work Report', The Department for Business, Innovation and Skills – 27 October 2009