

Evaluation of the Equality Act 2010 Evidence Dossier

March 2011

Equality and Diversity Forum and the Equality
and Diversity Forum Research Network

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Acknowledgements

EDF and the EDF Research Network thank all those who gave their time to contribute to this project.

Background

It is Government policy that departments should evaluate primary legislation within 3 to 5 years of enactment. Moreover, there is a broad policy imperative to understand the impact of the Equality Act 2010 – whether it is meeting its stated objectives and original intentions, and where it is not, to understand why barriers to achieving equality still prevail. The GEO has therefore developed an Evaluation Framework, setting out its proposed overall approach to evaluating the Equality Act 2010.

Following a roundtable discussion in January 2011, EDF and the EDF Research Network undertook a two-month project to contribute to the evaluation process. The project's main objectives were:

- to identify relevant research by academics and other researchers to contribute to the population of the GEO framework,
- to highlight aspects of the proposed framework that might be improved, and to identify key researchers, institutions and organisations working on equality and Equality Act related subjects.

This dossier is the result of the project. It is by no means an exhaustive dossier of material relevant to the evaluation process but we hope it is a useful first step.

The Equality and Diversity Forum is a network of national organisations committed to equal opportunities, social justice, good community relations, respect for human rights and an end to discrimination based on age, disability, gender and gender identity, race, religion or belief, and sexual orientation.

The Equality and Diversity Forum Research Network is a multi-disciplinary equality and human rights network. It was established to bring together academics, policy makers and NGO researchers to encourage and facilitate the production of authoritative policy-relevant research on cross-cutting equality, human rights and related subjects in the UK.

Methodological Note

This dossier has been prepared using both primary and secondary materials. The information in the dossier has been collected from the following sources: responses to a general call for evidence circulated in late February 2011; responses to a targeted call to EDF contacts who are carrying on work in relation to specific sectors relevant to the Equality Act 2010 (EA 2010) in early March 2011; and desk-based research. We have not included a systematic review of EHRC research (or the research commissioned by its predecessors the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission).

The dossier is organised into the categories prioritised by the GEO. Within each category the most relevant qualitative and quantitative reports, journal articles, case notes, book chapters and legal cases, which we feel merit consideration in any process that seeks to evaluate EA 2010, are flagged along with a description of the key issues being dealt with in the document and its link. As a further filter, certain documents are preceded by a '➔' which indicates they may be of particular relevance. Every category is prefaced by a short narrative, which provides the context, extracts the key flagged questions from the existing research, points out gaps in the research if there are any and also indicates ongoing and future research which may be tracked. Due to constraints of time, we have not included all categories.

The main dossier is accompanied by an appendix containing documents which do not fit neatly in the aforesaid categories or where it was beyond the scope of the project to analyse but which are nonetheless relevant. It is organised into categories along the lines of the protected characteristics with additional categories on areas such as employment and multidimensional discrimination. It begins with a section analysing material on dual discrimination. This material was collated before the announcement in the Budget on 23 March that dual discrimination measures will not be implemented.

This dossier is not an exhaustive bibliography of equality-related materials which may be relevant for evaluation of EA 2010 and does not purport to be. The gaps that we point out in the dossier thus refer to gaps in the research we have identified, rather than suggesting there is no research which has been carried out regarding these issues at all. The dossier seeks instead to present an overarching (albeit detailed in specific areas) picture of the legal, socio-legal and social science research that has been done, and point to similar research that is ongoing. Such an approach, we believe, will optimise the interaction between GEO and the wider research community, thereby aiding the process of evaluation of the Equality Act 2010.

Evidence

The body of the dossier is structured to correspond to the provisions in the Equality Act 2010 that GEO have identified as key areas for collating research. Time and resource constraints prevented inclusion of all provisions in this dossier.

Public Sector Equality Duty

Context

The vision of EA 2010, of a unified equality legislation consolidating each of the protected characteristics is manifested in the public sector Equality Duty. The general duty is provided for in Section 149 and it requires a public authority to have 'due regard' for certain ends laid down in the Act.

Flagged Questions from Existing Research

1. What is the meaning of the term to pay 'due regard'? Is it appropriate to ensure the enforcement of equality duties fulfilling the objectives of the Act?
2. What comparative lessons can be learnt from the operation of the public sector Equality Duty in Northern Ireland?
3. What effect does consolidation of the equality strands in a unified duty applicable across strands have? Are any specific strands adversely affected by such consolidation?
4. How successful is S. 149 in widening the aim of equality from process-based compliance by public authorities to an outcome-based approach? What is the added value of specifying the objectives in S. 149(3) (removing disadvantage, accommodating difference and encouraging participation)?
5. Whether the duty should apply to refugees and asylum seekers?
6. What is the effect of the new approach to specific duties, which stresses transparency rather than the preparation of equality plans etc?

Gaps in Existing Research:

1. Specific impact of the uniform public sector Equality Duty on each of the covered protected characteristics not sufficiently assessed
2. Exceptions where the duty does not apply and the rationale for such exceptions
3. Effect of such duty on provision of public services not sufficiently assessed
4. Effect of change in approach to specific duties
5. Analysis of the growing number of judicial review cases
6. Role of the EHRC in achieving compliance
7. Relationship to regulatory theory: how best to achieve a change in culture in public bodies?

Research to Track:

1. Ipsos Mori/EHRC, The Equality Duty and Schools
Key Issue/ Summary: The aim of this study is to provide baseline evidence regarding how schools have implemented the specific race, disability and gender duties and to capture examples of positive practice, where schools are able to demonstrate that they are raising standards and improving outcomes for pupils through the implementation of the general and specific duties. The findings will inform guidance to the sector to support the implementation of the new Public Sector Equality Duty.
Link/Availability: EHRC research when published available at <http://www.equalityhumanrights.com/our-job/our-research/>

2. Women's Budget Group, Ongoing research on various aspects of the Gender Equality Duty especially monitoring tax, expenditure and welfare reforms for their compliance with the Equality Act.

Link/Availability: http://www.wbg.org.uk/GBA_Present.htm

Materials Summaries

- ➔ For an analysis of all provisions in the Equality Act, including the Equality Duty, see John Wadham, David Ruebain, Anthony Robinson and Susie Uppal eds., *Blackstone's Guide to the Equality Act 2010* (Oxford: OUP, 2010). The publication combines the full text of the Act with an expert narrative. It seeks to explain the scope and impact of the Act, including the civil liberties implications, and to bring practitioners up-to-date.
- ➔ For an overall legal analysis of S. 149 including the scope, content, aims and enforcement of the duty with detailed discussion of cases regarding judicial interpretation of the 'due regard standard' see Sandra Fredman, *Discrimination Law*, 2nd edn., (forthcoming) (on file with EDF); Bob Hepple, *Equality the New Legal Framework* (Oxford: Hart Publishing, 2011) p. 134- 143
- ➔ Sandra Fredman, 'Making Equality Effective: The Role of Proactive Measures' European Commission and European Network of Legal Experts in the Field of Gender Equality (commissioned by the European Commission under the framework programme PROGRESS) (2009)
 - Key Issue/ Summary: A thorough understanding of proactive measures/ positive action/ mainstreaming, its pre-requisites and its role alongside complaints-based enforcement in relation to gender equality. It includes a survey of proactive measures in 30 European countries. The majority of duties were on public bodies, but some EU countries also include trade unions and a minority include private employers (including Northern Ireland).
 - Link/ Availability: <http://ssrn.com/abstract=1631762>
 - See also: Sandra Fredman, 'Changing the Norm: Positive Duties in Equal Treatment Legislation' (2005) 12 *Maastricht Journal of European and Comparative Law* 369–98.
- ➔ Mark Bell, 'Judicial Enforcement of the Duties on Public Authorities to Promote Equality' *Public Law* 672 (2010)
 - Key Issue/ Summary: This article discusses the statutory framework for positive public sector duties to promote equality, commenting specifically on disability and gender equality duties and succinctly analysing the case law regarding judicial review of governmental steps in fulfilling these duties since the landmark case of *R (on the application of Elias) v Secretary of State for Defence* (2006) EWCA Civ 1293
 - Link/ Availability: On file with EDF
- ➔ Christopher McCrudden, 'Procurement and the Public Sector Equality Duty: Lessons for the Implementation of the Equality Act 2010 from Northern Ireland?' *Oxford University Legal Research Paper Series*, (Jan 2011)
 - Key Issue/ Summary: This article discusses the relevance of lessons from the operation of the public sector equality duty in relation to public procurement in Northern Ireland in the interpretation of the state's duty to promote equality with

regard to the exercise of its procurement powers in Great Britain, acknowledged as a key factor in the promotion of equality under EA 2010.

- Link/ Availability: On file with EDF

➔ Lucy Vickers, 'Promoting Equality or Fostering Resentment?' The Public Sector Equality Duty and Religion and Belief' 31(1) *Legal Studies* 135 (2011)

- Key Issue/ Summary: The main argument in this article is that the public sector Equality Duty when extended to religion and belief may be counter-productive; it discusses the philosophical rationale behind such an equality duty and suggests a modification which grounds the duty in the elimination of disadvantage rather than in a recognition of dignity, which can mitigate such counter-productive effects.

- Link/ Availability: On file with EDF

➔ Hazel Conley and Margaret Page, 'The Gender Equality Duty in Local Government: The Prospects for Integration' *Industrial Law Journal* 321(2010)

- Key question/ summary: How the gender equality duty is being implemented by local governments and the effect on its implementation by the introduction of the integrated equality framework proposed by EA 2010.

- Link/ availability: Westlaw/ On file with EDF

➔ Fiona Beveridge, 'Building against the Past: The Impact of Mainstreaming on EU Gender Law and Policy' *European Law Review* 193 (2007)

- Key Issue/ Summary: This article examines the record of the European Commission in acting out its commitment to gender mainstreaming, in particular through an examination of outputs in the period 1995 to 2006. It considers the form mainstreaming activities have taken, the success of these activities and the problems revealed, with a specific focus on its impact on gender equality.

- Link/ Availability: On file with EDF

Sandra Fredman, Positive Duties and Socio-economic Disadvantage: Bringing Disadvantage on to the Equality Agenda, *European Human Rights Law Review* 290 (2010)

- Key Issue/ Summary: Though this article focally deals with the public sector duty in S. 1 and not the public sector equality duty in S. 149 (which is the subject of the base map), it is relevant to understand the significance of the 'due regard' standard (analogous to the standard in S. 149) and issues of enforcement of positive duties.

- Link/ availability: On file with EDF

John Halford, 'Paying Attention to Inequality: The Development of the Positive Equality Duties' HRLA Document

- Key Issue/ Summary: A succinct comparative analysis of the equality duties relating to race, disability and sex, their judicial interpretation and the legal impact of their consolidation in EA 2010 under the general public sector equality duty

- Link/ Availability:

<http://www.hrla.org.uk/docs/positive%20equality%20duties%20for%20JR%20UP%20DATED%20.10.pdf>

EHRC Documents on Good Relations [used in S. 149(1)(c)]:

EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

1. Johnson, N. and Tatam, J./EHRC, 'Good Relations: A Conceptual Analysis' 2009.
2. Jones, N., Bromley, C., Creegan, C. Kinsella, R., Dobbie, F. and Ormston, R. with Park, A. and Phillips, M. /EHRC, Building Understanding of Fairness, Equality and Good Relations' 2010
3. Wigfield, A. and Turner, R./EHRC, Good Relations Measurement Framework, 2010.

Positive Action

Context

EA 2010 now incorporates a specific exception permitting (although not requiring) positive action in particular contexts. It is incorporated through a general provision (S. 158) and several specific provisions (in recruitment and promotion, for political parties and charities). The scope, nature and efficacy of positive action has been the subject of considerable research.

Flagged Questions from Existing Research

1. Can positive action under EA2010 work effectively given the lessons from EU Law, especially case law from ECJ?
2. How have positive action measures impacted on the need for greater equality?

Gaps in Existing Research

1. The existing research has focused primarily on positive action in relation to age and gender and not sufficiently on the other protected characteristics which are equally covered by S. 158
2. There is insufficient sector-centric research on measures taken by employers in incorporating positive action provisions.

Material Summaries:

➔ Lizzie Barmes, *Equality Law and Experimentation: The Positive Action Challenge*, *Cambridge Law Journal* 623 (2009)

- Key Issue/ Summary: This article analyses the problems in the UK law relating to positive action, provides a clear conceptual understanding of the term, discusses approaches to positive action in EU law and on this basis suggests appropriate reform of UK law.
- Link/ availability: Westlaw/ On file with EDF

➔ Meg Russell and Colm O’Cinneide. ‘Positive Action to Promote Women in Politics: Some European Comparisons’ *International and Comparative Law Quarterly* 587 (2003)

- Key Issue/ Summary: This article seeks to compare the legal position in the UK at the time of formulation of the Sex Discrimination (Election Candidates) Act, 2002 (whose provisions S. 104(8) of EA 2010 largely replicates) with regard to the extent to which the legal system provides for the use of positive action for women in candidate selection for the legislature, in comparison with Sweden, Norway, Germany and France.
- Link/ Availability: HeinOnline/ On file with EDF

➔ Sandra Fredman, *Discrimination Law* (Oxford, OUP, 2nd edn., forthcoming) Chapter 5 (Reverse Discrimination) (with specific emphasis on pp. 237-240- UK; pp. 241- 248)

- Key Question/ Summary: This chapter is a comprehensive comparative survey of positive action measures including the position under EU law, UK law, USA and Canada
- Link/ Availability: On file with EDF

Mark Bell, 'Tidying of Transforming: The British Equality Act 2010' in R Schulze (ed.), *Non-Discrimination in European Private Law* (forthcoming) pp. 16-19 (of essay)

- Key Issue/ Summary: This essay contains a close legal analysis of Sections 158 and 159 of EA 2010, focusing particularly on its relationship with EU law and case law from the ECJ
- Link/ Availability: On file with EDF

Rory O'Connell and Julie McBride, 'Age Discrimination in Employment' Report for the Changing Ageing Partnership, Queen's University Belfast (September 2010)

- Key Issue/ Summary: Though written in the context of Northern Ireland, this report contains a useful summary of comparative positive action measures taken in several countries with the aim of eliminating discrimination relating to age.
- Link/ Availability: On file with EDF

Disability related provisions

Context

This section covers material relevant to provisions on:

- Limiting the use of disability-related pre-employment enquiries
- Indirect disability discrimination
- Simplifying the law relating to disability discrimination

Protection from indirect discrimination for disabled people is a new measure in s.19 of the Equality Act 2010. Indirect disability discrimination happens when there is a policy or practice that applies to everyone but which particularly disadvantages disabled people and which cannot be shown to be a proportionate means of meeting a legitimate aim.

The Act simplifies the law relating to disability discrimination by: removing the requirement to show that an impairment affects a particular 'capacity'; introducing a single definition of disability discrimination; introducing a single threshold requiring reasonable adjustments; and replacing a range of justifications with a single objective justification defence (s.6, s.20 and schedules).

The Act prohibits employers from asking about the health of applicants during recruitment, subject to certain exceptions (s. 60).

Flagged Questions from Existing Research

1. How can the evaluation address the breadth of disability as a discrimination ground; there is great variation in discrimination experiences relating to mental health, AIDS, different physical and sensory impairments etc
2. What changes can be attributed to the introduction of protection from indirect discrimination as distinct from the existing requirement to make 'reasonable adjustments'?
3. Will definitional changes in the Equality Act 2010 make it difficult to use existing research to track changes in outcomes for disabled people?

Gaps in Research

1. Much of the high-profile research identified is attitudinal and based on large scale surveys in the UK and Europe taking disability as a homogenous discrimination ground.

Research to Track:

Lorna Adams, Katie Oldfield, Laura Godwin and Charlie Taylor, Opening Up Work Opportunities for Disabled People, IFF Research/Equality and Human Rights Commission

- Key issue/summary: To explore disabled people's work aspirations and innovations in job design and work organisation that break down current barriers and meet needs more appropriately. The research will inform the EHRC's Working Better programme. Based on focus groups and interviews with disabled people.
- Link/ availability when published: <http://www.equalityhumanrights.com/our-job/our-research/>

ONS on behalf of Office for Disability Issues, Life Opportunities Survey, 2010

- Key issue/summary: The Life Opportunities Survey is a major new national survey of disability in Britain. Survey compares how disabled and non-disabled people participate in society in a number of areas topics include work and learning, health, transport, community and social life, leisure, use of key services, caring and domestic life, hate crime and discrimination, income and benefits. Longitudinal survey that is in process of establishing baseline through 2-year survey.
- Link/ availability: <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=15386>

European Commission, Eurobarometer (see below)

Material Summaries

➔ European Commission, Eurobarometer

- Key issue/summary: The standard Eurobarometer was established in 1973. Each survey consists of approximately 1000 face-to-face interviews per Member State (except Germany: 2000, Luxembourg: 500, United Kingdom: 1300 including 300 in Northern Ireland). Reports are published twice yearly. 'Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes' published in 2008 showed that disability is considered to be the third most widespread form of discrimination after the grounds of ethnic origin and sexual orientation, though it is perceived to be less widespread than in 2006. Identifies 2% of respondents as saying they had experienced disability discrimination over preceding year. Uses 10 point 'comfort scale' to measure whether people would be comfortable to have a disabled neighbour or would welcome a disabled person in high office. 'Eurobarometer 317: Discrimination in the EU in 2009' shows an increase in percentage seeing disability discrimination as widespread from 45% to 53% between 2008 and 2009.
- Link/ availability: http://ec.europa.eu/public_opinion/index_en.htm
Eurobarometer 296 available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sum_en.pdf
Eurobarometer 317 available at <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=630&furtherNews=yes>

➔ Richard Berthoud and Morten Blekesaune, ISER Working Paper: Persistent Employment Disadvantage 1974-2003, ISER, 2006

Richard Berthoud, Trends in the employment of disabled people in Britain. ISER Working Paper 2011-03, ISER, 2010

- Key issue/summary: The 2006 Institute for Social and Economic Research report compares the employment prospects of disadvantaged social groups in Britain over a thirty year period. It identifies which groups experience the greatest 'employment penalties'. In relation to disability, it finds that the employment disadvantage increased steadily between the 1970s and the mid-1990s and that people with a long-standing limiting illness or impairment are also about 15 percentage points behind those with no health problem. The 2010 publication uses survey data to plot trends over time in the prevalence of disability, and in the employment rates of disabled people. It identifies an increase in both the prevalence of disability and the 'employment disability penalty'.

- Link/ availability: <http://www.iser.essex.ac.uk/publications/working-papers/iser/2006-09>
 - <http://www.iser.essex.ac.uk/publications/working-papers/iser/2011-03>
- ➔ Secretary of State reports on disability equality. Overview (and individual reports by key Secretaries of State), 2008
- Key issue/summary: The report is an overview of individual reports of key Secretaries of State showing progress made across their policy sectors towards disability equality, and what co-ordinated actions are proposed to make further improvements.
 - Link/ availability: <http://odi.dwp.gov.uk/docs/wor/ded/sos-summary.pdf>
- ➔ S. Riddell, et al, Disability, Skills and Employment: A review of recent statistics and literature on policy and initiatives, Equality and Human Rights Commission (2010)
- Key issue/summary: Report to inform EHRC's work aimed at narrowing the employment and skills gap between disabled and non-disabled people. Report includes definitional issues, statistics on disabled people's employment rates and qualifications, policies including employment policies, the limitations of looking at disabled people in groupings, analysis of support strategies.
 - Link/ availability: <http://www.equalityhumanrights.com/our-job/our-research/>
- ➔ Charlotte O'Brien, Equality's false summits: new varieties of disability discrimination, "excessive" equal treatment and economically constricted horizons, *European Law Review* (2011)
- Key issue/summary: This article explores the limitations built into the new judicial constructions of disability discrimination by association, discrimination by declaration (for example in an advertisement or announcement), and discriminatory duties of disclosure (for example, pre-appointment medical questionnaires), in the context of the proposed Equality Directive and the UK Equality Act 2010. Discusses key cases such as *Lewisham v Malcolm* and the *Coleman* judgement. Identifies the premise that some indirect disability discrimination is economically rational and argues for a more 'through' approach to addressing indirect discrimination.
 - Link/ availability: On file with EDF
- ➔ Rachel Perkins, Paul Farmer and Paul Litchfield, Realising ambitions: Better employment support for people with a mental health condition. A review to Government by Rachel Perkins, Paul Farmer and Paul Litchfield ('The Perkins Report') (2009)
- Key issue/summary: The report identifies the challenges facing people with a mental health condition, including discussion of pre-employment health checks.
 - Link/ availability: <http://www.dwp.gov.uk/docs/realising-ambitions.pdf>
- ➔ Ralph Fevre et al, Fair Treatment at Work Report: Findings from the 2008 survey, Department for Business, Innovation and Skills (2009)
- Key issue/summary: Report based on more than 200 questions to 4,010 current or recent employees across Britain covering workers awareness of their rights and the support available to them. Findings cover awareness of rights and

employers' legal obligations, awareness of employment rights support, problems at work, experiences of discrimination and harassment, resolution of problems in relation to different grounds including disability. Findings include that those with a disability are more likely to experience workplace problems.

- Link/ availability: <http://www.berr.gov.uk/files/file52809.pdf>

➔ Luke Staniland, Public Perceptions of Disabled People. Evidence from the British Social Attitudes Survey, Office for Disability Issues (2009)

- Key issue/summary: Report of responses to a module of questions on both the 2005 and 2009 British Social Attitudes Surveys (BSAS). The aim of these questions was to measure public attitudes towards disabled people and disability. Report shows an improvement in attitudes to disabled people. However, this is alongside a perception that disability discrimination is widespread.
- Link/ availability: <http://odi.dwp.gov.uk/docs/res/ppdp/ppdp.pdf>

Work and Pensions Committee, The Equality Bill: how disability equality fits within a single Equality Act, 2009

- Key issue/summary: Considers disability equality within a single Equality Act based on written and oral evidence received, including disability-related discrimination and discrimination by association, and issues relating to scope and definition. The report includes evidence submitted relating to pre-employment questionnaires.
- Link/ availability: <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmworpen/158/15802.htm>

Sara Dewson et al, Organisations' responses to the Disability Discrimination Act. 2009 study, DWP (2010)

- Key issue/summary: This report explores how organisations responded to the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. It is a follow-up to studies undertaken in 2003 and 2006. The study has explored more fully changes introduced by the 2005 legislation, and particularly the extension of anti-discrimination provisions to cover: public bodies exercising their functions; larger private clubs; and locally electable authorities in their dealings with their disabled elected members. The research has also explored whether and how the current economic downturn has impacted on organisations' willingness and ability to comply with the legislation. The research is based on 2,000 telephone interviews and 97 in-depth interviews. It covers awareness of the legislation, recruitment and employment practices, and goods, facilities and services provision.
- Link/ availability: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_685.asp

Bent Greve, The labour market situation of disabled people in European countries and implementation of employment policies: a summary of evidence from country reports and research studies, Academic Network of European Disability Experts (2009)

- Key issue/summary: This report is based on evidence submitted in national reports produced by members of the Academic Network of European Disability experts (ANED) representing the EU Member States (except Luxembourg) plus

Norway and Iceland. It is supplemented with evidence from existing studies with a focus on disabled people's access to integration and retention in the labour market, and recommendations to enhance the current position. The report considers features of and trends in employment policies – such as the use of quotas, mainstreaming and examples of good practice. It identifies a need for better awareness campaigns, the difficulty in combining mainstreaming with targeted measures to integrate disabled people in the workforce, and links marginalisation in employment with education levels.

- Link/ availability: <http://www.disability-europe.net/content/pdf/ANED%20Task%206%20final%20report%20-%20final%20version%2017-04-09.pdf>

Y. Li et al, Equality group inequalities in education, employment and earnings, Equality and Human Rights Commission (2008)

- Key issue/summary: Uses data to examine the relationship between education, employment, income, social class and group-based inequalities including disability.
- Link/ availability: <http://www.equalityhumanrights.com/our-job/our-research/>

Civil Partnership in Religious Premises

Context

Section 202 of the Equality Act provides for amendments to the Civil Partnership Act 2004 which removes the prohibition on religious premises registering civil partnerships. Since this provision has not been brought into force by regulations, there is no material which specifically deals with statistics or analysis of civil partnerships in religious premises. Most such research in this area will thus have to be obtained going forward, by tracking institutions and organisations which work in this area (for example, Stonewall and the Board of Deputies of British Jews).

Flagged Questions from Existing Research

1. How is the freedom to practice one's religion to be balanced with the right to sexual equality of prospective civil partners?
2. How do people of faith view same sex couples?
3. Statistics on civil partnership registrations (already on base map)

Gaps in the Existing Research

1. Rigorous analysis of the qualitative effect such registration would have on civil partners
2. Rigorous analysis of the qualitative effect such registration would have on those responsible for the administration of religious premises, including religious officers

(The qualitative effects referred to here are how affected persons feel about such a provision coming into effect; whether same sex couples feel that it will be a significant benefit; and whether religious officers feel that it is a significant hindrance to the practice of faith.)

Material Summaries

- ➔ Bob Hepple, *Equality: The New Legal Framework*, p. 113-114
 - Key Issue/ Summary: Hepple's book contains an analysis of legal decisions regarding the inter-relation between civil partnership/ sexual orientation and religious belief, which are the competing issues in the question of registration of civil partnerships at religious premises as well.
 - Link/ Availability: On file with EDF
- ➔ James Wilson, Civil Partnerships on Religious Premises: Three Competing Rights
 - Key Issue/ Summary: A legal response to the Minister's announcement regarding implementation of S. 202 of the Equality Act and accordingly amending the Civil Partnership Act 2004; talks of ways of balancing competing rights and the compatibility of the change with EU law.
 - Link/ Availability: <http://www.halsburyslawexchange.co.uk/civil-partnerships-on-religious-premises-the-three-competing-rights/>
- ➔ Citizens Advice, Civil Partnerships- Another Year On (2007)
 - Key Question/ Summary: Research to explore the impact of the Civil Partnership Act (2004) on the needs of potential advice service users; make recommendations for improving advice services for lesbian gay and bisexual clients with respect to forming civil partnerships; and influence policy debate

regarding the legal union of same sex couples. Based on twenty semi-structured interviews.

- Link/ Availability: http://www.thevillage.org.uk/research/CP_Report/index.html

Ruth Hunt and Gill Valentine, Love thy Neighbour: What People of Faith Really Think about Homosexuality, Stonewall Report

- Key Issue/ Summary: The document is useful to understand the general perception regarding questions of sexual orientation amongst persons of faith; these issues become centrally relevant to a question of registering civil partnerships on religious premises where controversy stems from a fractured interaction between religious belief and equality law.
- Link/ Availability: www.stonewall.org.uk/documents/love_thy_neighbour.pdf

Jacqueline Humphreys, The Civil Partnership Act 2004, Same-Sex Marriage and the Church of England, (2005) *Ecclesiastical Law Journal*

- Key Issue/ Summary: This article provides a conceptual understanding of civil partnerships and the dilemmas that it poses for the Church of England; useful background for the religion- civil partnership/ sexual orientation interface.
- Link/ Availability: On file with EDF

EHRC documents:

Title: Sexual orientation explored: A study of identity, attraction, behaviour and attitudes in 2009

Author/Organisation: Ellison, G. and Gunstone, B. EHRC

Date of publication: 2009

Key Issue/ Summary: based on more than 5,000 survey responses, findings include: the majority of respondents agreed that it is acceptable to answer social survey questions on sexual orientation; public attitudes towards LGB people were not consistent; fear of disadvantage and discrimination impacts upon the lives of LGB people in profound ways; and LGB women and men face disadvantage, exclusion and segregation as a result of their sexual orientation.

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Cases

➔ Lilian Ladele v. London Borough of Islington, [2010] IRLR 211 (Court of Appeal) (This case is on appeal to the Supreme Court)

- Issue: This case involved the question whether the respondent borough was entitled to compel the appellant, a registrar, to register civil partnerships even though she objected to officiating at such registrations on the grounds of her religious beliefs; direct, indirect discrimination and harassment claims raised.
- Held: On the basis of the Civil Partnership Act 2004, the Employment Equality (Sexual Orientation) Regulations, 2003 and the Equality Act (Sexual Orientation) Regulations, 2007, found no direct or indirect discrimination or harassment by Islington against the appellant.
- Link/ Availability: <http://www.bailii.org/ew/cases/EWCA/Civ/2009/1357.html>

Gender Reassignment – Definition and Extent of Protection

Context

EA 2010 has made two significant changes to the law relating to gender reassignment: First, it has extended the definition of gender reassignment beyond the earlier definition in the Sex Discrimination Act removing the requirement of medical supervision; second, it now covers direct and indirect discrimination as well as harassment on the ground of gender reassignment. At the same time the replication of an earlier exception allowing a discriminatory provision to be justified if it is a proportionate means of achieving a legitimate aim (Schedule 3, ¶28) continues and is seen as problematic.

Flagged Questions from Existing Research

1. What are the effects of legal provisions on societal attitudes towards trans persons and assessing changes to their life experiences?
2. Areas where further research would be of benefit include judicial interpretation of gender reassignment under previous legislations; status of gender recognition certificates

Gaps in Existing Research:

1. A legal analysis of the definition of gender reassignment under EA 2010 and the exceptions
2. Awareness of rights amongst trans persons themselves
3. Specific cases relating to discrimination claims brought by transgender persons (currently included within the wider category of sex discrimination claims)

Research to track:

Michelle Gray, Martin Mitchell and Meera Balarajan, NatCen/EHRC, Developing gender identity (including transgender) questions that public bodies can use (ongoing)

- Key Issue/ Summary: Purpose of project: to develop and cognitively test questions for monitoring (including surveys) that begin to capture gender identity/transgender status that can be used with the general population. The results of the project will provide information for those who use questions for gender identity/transgender status monitoring, and will include concepts, categories and instructions that people don't understand/do understand, and what can/can't be captured at this stage. The study reviews and develops questions and uses a systematic set of focus groups and individual interviews with transgender and non-transgender people aged 16+.
- Link/ Availability: EHRC research available when published at <http://www.equalityhumanrights.com/our-job/our-research/>

Material Summaries:

- ➔ Danny Nicol, Gender Reassignment and the Transformation of the Human Rights Act (2004) *Law Quarterly Review* 194
- Key Issue/ Summary: An overview of the conservative judicial attitude towards interpretation of gender reassignment in the context of the House of Lords decision in *Bellinger v Bellinger* (2003 UKHL 21); contains a survey of case law on gender reassignment till 2004.

- Link/ Availability: On file with EDF
- ➔ Trans staff and Students in Higher Education, Equality Challenge Unit, 2010
 - Key Issue/ Summary: A comprehensive report including guidance notes regarding transgender staff and students in higher education institutions in the United Kingdom including the impact of the Equality Act
 - Link/ Availability: <http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised>
- ➔ Stephen Whittle, Lewis Turner and Maryam Al-Alami/ Equalities Review, Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination, 2007
 - Key Issue/ Summary: Research (carried out in 2006) on transgender and transsexual people's experiences of inequality and discrimination in the UK.
 - Link/ Availability: http://www.spectrum-lgbt.org/downloads/reports/equality_review_trans.pdf
- ➔ Bernard Reed et al/ GIRES, Gender variance in the UK: Prevalence, Incidence, Growth and Geographic Distribution (2009)
 - Key Issue/ Summary: Home Office funded research by the Gender Identity Research and Education Society to develop reliable estimates of the size, growth and geographic distribution of transgender people
 - Link/ Availability: <http://www.gires.org.uk/assets/Medpro-Assets/GenderVarianceUK-report.pdf>
- ➔ Brenda Weston, Transgender: Dimensions of Inequality in the South West (November 2009)
 - Key Issue/ Summary: This article identifies the key dimensions for inequality for trans-gender people in the South West of England and making appropriate policy recommendations.
 - Link/ Availability: http://www.equalitysouthwest.org.uk/esw/live/our-networks/transgender/Transgender_Dimensions_of_inequality_in_the_SW.pdf
- Darren Newman, Gender Reassignment – New Rights and Trans People (2010)
 - Key Issue/ Summary: This article deals with the changes brought about by the Equality Act 2010 in the definition of gender reassignment and specifically critiques the exceptions for the detrimental impact they will have on trans people.
 - Link/ Availability: <http://eortrial.co.uk/default.aspx?id=1132753>
- NHS Audit, Information & Analysis Unit, Survey of Patient Satisfaction with Transgender Services, June 2008
 - Key Issue/ Summary: The study is an enquiry into the patient experience of transgender services to assess positive and negative aspects and to inform future development of the service.
 - Link/ Availability: <http://www.marmotreview.org/AssetLibrary/resources/external%20reports/NHS%20-%20survey%20of%20patient%20satisfaction%20with%20transgender%20services.pdf>

OPM Report for GEO, Experiences of and barriers to participation in public and political life for lesbian, gay, bisexual and transgender people, 2010

- Key Issue/ Summary: Independent research into the experiences of and barriers to public and political participation for lesbian, gay, bisexual and transgender people.
- Link/Availability:
http://213.251.150.223/qa_tna_june/20110608160754/http://www.equalities.gov.uk/pdf/Experiences%20of%20LGBT%20people_for%20publishing%20Dec%202010.pdf

Other Documents:

1. Mitchell, M. and Howarth, C. /EHRC, Trans research review, 2009, <http://www.equalityhumanrights.com/our-job/our-research/>
2. EHRC Wales, Not just another statistic: Life in Wales for people with mental health conditions, Gypsy Travellers, transgender people and asylum seekers and refugees (2010), <http://www.equalityhumanrights.com/our-job/our-research/>
3. Gender Identity Research and Education Society, The Number of Gender Variant People in the UK- An Update <http://www.gires.org.uk/assets/Medpro-Assets/Prevalence2010.pdf>

Cases

Timbrell v Secretary of State for Work and Pensions [2010] EWCA Civ 701; *R and F v United Kingdom* (Application No.35748/05), European Court of Human Rights (Fourth Section)

- Key Issue/ Summary: Cases dealing with the legal status and implications of a gender recognition certificate
- Link/ Availability: On file with EDF

Extending Harassment outside the Workplace

Context

EA 2010 extends the scope of harassment outside the workplace in relation to the protected characteristics of age and disability. The extension does not extend to sexual orientation or religion and belief (EA ss29(8); 33(6)). However, there is little available research to analyse the impact this extension has had. A few key exceptions (relating to sexual orientation which is not covered by this section) are:

1. Stonewall, Sexual Orientation Research Review (Equalities Review companion report) (2007)
Key Issue/ Summary: A concise summary of some of the issues that affect lesbian and gay people, and how these issues can be explored within the context of public policy. It specifically covers surveys done showing the incidence of homophobic bullying in schools, an aspect not covered by EA 2010.
Link/ availability:
<http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/sexor.pdf>

Ongoing projects relevant for the purpose, which may be tracked are:

Wendy Sykes et al, Independent Social Research/EHRC, Inquiry into disability-related harassment: interviews and focus groups (together with consultation responses from a variety of groups)

- Key Issue/ Summary: This study researches disabled people's experiences of disability-related harassment, focusing on public bodies' responses. This research is part of the EHRC's Inquiry into Disability-Related Harassment.
- Link/ Availability when published: <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/call-for-evidence/statutory-notice/>

Peter Smith et al, Goldsmiths University of London/EHRC, Identity-Based Bullying: Prevention and Response, 2010

- Key Issue/ Summary: The purpose of this project is to establish what local authorities and their schools are doing to prevent and respond to the different types of identity-based bullying across our equality mandate both inside and outside of school. A review of policy and literature relating to identity-based bullying. This will include some interviews with stakeholders to establish what the key issues are for those who are preventing and responding to identity-based bullying. A survey of all local authorities across England, Scotland and Wales, to establish what is being done at the local level in schools and the wider community to prevent and respond to identity-based bullying.
- Link/ Availability: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Outlawing Pay Secrecy

Context

One of the key aspects of ensuring equal pay in EA 2010 has been the need to make the process of payments by employers optimally transparent. The key feature of such a transparent regime of payments is Section 77 (in force) which: renders contractual provisions prohibiting disclosures of payment and seeking disclosures of payment from colleagues by employees unenforceable, and outlaws victimisation for seeking or receiving relevant pay disclosures.

Flagged Questions from Existing Research

1. To what extent can positive duties on employers be incorporated into the effort to ensure equal pay?

Gaps in Existing Research:

1. Definition of 'colleague' in section 77 and its implications
2. S. 77 and its use relating to relevant pay disclosures apart from those relating to gender
3. The extent to which section 77 will assist plaintiffs to find relevant comparators in order to bring an equal pay claim, given that disclosure, while not prohibited, is also not required.

Materials Summary

- ➔ Colm McLaughlin and Simon Deakin, *Equality Law and the Limits of the 'Business Case' for Addressing Gender Inequalities* (work in progress)
 - Key Issue/ Summary: Dealing with the gender pay gap, this working paper examines the growing use of a business logic to address gender inequalities and argues that Section 78 of EA 2010 mandating pay disclosure be brought into force.
 - Link/ Availability: On file with EDF
- ➔ Sandra Fredman, 'Reforming Equal Pay Laws' 37(3) *Industrial Law Journal* 193 (2008)
 - Key Issue/ Summary: Arguing for reform of equal pay measures to introduce a positive duty to eliminate unequal pay (wider framework within which S. 77 is located)
 - Link/Availability: On file with EDF
- ➔ Kate Grosser et al, 'Equal Opportunity for Women in the Workplace: A Study of Corporate Disclosure', ACCA Research Report 102, 2008
 - Key Issue/ Summary: Comparison of pay transparency measures in the United Kingdom, United States and Australia; assessing the extent to which pay secrecy has been mitigated in the said jurisdictions
 - Link/Availability:
http://www.accaglobal.com/pubs/general/activities/research/research_archive/rr-102-002.pdf

➔ Employment Tribunal and EAT Statistics, 2009-10 (Equal Pay Claims), p.5 available at <http://www.justice.gov.uk/publications/docs/tribs-et-eat-annual-stats-april09-march10.pdf>

Trades Union Congress, 'TUC Equality Audit. Progress on Bargaining for Equality at Work', 2009

- Key Issue/ Summary: This study provides figures for numbers or proportion of unions providing guidance and where they have had success in negotiating with employers on topics including: flexible working, race, women's pay, migrant workers, LGBT, disability, religion or belief, harassment. The next report will focus on collective bargaining activities and equality.
- Link/Availability: <http://www.tuc.org.uk/equality/tuc-16977-f0.pdf>

European federation of Public Service Unions, 'Reducing the gender pay gap. Implementing the equal pay resolutions from the 2009 EPSU Congress Report' 2010

- Key Issue/ Summary: Report on gender pay including pay gap statistics across Europe.
- Link/Availability: http://www.epsu.org/IMG/pdf/EPSU_Gender_Pay_Gap_Report_2010_2_.pdf

Fabrizio Alessandria and Kathleen Rosendahl, 'Privacy and Transparency in the Equality Act 2010', 19 *Nottingham Law Journal* 64(2010)

- Key Issue/ Summary: Whether the EA is optimally transparent insofar as Section 77 and its rules regarding 'discussions about pay' are concerned.
- Link/Availability: On file with EDF

EHRC/ Other Documents:

1. Longhi, S. and Platt, L./EHRC, Pay gaps across Equalities areas, 2008
2. Metcalf, H./EHRC, Pay gaps across the Equality Strands: A Review, 2009
3. ➔ Adams, L., Gore, K. and Shury, J./EHRC, Gender pay gap reporting survey 2009
4. Adams, L., Hall, P. and Schafer, S. /EHRC, Equal pay reviews survey, 2008
5. ➔ Metcalf H. and Rolfe H./ NIESR, EHRC Research Report 17: Employment and Earnings in the Finance Sector: A Gender Analysis, 2009

All documents available at <http://www.equalityhumanrights.com/our-job/our-research/>

Simplifying and standardising definitions of discrimination and related concepts

Context

One of the key achievements of EA 2010 has been providing clear definitions broadly standardised across protected characteristics of direct and indirect discrimination. This unified definition replaces the variety of differently worded provisions in the previous legislation. It should in principle simplify the law as well as ensuring its compliance with EU law. However, the need to account for relevant differences between protected characteristics has meant that there are a number of specific provisions containing exceptions for specific characteristics. There has been considerable literature on the definitions adopted and the exceptions to these. Selected articles which cover the questions raised are summarised below.

Flagged Questions from Existing Research

1. What are the conceptual differences between direct and indirect discrimination?
2. On what basis and in what form should exceptions to age and sex discrimination be incorporated? (disability discrimination is dealt with elsewhere in this dossier)
3. How can the definitions of direct and indirect discrimination leading to a complaints-based model of enforcement work harmoniously with a scheme for positive action such as the public sector Equality Duty?

Gaps in Existing Research:

1. The role (if any) of statistics in proving indirect discrimination under the new definition (incorporated from EU law), which refers to 'particular disadvantage'. Although this definition had already been incorporated into domestic law, there is as yet little case law or academic analysis of this issue.
2. The changed wording of the justification defence for indirect discrimination, which expressly incorporates proportionality.
3. The relationship of direct discrimination to equal pay law in the context of ss.70-71 EA 2010, which provide that, although as a rule, direct discrimination does not apply in relation to pay, it may do so if a sex equality clause (implying equal pay into the contract) 'has no effect'.
4. The relationship between the concepts of direct and indirect discrimination on the one hand, and Article 14 ECHR (covering freedom from discrimination) on the other.

Material Summaries

➔ Bob Hepple, *Equality: The New Legal Framework* (Oxford, Hart Publishing, 2011) 53.

- Key Issues/ Summary: This chapter is fundamental for understanding the key issues relating to the definitions of direct and indirect discrimination, the applicable exceptions and the legal issues arising out of the formulations adopted.
- Link/ Availability:
<http://www.hartpub.co.uk/books/search.asp?st=0&s=Labour+%26+Discrimination+Law>

➔ Sandra Fredman, *Discrimination Law* (Oxford, OUP, 2nd edn., forthcoming) pp. 166-214

- Key Issues/ Summary: This chapter contains a comprehensive legal analysis of the definitions of direct and indirect discrimination as well as victimisation, deals with the philosophical foundations of the concepts and focuses crucially on the role of the comparator, a key issue in discrimination jurisprudence. It also has an up-to-date listing of cases which have dealt with the issue which are indicative of judicial attitudes towards interpreting these definitional sections.

➔ Jonathan Swift, 'Justifying Age Discrimination' *Industrial Law Journal* 228 (2006)

- Key Issue/ Summary: This article discusses what the proper approach to interpreting a provision justifying age discrimination should be, conceptually and in light of Regulation 3 of the Employment Equality (Age) Discrimination Regulations, and suggests that this should be derived from considerations of transparent decision-making, and the need to respect the dignity of the individual.
- Link/ Availability: On file with EDF

➔ Malcolm Sargeant, 'The European Court of Justice and Age Discrimination' *Journal of Business Law* 144 (2011)

- Key Issue/ Summary: This article is an up-to-date analysis of the position of age discrimination under EU Law and the case law of the ECJ which are relevant for understanding age discrimination and its differentiated status insofar as direct discrimination is concerned under EA 2010.
- Link/ Availability: On file with EDF

➔ Iain Steele, 'Sex Discrimination and the Material Factor Defence under the Equal Pay Act 1970 and the Equality Act 2010' *Industrial Law Journal* 264 (2010)

- Key Question/ summary: To what extent does the material factor defence (whether an employer can establish that a difference in pay between the applicant and a comparator is genuinely due to a 'material factor') apply in sex discrimination claims under the Equal Pay Act and as a defence to a claim of indirect discrimination under EA 2010? This can be alternatively stated as: Whether the decision of the Court of Appeal in *Armstrong v Newcastle upon Tyne NHS Hospital Trust* ([2005] EWCA Civ 1608) has been reversed by Parliament by EA 2010?
- Link/ Availability: On file with EDF

➔ Lucy Vickers, 'Indirect discrimination and Individual Belief: *Eweida v British Airways Plc*' *Ecclesiastical Law Journal* 197 (2009)

- Key Issue/ Summary: An analysis of the *Eweida v British Airways Plc* decision ([2009] I.C.R. 303 (EAT)) focusing especially on indirect discrimination claims by those who hold minority religious views. It argues that the best way to achieve protection for individual beliefs would be to allow individual claims of indirect discrimination in religion cases, and to enable the proportionality of any restrictions on religious manifestation at work to be dealt with while considering justification.
- Link/ Availability: On file with EDF
- See also: *R. (on the application of Watkins-Singh) v Aberdare Girls' High School Governors* [2008] EWHC 1865 (Admin).

➔ Simon Forshaw and Michael Pilgerstorfer, 'Direct and Indirect Discrimination: Is There Something in Between?' *Industrial Law Journal* 347 (2008)

- Key Issue/ Summary: The article considers the distinction between direct and indirect discrimination from its first principles, analyses judicial decisions regarding indirect discrimination and concludes that discrimination is best understood not in a bipartite but a tripartite structure, the third type being termed quasi-direct discrimination.
- Link/ Availability: On file with EDF

➔ Lizzie Barmes, 'Promoting Diversity and the Definition of Direct Discrimination' *Industrial Law Journal* 200 (2003)

- Key Issue/ Summary: This article is seminal in understanding how judicial interpretation of direct discrimination provisions in strand-specific legislations (Race Relations Act and Sex Discrimination Act) can be reconciled with positive action measures taken by employers with an aim to promote diversity.
- Link/ Availability: On file with EDF

Michael Connolly, 'Racial Groups, the "But For" Test, Benign Motives, and Distinguishing Indirect Discrimination', *Employment Law Bulletin* 2 (2010)

- Key Issue/ Summary: An analysis of the *Jewish Free Schools* decision of the UK Supreme Court focusing specifically on the applicability on the relevance of motive in direct discrimination claims
- Link/ Availability: On file with EDF
- Case citation: *R. (on the application of E) v JFS Governing Body* [2009] UKSC 15 (SC)

Adrian Williams, 'The Changing Face of Indirect Discrimination' 24(1) *Business Law Review* 8(2003)

- Key Issue/ Summary: This article explores the concept of indirect discrimination under the Sex Discrimination Act 1975 and Race Relations Act 1976 and the effect of the Perera loophole established by the Court of Appeal in *Perera v Civil Service Commission (No.2)* in which a restrictive interpretation was given to the employer's 'requirement or condition' which produced the disproportionate impact. Relevant for understanding the effect of consolidating provisions relating to indirect discrimination in Section 19 EA 2010.
- Link/ Availability: On file with EDF

Michael Connolly, 'Rethinking Victimisation' *Industrial Law Journal* 149 (2009)

- Key Issue/ Summary: Discusses the judicial interpretation of 'less favourable treatment' and examines the interface between victimisation, direct and indirect discrimination after identifying the underlying rationale for such provisions.
- Link/ Availability: On file with EDF

Oran Doyle, 'Direct Discrimination, Indirect Discrimination and Autonomy' 27(3) *Oxford Journal of Legal Studies* 537 (2007)

- Key Issue/ Summary: This article discusses whether the philosophical justification for direct and indirect discrimination lies in the concept of autonomy or in the concept of equality

- Link/ Availability: On file with EDF
- See also: John Gardner, 'Discrimination as Injustice' (1996) 16 OJLS 367

Jane Mair, 'Direct Discrimination: Limited by Definition' 10(1) *International Journal of Discrimination and the Law* 3 (2009)

- Key Issue/ Summary: This article considers the implications of the definition of direct discrimination under the EC equal treatment Directives, particularly its dependence upon demonstrating a 'comparative situation' where the alleged less favourable treatment does not occur; analyses relevant ECJ case law distinguishing between direct and indirect discrimination
- Link/ Availability: On file with EDF

Centre for Policy on Ageing/Department of Health, *A literature review of the likely costs and benefits of legislation to prohibit age discrimination in health, social care and mental health services and definitions of age discrimination that might be operationalised for measurement* (2008)

- Key Issue/ Summary: One of four pieces of work commissioned by the Department of Health on the costs and benefits of eliminating age discrimination in the provision of health and social care. Deals *inter alia* with the definition and exceptions to age discrimination.
- Link/Availability: http://www.cpa.org.uk/information/reviews/CPA-age_discrimination_costs_report.pdf.

The Equalities Review team Fairness and Freedom: *The Final Report of the Equalities Review* (2007)

- Key Issue/ Summary: The Equalities Review remit was to: Provide an understanding of the long term and underlying causes of disadvantage that need to be addressed by public policy; Make practical recommendations on key policy priorities for: the Government and public sector; employers and trade unions; civic society and the voluntary sector; Inform both the modernisation of equality legislation, towards a Single Equality Act, and the development of the new Commission for Equality and Human Rights. The final report covers; definition of equality and what a more equal society would look like; changes over past 60 years and potential changes over next 40 years; inequalities in the early years, education, employment and retirement, health and crime and justice; reasons for persistent inequality; recommendations.
- Link/ Availability: http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equality_review.pdf

Extending Protection because of Pregnancy and Maternity

Context

EA 2010 makes pregnancy and maternity a protected characteristic under Section 4. The protection is available for work as well as non-work cases. It is also expressly provided that the woman alleging such discrimination does not need a comparator, all she has to prove is 'unfavourable treatment'. This has offset the issue of equality as conformity insofar as pregnancy is concerned and the earlier need of finding an appropriate comparator.

Flagged Questions from Existing Research

1. What material is available covering the definition of pregnancy and maternity-time period for protection and whether it includes forms of assisted reproduction?
2. Has there been any research contrasting the approaches outlawing discrimination on the basis of pregnancy and the parallel development of vesting rights in pregnant mothers?

Gaps in the Existing Research

1. Insufficient legal analysis on the removal of the requirement of a male comparator and the connotation of the word 'unfavourable' as opposed to 'less favourable' in EA 2010
2. No research relating to pregnancy and maternity in non-employment cases

Materials Summary

➔ Grace James, *Pregnancy Discrimination at Work: A Review*, Equal Opportunities Commission, Working Paper Series No. 14 (February 2004)

- Key Issue/ Summary: This working paper consolidates available evidence of pregnancy discrimination in the United Kingdom at the time, the legal framework for preventing such discrimination and the gaps which exist, both in the law and in the available research; also provides perspective on the UK position with a comparative analysis with legal provisions in France and Sweden
- Link/Availability: <http://hesa.etui-rehs.org/uk/dossiers/files/pregnancydiscriminationatwork.pdf>

➔ Equal Opportunities Commission, *Greater Expectations* (June 2005)

- Key Issue/ Summary: This report presents the results of a two-year EOC review of pregnancy discrimination at work; it identifies the causes for such discrimination and crucially provides guidance to employers regarding their duties relating to pregnant workers, in order to improve awareness
- Link/Availability: http://www.equalityhumanrights.com/uploaded_files/eoc_pregnancygfi_summary_report.pdf

➔ Rabinder Hayer, 'Pregnancy Discrimination in the Employment Context' 19 *Nottingham Law Journal* 44(2010) and Chris McDowall, 'Case Comment on *Sahota v Home Office*' *Employment Law Bulletin* 1 (2010)

- Key Issue/ Summary: Both these articles are case comments on whether employees undergoing IVF (or another form of assisted reproduction) would qualify as pregnant such that 'less favourable treatment' meted out to them would

be tantamount to sex discrimination (Sex Discrimination Act- UK) and provide protection from dismissal (Pregnant Workers' Directive- EU)

- Cases discussed: *Sahota v Home Office* [2010] 2 C.M.L.R. 29 (EAT); *Mayr v Backerei* (ECJ), (2008) IRLR 387
- Link: On file with EDF

➔ Sandra Fredman, 'A Difference with Distinction: Pregnancy and Parenthood Reassessed' 110 *Law Quarterly Review* 106 (1994)

- Key Issue/ Summary: This article aims to review and assess the legislation and case law on pregnancy and maternity in the United Kingdom, the United States and the European Community. It contains a brief description of the background and context critically examines the equality-difference dichotomy in the context of anti-discrimination legislation and considers the possibility of departing from an approach based on equality and dealing with pregnancy and parenthood by means of specific rights instead; contains a comparative analysis of case law from UK, USA and the EU.
- Link/ availability: On file with EDF

➔ Sandra Fredman, *Discrimination Law* (Oxford, OUP, 2nd edn., forthcoming) pp. 169-171

- Key Issue/ Summary: This part of the chapter contains a succinct legal analysis, together with a discussion of the relevant cases, regarding the role of the comparator in cases of discrimination owing to pregnancy and the problems with such a requirement.
- Link/ Availability: On file with EDF

Shona Simon, Discrimination on the Ground of Pregnancy: Chaos or Inconsistency from the ICJ, *Edinburgh Law Review* 1 (1999).

- Key Issue/ Summary: An overview of ECJ case law till 1998 on discrimination based on pregnancy and the grappling with fitting it within the Equal Treatment Directive and later the Pregnant Workers' Directive
- Link/ Availability: On file with EDF

Widening the Powers of Tribunals so that they can make Recommendations that Benefit the Wider Workforce

Context

Under Section 124 of EA 2010, tribunals are vested with the power of making appropriate recommendations which the respondent must implement within a specified time to obviate or reduce the adverse effect on the complainant or 'any other person'. This is a marked shift from earlier legislations under which a recommendation could be ordered only for individual benefit. The effect that the availability of this remedy has had, its recorded usage by tribunals and its efficacy are thus topics for further research.

Flagged Questions from Existing Research

1. Is Section 124 sufficient in ensuring that recommendations made by tribunals for general, as opposed to individualised benefit, are complied with?
2. How have courts interpreted the scope of such a remedy under previous legislations?
3. Have tribunals used this provision widely so far?

Gaps in Existing Research

1. Lessons to be learnt from S. 39 (1) (c) of the Northern Ireland Fair Employment Treatment Order, 1998 which is an analogous provision
2. Creation of a separate head tracking the number of times this remedy (of appropriate orders) has been used in statistical data relating to tribunals hearing discrimination cases

Research to Track

Citizens Advice, *Data on cases*

- Key Issue/ Summary: This ongoing study covers client data for certain areas of discrimination (employment, housing, benefits etc) and protected characteristics. Citizens Advice also captures outcomes related to financial gains from Employment Tribunals (including discrimination), being reinstated at work (including for discrimination) and non-financial gains related to discrimination cases. From 2012, Citizens Advice IT system will be able to capture all the Equality Act protected characteristics and will have improved recording of outcomes.

Materials Summary

➔ Sandra Fredman, *Discrimination Law* (Oxford, OUP, 2nd edn., forthcoming) pp. 289-294

- Key Issue/ Summary: This section of Fredman's book contains an exhaustive legal analysis of S. 124(2)(c) and the power of a tribunal to make an appropriate recommendation in cases of non-compliance, including earlier cases which have ordered such a remedy. The three key issues it highlights are the impunity with which such an order can be ignored, the minimal usage of the power to recommend by tribunals and a comparative analysis with the more efficacious mandatory injunction which can be issued by courts in the USA.
- Link/ Availability: On file with EDF

Cases

- ➔ Capeling v Devonport Royal Dockyards Ltd (3 Dec 2008; Employment Tribunal)
 - Issue: Whether the claimant was subject to direct sex discrimination, sexual harassment and victimisation by male colleagues at the respondent company where she was employed; appropriate remedies in such situations
 - Held: In addition to monetary compensation, keeping in view that the claimant continued to be employed by the respondent company, the relevant managers of the respondent company would be sent for diversity and equal opportunities training, dealing in particular with sex discrimination and "a gender-imbalanced workforce" and the Industrial Skills Manager would also be given specific training to ensure that he exercised his duties in a way that is compatible with the principles of the Sex Discrimination Act.
 - Relevance: Appropriate recommendations issued not only for claimant's benefit but for the benefit of all employees.
 - Link/ Availability: On file with EDF

- ➔ British Gas PLC v Sharma, 1991 IRLR 101 (Court of Appeal)
 - Issue: Whether in a case of racial discrimination, the tribunal was authorised to recommend the respondent's promotion as a remedy under S. 56(1)(c) of the Race Relations Act
 - Held: Relying on North West Thames Regional Health Authority v. Noone ([1988] I.C.R. 813) held that recommending promotion was not a recommendation which was within the power of the tribunal since it was an act of positive discrimination, not allowed by the provision.
 - Relevance: Can be used to understand recommendations which may be held judicially permissible under S. 124 EA 2010.
 - Link/ Availability: Westlaw/ On file with EDF

- ➔ Employment Tribunal and EAT Statistics 2009-10 (GB)
 - Key issue: Indicates the number of times the various permitted remedies were awarded by the relevant Tribunals in discrimination cases; orders for appropriate recommendation(s) not a separate category for which data separately maintained.
 - Link/ Availability: <http://www.justice.gov.uk/publications/docs/tribs-et-eat-annual-stats-april09-march10.pdf>

Westlaw General Note on the phrase "Without Reasonable Excuse"

- Key Issue/ Summary: By S. 124(7) a respondent who has failed to implement a recommendation made by the tribunal can claim that there was a reasonable excuse for not doing so. This general note contains an analysis of case law of how this term is to be interpreted, which has significant implications on how effective the provision for a recommendation will be.
- Link/ Availability: Westlaw/ On file with EDF

Protection against Third Party Harassment

Context

In Section 40(2) of EA 2010, an employer is liable for harassment of employees by third parties such as customers or clients if he fails to take steps reasonably practicable to prevent such harassment. In addition, sub-section (3) retains the 'three strikes' rule and mandates that such liability would ensue only when the employee has been harassed on at least two other occasions by third parties. This provision thus statutorily establishes third party liability for employers in harassment cases, an issue which has had a fractious history in the United Kingdom. The measure is an extension to previous protection which applied only to sex discrimination.

Flagged Questions from Existing Research

1. What is the legal position relating to liability of employers for third party harassment in the common law and the Protection from Harassment Act 1997?
2. What are the conceptual foundations for vicarious liability in relation to harassment?
3. What are the problems with the 'three strikes rule' retained in S. 40(3)?

Gaps in Existing Research

1. Insufficient analysis of the under-inclusiveness of liability for third party harassment
2. Insufficient analysis on numbers of cases in relation to third party harassment filed in courts
3. Insufficient research on employers' obligations to prevent third party harassment

Material Summaries

➔ Bob Hepple, *Equality: The New Legal Framework*, (Oxford: Hart Publishing, 2011), p. 81-82

- Summary/ Key issue: The legal problems with the drafting of S. 40 EA 2010 (issues for future research identified)

➔ Lizzie Barmes, 'Constitutional and conceptual complexities in UK implementation of the EU harassment provisions' *Industrial Law Journal* 446 (2007)

- Summary/ Key issue: This essay evaluates implementation in the UK in recent years of EU law provisions on discriminatory harassment. It identifies possible judicial review concerns with provisions, their unclear conceptual foundations and the mixed signals they send out to employers and employees regarding the scope of unacceptable conduct.
- Link/ availability: On file with EDF

➔ David Manknell, 'Discrimination on Grounds of Sexual Orientation, Harassment and Liability for Third Parties' *Industrial Law Journal* 297 (2003)

- Summary/ Key Issue: Contains a concise summary of case law on liability of employers for third party harassment including the landmark cases of *Pearce v Mayfield Secondary School with MacDonald v A-G Scotland* (2003 UKHL 34), and *Burton v de Vere Hotels* (1997 ICR 1)
- Link/ availability: On file with EDF

➔ Sarah Gilzean, 'Third Party Harassment' 101(Feb) *Employment Law Bulletin* 4(2011)

- Summary/ Key issue: A legal analysis of S. 40 of EA 2010 and a comparison with the position of the common law relating to vicarious liability for harassment prior to it
- Link/ availability: On file with EDF

Sam Middlemiss, 'Employers' Legal Liability for Sexual Harassment of Employees by Third Parties', 10 *International Journal of Discrimination and the Law* 39(2010)

- Summary/ Key Issue: This article discusses the background to the introduction of rules under the Sex Discrimination Act 1975 sections 6(2A)-(2C) on the circumstances in which an employer may be liable for the sexual harassment of an employee by a third party. It comments on the standard of proof required by the rules, and considers how third party harassment cases invoking the vicarious liability doctrine or the Protection from Harassment Act 1997 might have been decided had they been in force at the time.
- Link/ availability: On file with EDF

Brenda Barrett, Vicarious Liability for Harassment by an Employee, *Industrial Law Journal* 431 (2006).

- Summary/ Key Issue: Discusses the House of Lords decision in *Majrowski (Respondent) v Guy's and St Thomas' NHS Trust (Appellants)* [2006] UKHL 34 where the House of Lords was asked to rule on whether the Court of Appeal had rightly decided that in principle an employer could be made vicariously liable in a civil claim for harassment committed by its employee in the course of employment in breach of the duty imposed on the employee by section 3 of the Protection from Harassment Act 1997 (*note that under S. 40(4) EA 2010, a 'third party' is not an employee*)
- Link/ availability: On file with EDF

Douglas Brodie, 'Deterring Harassment at Common Law' *Industrial Law Journal* 213 (2007)

- Summary/ Key Issue: Discussed the underlying rationale for imposing vicarious liability on employers in harassment cases in the common law
- Link/ availability: On file with EDF

Improving the Handling of Discrimination Cases by County Courts and Sheriff Courts

Context

Under EA 2010, jurisdiction for most categories of non-employment cases is vested in County Courts in England and Wales and Sheriff Courts in Scotland. EA 2010 incorporates in Section 114(7) a provision for specialist assessors being appointed. Since this continues the previous provision for appointment of assessors in race and sex discrimination cases, interpretations of the latter will be useful in understanding how S. 114(7) should be best used to improve handling of discrimination cases by County Courts.

Flagged Questions from Existing Research

1. When is a judge required to sit with assessors compulsorily in race discrimination claims?
2. What is the precise role of assessors when they have been appointed in a discrimination claim, especially in relation to hearing of the case, recording their views, and in the ultimate decision reached by the Court?

Gaps in Existing Research

1. Currently county court statistics do not provide specific data in relation to discrimination claims or assessors appointed. See: <http://www.justice.gov.uk/publications/judicialandcourtstatistics.htm>
2. Comparison of costs, delays etc in county courts as against employment tribunals. Role of legal aid and awards of costs in favour of the successful party. Reasons for costs and delays and ways of reducing these.
3. Tracking of scale and nature of remedies and comparison of remedies available in county courts as against tribunals.

Cases

➔ *Deman v Commission for Equality and Human Rights*, [2010] EWCA Civ 1279 (Court of Appeal)

- Issue: Whether a judge was required to sit with lay assessors to determine an application by the respondent commission to strike out X's claim for racial discrimination and victimisation under the Race Relations Act
- Held: A judge hearing a matter under the Race Relations Act 1976 where lay assessors were capable of contributing special knowledge and experience of problems connected with relations between persons of different racial groups, pursuant to s.67(4), was required to sit with those assessors and did not have the option of discharging them.
- Quote of relevance: "We note with relief that this legislative provision is now superseded by the Equality Act 2010, s. 114(7) , which spells out plainly the meaning that we have extracted from s.67(4) of the 1976 Act."
- Link/ availability: Westlaw/ On file with EDF

Case Comment, 'Race Relations Claim- Application to Strike out- Role of Assessors' *Civil Procedure News* 3 (2010)

- Key Issue/ Summary: An analysis of the Deman case (above) and its key findings; especially the difference between adjudicative jurisdiction (in issue) and constitutive jurisdiction (not in issue) in relation to the role of assessors.
- Link/ availability: On file with EDF

➔ Ahmed v Governing Body, University of Oxford, [2002] EWCA Civ 1907 (Court of Appeal)

- Issue: The appellant alleged that he had been racially discriminated by his tutor at the respondent institution; the question, apart from the merits of the claim, before the Court of Appeal was to delineate the exact role of the assessors who were appointed to hear the claim, their relation with the judge and ancillary aspects
- Held: Precise role of the assessors laid down; the failure of the judge to record in the judgment the views expressed by the assessors in the decision making process and his reaction to those views, did not lead to a miscarriage of justice as it could not be said that a reasonable tribunal could have reached a different conclusion from the one which the judge had reached.
- Link/ availability: Westlaw/ On file with EDF

Case Comment, 'Role of Assessors in Trial of Race Discrimination Claim' *Civil Procedure News* 5 (2003)

- Key issue/ summary: An analysis of the Ahmed case (above) and its key findings; especially the distinct role of assessors under the Race Relations Act as opposed to the CPR 1998.
- Link/ availability: On file with EDF

Appendices: Further Resources

The resources listed below are categorised by discrimination ground followed by material that does not fit into these categories. A small amount of research specific to Scotland, Wales and Northern Ireland is included. Material in each category is listed chronologically, with the most recent material first.

The section begins with an analysis of material on dual discrimination. This material was collated before the announcement in the Budget on 23 March that dual discrimination measures will not be implemented.

Categories are: Race, Gender, Disability, Age, Age – children/young people, Sexual orientation, Religion or belief, Multidimensional (two or more grounds), Legal, Refugees and migrants, Gypsies and Travellers, Social care, Education, Health, Employment, Socio-economic/poverty, Scotland, Wales, Northern Ireland, Other.

This is not a comprehensive list of equality research and data, but rather a list of the materials we were able to identify within the confines of a short scoping project. Our apologies for any significant material that is omitted.

Please note all gender identity material is listed in the main body of the dossier. There is a recognised lack of research on this subject.

Dual Discrimination

Please note, this material was collated before the announcement in the Budget on 23 March that dual discrimination measures will not be implemented.

Context

Section 14 of EA 2010 provides for combined discrimination, referred to as intersectional discrimination in academic literature. The incorporation of this provision was pursuant to the evidence presented to the *Discrimination Law Review* by a number of organisations. As the provision has not yet been brought into force there is little in terms of material which analyses its operation. However for the purpose of evaluating the provision at this stage, reports, legal analyses, judicial decisions and comparative materials are significant. The most relevant of such material is appended below.

Flagged Questions from Existing Research

1. What are the underlying rationales and aims of combined discrimination? Should it be founded on the concept of difference or disadvantage?
2. Should the definition of multiple discrimination be limited to two grounds or should discrimination claims based on more than two grounds be permitted?
3. How is combined discrimination understood in comparable legislations in other jurisdictions, most notably under EU law?

Gaps in Existing Research

None, though the material on each issue is insufficient to show any workable consensus on the basis of which law reform can be based.

Research to Track

1. Working Lives Research Institute Partnership with ACAS to investigate multiple discrimination in the workplace (in the early stages of data gathering)
<http://www.workinglives.org/news/archive/2011/partnership-with-acas-to-investigate-multiple-discrimination-in-the-workplace.cfm> (Contact persons: Hazel Conley[QMUL], Sian Moore [WLRI], Tessa Wright[WLRI])
2. "Diversity: The Experience of Discrimination on Multiple Grounds" ACAS funded research on experiences of claimant's who take multiple discrimination claims to Employment Tribunal (estimated completion date: 30.04.11)
http://www.psi.org.uk/research/project.asp?project_id=229 (Contact Person: Maria Hudson [PSI])
3. Dagmar Schiek, Ongoing Conference Series on Multidimensional Equality Law
<http://www.law.leeds.ac.uk/research/projects/european-and-international-equality-law.php>
4. Eleonore Kofman *et al*/Fundamental Rights Agency, 'Inequalities and Multiple Discrimination in Access to Healthcare'
http://www.fra.europa.eu/fraWebsite/research/projects/proj_multiplerediscrimination_healthcare_en.htm (Contact Person: Eleonore Kofman)

Material Summaries

➔ Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Anti-discrimination Doctrine, Feminist Theory and Antiracist Politics” *University of Chicago Legal Forum* 139(1989).

- Key Issue/ Summary: This is an absolutely seminal understanding of intersectionality analysis focusing on the intersection between race and gender. It provides a trenchant critique of traditional discrimination law understanding racial and gendered experiences as distinct and discrete.
- Link/Availability: On file with EDF

➔ Sarah Hannett, “Equality at the Intersections: The Legislative and Judicial Failure to Tackle Multiple Discrimination” 23(1) *Oxford Journal of Legal Studies* 65(2003).

- Key Issue/ Summary: Though this article was written before the Equality Act 2010 under which multiple discrimination claims can be made, its fundamental point which is relevant for the current legislation as well is the fact that for multiple discrimination claims to be successful it is not just a unification of protected characteristics that is required, but both a broad uniformity in their treatment under the unified regime as well as a change in philosophy of anti-discrimination from addressing difference to addressing disadvantage.
- Link/Availability: On file with EDF

➔ Dagmar Schiek and Anna Lawson eds., *European Union Non-Discrimination Law and Intersectionality. Investigating the Triangle of Racial, Gender and Disability Discrimination*, Ashgate, 2011.

- Key Issue/ Summary: This book contributes to a critical reflection of current legislative and jurisprudential developments in Non-Discrimination Law, focusing on the European Union. The book is focused on intersectionality between gender, race and disability and the question of whether, and to what extent, this intersection can be adequately addressed in (EU) law. See Chapter 10 by Gay Moon on ‘Justice for the whole person: the UK’s partial success story’.
- Link/Availability: <http://www.ashgate.com/isbn/9780754679806>

Gay Moon, “Multiple Discrimination: Problems Compounded or Solutions Found?”

- Key Issue/ Summary: This article provides a succinct analysis of the issues involved in effectively incorporating multiple discrimination in an equality statute. It deals specifically with the role of the comparator, the grounds to be included and making the exceptions to the said grounds uniform. [note: Gay Moon’s most recent work on multiple discrimination is Chapter 10 in Schiek and Lawson eds. 2011, above]
- Link/Availability: www.justice.org.uk/images/pdfs/multiplerediscrimination.pdf

➔ Paola Uccellari, “Multiple Discrimination: How Law can Reflect Reality” 1 *The Equal Rights Review* (2008)

- Key Issue/ Summary: This is a seminal article on how a multiple discrimination provision ought to be designed keeping in mind existing social realities of sources of structural disadvantage; useful for reform if contemplated.
- Link/Availability: <http://www.equalrightstrust.org/view-subdocument/index.htm?id=84>

➔ Iyiola Solanke, "Putting Race and Gender Together: A New Approach to Intersectionality" 72(5) *Modern Law Review* 723 (2009)

- Key Issue/ Summary: This article argues that to overcome difficulties of identifying and assessing intersectional discrimination, the qualitative difference between intersectional claims must be understood, the logic of immutability underlying each ground must be modified to accommodate intersectionality and a method must be found which allows courts to incorporate such an understanding based on the overall social context into judicial decisions.
- Link/Availability: On file with EDF

➔ Dagmar Schiek, "Broadening the Scope and the Norms of EU Gender Equality Law: Towards a Multidimensional Conception of Equality Law" 12(4) *Maastricht Journal of European and Comparative Law* 427 (2005)

- Key Issue/ Summary: This article provides a comprehensive analysis of the movement towards intersectionality in EU equality law especially the adoption of the Anti-racism Directive and Directive 2007/78/ EC establishing a general framework for equal treatment of persons in employment; most of the article is however conceptual dealing with the principled arguments in favour of intersectionality and how best it can be implemented in legislation
- Link/Availability: On file with EDF

➔ European Commission, "Tackling Multiple Discrimination: Practices, Policies and Laws" (September 2007)

- Key Issue/ Summary: This is a very comprehensive resource for writings on multiple discrimination worldwide with a specific focus on countries in the EU. It includes the point that the lack of consciousness regarding multiple discrimination and the consequent lack of an interest group to promote protection against multiple discrimination are problems which limit its significance (a problem which largely continues till today). It calls on member states to remedy this problem.
- Link/Availability: ec.europa.eu/social/BlobServlet?docId=776&langId=en /On file with EDF
- See also: A summary and analysis of the aforesaid document by Mandana Zarrehparvar <http://www.eortrial.co.uk/default.aspx?id=1005274>

Gay Moon, "Justice for the whole person", (2010)

- Key Issue/ Summary: The article explores the particular problems of multiple discrimination that Roma people are likely to experience. It also identifies the limits of the law, different types of multiple discrimination, what is covered by European directives, policy and legal solutions.
- Link/Availability: <http://www.errc.org/cikk.php?page=1&cikk=3564>

Sandra Fredman, *The Future of Equality in Britain* (Equal Opportunities Commission, Working Paper Series No. 5) p. 25

- Key Issue/ Summary: This part of the working paper deals *inter alia* with the difference between cumulative and additive discrimination and the need to incorporate both in an equality legislation which is relevant to note in the context of whether multiple discrimination should be dual (as it is under S. 14) or should allow for claims based on more than two grounds.
- Link/Availability: On file with EDF

Sandra Fredman, *Discrimination Law* (Oxford: OUP, forthcoming), Chapter 3:

- Key Issue/ Summary: A comprehensive analysis of S. 14 of the Equality Act 2010, with a survey of comparative positions in the UK, South Africa and Canada
- Link/Availability: On file with Professor Fredman

Department for Communities and Local Government, *Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain* (June 2007).

- Key Issue/ Summary: This consultation paper in ¶7.31 to ¶7.34 (p. 122) speaks of multiple discrimination, its incidence, the role of EHRC in understanding multiple discrimination and the lack of data regarding its specific extent.
- Link/Availability: <http://www.communities.gov.uk/publications/communities/frameworkforfairnessconsultation>

European Union Agency for Fundamental Rights (FRA), EU-MIDIS Data in Focus Report: 'Multiple Discrimination' (2011)

- Key Issue/ Summary: Report based on survey of 500-1,500 respondents in each member state, covering general perceptions and personal experiences of discrimination on more than one ground; additionally the report includes recommendations for equality bodies and calls for legislation.
- Link/Availability: http://fra.europa.eu/fraWebsite/attachments/EU_MIDIS_DiF5-multiple-discrimination_EN.pdf

GenderRace project (supported by the European Union Seven Framework Programme), "Gender and Citizenship in a Multicultural Context" (2010)

- Key Issue/ Summary: Project to 'deepen understanding of the impact of gender on the experience of racial discrimination', based on research (including in-depth interviews and workshops) carried out between 2008 and 2010 in six European Member states: Belgium, Bulgaria, Germany, Spain, Sweden and the UK. Covers national contexts, European anti-discrimination instruments, experiences of discrimination, capacity of states to handle multiple discrimination and recommendations.
- Link/Availability: <http://genderace.ulb.ac.be/>

Equality and Diversity Forum, "Multiple Discrimination Consultation Response" (2009)

- Key Issue/ Summary: Makes the case for extending legislation to cover multiple discrimination, highlights some relevant cases, looks at the limitations in what the Government proposed, considers the implications for employers, service providers and tribunals.
- Link/Availability: <http://www.edf.org.uk/blog/wp-content/uploads/2010/05/MultipleDiscriminationResponseMay091.doc>

European Commission, "Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes" (2008)

- Key Issue/ Summary: Based on survey in 2008 covering perceptions and experiences of discrimination relating to ethnic origin, Roma, disability, sexual

orientation, age, religion or belief, gender and multiple discrimination. Also covers equal opportunities in employment, combating discrimination and knowledge of the law.

- Link/Availability: http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf or summary at http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sum_en.pdf

Pragna Patel, Notes on Gender and Race Discrimination, Commission on Racial Equality (CRE) Document

- Key Issue/ Summary: This article looks at intersectionality analysis generally listing out relevant issues. Its particular significance however is in discussing domestic violence and the need to factor it within the ambit of multiple discrimination.
- Link/Availability: http://www.eurowrc.org/13.institutions/5.un/un-en/12.un_en.htm

Cases

➔ Ministry of Defence v. De Bique, [2010] IRLR 471; (Employment Appellate Tribunal)

- Issue: Whether the Ministry of Defence had indirectly discriminated against the respondent by not offering the same childcare facilities to British and Commonwealth women soldiers
- Held: MoD guilty of indirect race and sex discrimination with an express recognition of intersectionality with the words that “discrimination was often multi-faceted and could not always be compartmentalised into discrete categories.”
- Link/Availability: On file with EDF/ Official Transcript of EAT

➔ Bahl v. Law Society, [2004] EWCA Civ 1070 (Court of Appeal); [2003] IRLR 640 (EAT)

- Issue: Whether the Law Society and some of its officers (impleaded in the case) were guilty of racial and sexual discrimination with relation to the appellant who was a black Asian woman of British nationality, when they alleged misconduct by the appellant, lodged a formal complaint against her and suspended her from her role as Vice President.
- Held (CA): The tribunal had erred by not looking at sex and racial discrimination separately; the two were independent grounds which had to be satisfied; (EAT- same decision on merits) additionally held- A hypothetical comparator is not a requirement in such cases; if it is used as the Employment Tribunal did, treatment of the comparator in different circumstances would be irrelevant for determining discrimination in the given case.
- Link/Availability: On file with EDF/ Official Transcript

In addition there are several cases arising from disputes before Employment Tribunals under the Sex Discrimination Act, Race Relations Act, Disability Discrimination Act, the Age Regulations which implicitly recognise the need for dual discrimination and highlight the impracticality of proving and assessing discrimination on individual grounds instead of doing so in a combined manner:

1. Ms. M O’ Reilly v. The British Broadcasting Corporation and another, Employment Tribunal, Case Number 2200423/2010 (<http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/oreilly-bbc.pdf> - age and sex discrimination)

2. British Airways Plc v. Mak, [2011] EWCA Civ 184 (Court of Appeal), (on file with EDF- age, sex and race discrimination)
3. Hewage v. Grampian Health Board, [2011] CSIH 4 (Court of Session, Inner House, Second Division), (on file with EDF, sex and race discrimination)
4. Kuliaoskas v. Macduff Shellfish (and Watt), [\[2011\] I.C.R. 48](#) (EAT, Scotland), (on file with EDF, sex discrimination and discrimination on account of pregnancy)

More cases may be found in <http://www.edf.org.uk/blog/wp-content/uploads/2010/05/MultipleDiscriminationResponseMay091.doc>.

Race

Title: ECRI Report on the United Kingdom

Author/Organisation: European Commission Against Racism and Intolerance, Council of Europe

Date of publication: 2010 (and ongoing)

Link: http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/United_Kingdom/GBR-CbC-IV-2010-004-ENG.pdf

Summary: The European Commission Against Racism and Intolerance (ECRI) conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and drew up suggestions and proposals for dealing with the problems identified. ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

Title: Why Do Assets Matter? Assets, Equality, Ethnicity – Building towards Financial Inclusion

Author/Organisation: Omar Khan/Runnymede Trust

Date of publication: 2010

Link: <http://www.runnymedetrust.org/uploads/AssetsExecutiveSummaryV4.pdf>

Summary: Report considers the role of assets from the perspective of ethnicity. More broadly, it evaluates how assets are currently distributed among people of varying characteristics, and whether measures could be taken to increase asset-holding in the United Kingdom today.

Title: Local Authorities and Race Equality. Research Outline Report

Author/Organisation: BEMIS

Date of publication: 2010

Link: [http://www.bemis.org.uk/PDF/PDF%20BEMIS%20Council%20Report\[2\].pdf](http://www.bemis.org.uk/PDF/PDF%20BEMIS%20Council%20Report[2].pdf)

Summary: Mapping of Scottish councils' race equality work.

Title: The feasibility of constructing a race equality index

Author/Organisation: Anthony Heath and Yaojun Li/DWP

Date of publication: 2010

Link: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_695.asp

Summary: DWP commissioned the report to explore the feasibility of constructing a race equality index in order to understand, in detail, how discrimination is happening, how proactive businesses are in promoting race equality in recruitment, retention and promotion, and to monitor trends over time in order to determine whether new measures to promote race equality should be introduced by government.

Title: Culturally responsive JSNAs: a review of race equality and Joint Strategic Needs Assessment (JSNA) practice

Author/Organisation: LGID, Race for Health and Shared Intelligence

Date of publication: 2010

Link: <http://www.idea.gov.uk/idk/aio/24252469>

Summary: Identifies opportunities for addressing race inequality in health through more effective use of Joint Strategic Needs Assessments

Title: Race discrimination in the construction industry: A thematic review

Author/Organisation: Caplan, A., Aujla, A., Prosser, S. and Jackson, J./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Who Pays to Access Cash? Ethnicity and Cash Machines

Author/Organisation: Omar Khan and Ludi Simpson/Runnymede

Date of publication: 2009

Link:

<http://www.runnymedetrust.org/uploads/publications/pdfs/WhoPaysToAccessCash-2009.pdf>

Summary: Research on the relationship between ethnicity, cash machines and location.

Title: The Macpherson Report – Ten Years On

Author/Organisation: Home Office

Date of publication: 2009

Link:

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/427/427.pdf>

Summary: Report with formal minutes and written and oral evidence, of progress in tackling police racism.

Title: Evaluation of the Race Equality Procurement pilots

Author/Organisation: Nii Djan Tackey et al/DWP

Date of publication: 2009

Link: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_600.asp

Summary: The Race Equality Procurement pilots were a new initiative introduced in three Government departments in 2006 to encourage procurers to achieve better race equality outcomes when procuring services. This report presents the full findings from research to evaluate the models developed by procurers in the three departments.

Title: ENAR Shadow Report 2008. Racism in Europe

Author/Organisation: European Network Against Racism

Date of publication: 2009

Link:

http://cms.horus.be/files/99935/MediaArchive/publications/shadowReport2008_EN_fi_nal.pdf

Summary: This European Network Against Racism (ENAR) report identifies communities that are most vulnerable to racism and manifestations of racism in spheres including employment, housing, education, health, policing, violence, goods and services and media. The report includes an overview of legal and political developments in anti-discrimination, migration and integration, criminal justice and social inclusion, and makes recommendations.

Title: EU-MIDIS Main Results Report on the European Union Minorities and Discrimination Survey
Author/Organisation: Fundamental Rights Agency
Date of publication: 2009
Link: http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en.pdf
Summary: The survey interviewed 23,500 people with an ethnic minority or immigrant background across the EU's 27 Member States, and is the largest EU-wide survey of its kind on minorities' experiences of discrimination, racist victimisation, and policing.

Title: REACH. An independent report to Government on raising the aspirations and attainment of Black boys and young Black men
Author/Organisation: REACH group/Department for Communities and Local Government
Date of publication: 2007
Link: <http://www.communities.gov.uk/documents/communities/pdf/reach-report.pdf>
Summary: An independent report commissioned by Government and focusing on raising the aspirations and achievement among Black boys and young Black men, enabling them to achieve their potential.

Title: Minority Ethnic Pupils in the Longitudinal Study of Young People in England
Author/Organisation: Professor Steve Strand, Institute of Education for DfES
Date of publication: 2007
Link: Summary: Links the GCSE examination results at age 16 of a nationally representative sample of over 15,000 young people with detailed data from pupil and parent interviews on attitudes, aspirations and family circumstances at aged 14, as well as their national test scores at age 14 and at age 11. The primary aim of the analysis was to focus on the relationships between various pupil, family, school and neighbourhood factors in order to better understand the reasons for differences in the educational attainment of different ethnic groups.

Title: Ethnic penalties in the labour market
Author/Organisation: Professor Anthony Heath and Dr Sin Yi Cheung/DWP
Date of publication: 2006
Link: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_341.asp
Summary: Aims to review the current position of ethnic minorities in Britain's labour market; explore how ethnic minority representation and achievement varies by different employer characteristics; establish how far these variations might be linked to discrimination in the workplace.

Title: Ethnic Minority Data Portal
Author/Organisation: Ethnic Minority Advisory Group
Date of publication: ongoing
Link: <http://www.dwp.gov.uk/emag/data-portal/>
Summary: Secondary source of data on ethnic minority employment

Gender

Title: Map of Needs

Author/Organisation: Liz Kelly et al, Child and Woman Abuse Studies Unit, (London Metropolitan University) and GEN/EHRC

Date of publication: research in progress

Link: EHRC research when published available at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: Map of Needs will provide a model that will calculate the needs and associated costs for providing specialised violence against women services for each local authority area in England, Wales and Scotland. The models will differentiate between what is needed at local, regional and national levels for each local authority area across all forms of violence.

Title: Independent Review into Women on Boards

Author/Organisation: Lord Davies/Department for Business,

Date of publication: February 2011

Link: <http://www.bis.gov.uk/assets/biscore/business-law/docs/w/11-745-women-on-boards.pdf>

Summary: A report identifying the 'current situation' in relation to gender representation on the boards of listed companies. Identifies proportion of women on corporate boards and barriers to increasing representation, includes international comparisons and makes recommendations to address under-representation.

Title: The Corporate Gender Gap Report 2010

Author/Organisation: World Economic Forum

Date of publication: 2010

Link: <https://members.weforum.org/pdf/gendergap/corporate2010.pdf>

Summary: Survey based report that rates 20 countries including UK on 'Gender Gap Index' and sub indexes, including educational achievement, maternity leave benefits, health and political empowerment. Disaggregates responses by industry.

Title: Measuring up? UK compliance with international commitments on violence against women in England and Wales

Author/Organisation: Rights of Women

Date of publication: 2010

Link:

http://www.rightsofwomen.org.uk/pdfs/Measuring_up_A_report_by_Rights_of_Women.pdf

Summary: This report provides an assessment of how current law and policy related to violence against women in England and Wales measures up to UK commitments under international law.

Title: Not having it all: How motherhood reduces women's pay and employment prospects

Author/Organisation: Jessica Woodroffe/Fawcett Society

Date of publication: 2009

Link: <http://www.fawcettsociety.org.uk/documents/NotHavingItAll.pdf>

Summary: Identifies the 'motherhood pay penalty' and its causes.

Title: Sex and power in the South West

Author/Organisation: Equality South West and South West TUC

Date of publication: 2009

Link: <http://www.edf.org.uk/blog/?p=3267>

Summary: Data on under-representation of women in the South West

Title: Corporate Sexism. The sex industry's infiltration of the modern workplace

Author/Organisation: Kat Banyard and Rowena Lewis/Fawcett Society

Date of publication: 2009

Link: <http://www.fawcettsociety.org.uk/documents/Corporate%20Sexism.pdf.pdf>

Summary: Research showing that women's participation in the workplace is undermined by infiltration of the sex industry.

Title: Map of Gaps 2. The postcode lottery of Violence Against Women support services in Britain

Author/Organisation: End Violence Against Women with EHRC

Date of publication: 2009

Link: Postcode lottery of Violence Against Women services, 2009,

http://www.endviolenceagainstwomen.org.uk/data/files/map_of_gaps2.pdf

Summary: Second report documenting the uneven distribution of specialised services in Britain to help women who experience violence, such as Rape Crisis Centres and refuges.

Title: Submission to the United Nations' Committee on the Convention on the Elimination of all Forms of Discrimination Against Women (Shadow CEDAW report)

Author/Organisation: Women's National Commission

Date of publication: 2008

Link:

http://www.engender.org.uk/UserFiles/File/Documents/UK_CEDAW_REPORT_PDF_VERSION_23_05_2008_1.pdf

Summary: Report on women's inequality in the UK

Title: Making the Grade? 2007. The third annual independent analysis of UK Government initiatives on violence

Author/Organisation: End Violence Against Women

Date of publication: 2008

Link: http://www.endviolenceagainstwomen.org.uk/data/files/evaw_mtg_uk.pdf

Summary: An assessment by members of the independent violence against women sector of how UK Government Departments tackle violence against women. It is based on the responses that Secretaries of State give to 12 questions.

Title: ONS Focus on gender

Author/Organisation: ONS

Date of publication: 2004, 2006 and 2008

Link: <http://www.statistics.gov.uk/statbase/product.asp?vlnk=10923>

Summary: Provides an overview of the lives of men and women in contemporary UK society. It includes information on their characteristics, experiences and lifestyles, placing particular emphasis on the differences between males and females.

Title: Saving lives: Women's lifetime savings patterns

Author/Organisation: Fawcett Society

Date of publication: 2007

Link:

http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/Our_final_report.aspx

Summary: Research on women's savings

Title: CEDAW 6th Periodic Report of the UK

Author/Organisation: Women and Equality Unit

Date of publication: 2007

Link: [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/398/67/PDF/N0739867.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/N07/398/67/PDF/N0739867.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/398/67/PDF/N0739867.pdf?OpenElement)

Summary: Outlines the measures Government has taken since 2003 to tackle discrimination against women.

Title: Women and Work Commission report and Review

Author/Organisation: Women and Work Commission

Date of publication: 2006

Link:

<http://webarchive.nationalarchives.gov.uk/20100212235759/http://www.equalities.gov.uk/pdf/Shaping%20a%20Fairer%20Future%20report.pdf> and

http://webarchive.nationalarchives.gov.uk/20100212235759/http://www.equalities.gov.uk/pdf/297158_WWC_Report_acc.pdf

Summary: Report of commission set up to look at the gender pay gap. Includes recommendations based on evidence submitted. Followed by 'A review of the recommendations of the Women and Work Commission three years on'.

Title: Agreement on preventing and dealing effectively with sexual harassment: quantitative & qualitative research into sexual harassment in the armed forces

Author/Organisation: S. Rutherford, R. Schneider and A. Walmsley/Ministry of Defence/Equal Opportunities Commission

Date of publication: 2006

Title: Greater Expectations: Summary final report. EOC's investigation into pregnancy discrimination

Author/Organisation: Equal Opportunities Commission

Date of publication: 2005

Link:

http://www.equalityhumanrights.com/uploaded_files/eoc_pregnancygfi_summary_report.pdf

Disability

Title: All in this together?

Author/Organisation: Inclusion London

Date of publication: 2011

Link: <http://www.inclusionlondon.co.uk/all-in-this-together>

Summary: The report reveals the profound barriers to equality faced by disabled people in London. Research conducted by the Office for Public Management (OPM), based on fresh analyses of national datasets and an evidence review, found that the austerity measures are likely to lead to worsening inequality and poverty among disabled Londoners.

Title: Trends in the employment of disabled people in Britain. ISER Working Paper 2011-03

Author/Organisation: Richard Berthoud/ISER

Date of publication: 2010

Link: <http://www.iser.essex.ac.uk/publications/working-papers/iser/2011-03>

Summary: Uses survey data to plot trends over time in the prevalence of disability, and in the employment rates of disabled people.

Title: Doing Seniority Differently. A Study of High Fliers Living with Injury, Ill Health or Disability

Author/Organisation: Radar

Date of publication: 2010

Link: <http://www.radar.org.uk/doingsenioritydifferently/>

Summary: Research on career progression, seniority and disability

Title: Prevalence of childhood disability and the characteristics and circumstances of disabled children in the UK: secondary analysis of the Family Resources Survey

Author/Organisation: Clare M Blackburn, Nick J Spencer and Janet M Read

Date of publication: 2010

Link: <http://www.biomedcentral.com/1471-2431/10/21/abstract>

Summary: This paper reports prevalence rates for childhood disability in the United Kingdom (UK) and describes the social and household circumstances of disabled children, comparing these where appropriate to those of non-disabled children.

Title: The Implementation of Policies Supporting Independent Living for Disabled People in Europe: Synthesis Report

Author/Organisation: Ruth Townsley with Linda Ward, David Abbott and Val Williams/ Academic Network of European Disability Experts

Date of publication: November 2009, amended January 2010

Link: <http://www.disability-europe.net/content/pdf/ANED-Task%205%20Independent%20Living%20Synthesis%20Report%2014.01.10.pdf>

Summary: Assessment of progress within European countries on policies supporting independent living for disabled people.

Title: Annotated review of European Union law and policy with reference to disability

Author/Organisation: Janina Arsenjeva/Academic Network of European Disability experts

Date of publication: December 2009

Link: http://www.disability-europe.net/content/pdf/ANED%202009%20Task%203%201%20Review%20of%20law%20and%20policy%20with%20annex%20-%20final_in%20layout.pdf

Summary: Review of evidence of the extent to which disability is being mainstreamed in different areas of EU law and policy.

Title: The Equality Bill: how disability equality fits within a single Equality Act

Author/Organisation: Work and Pensions Committee

Date of publication: 2009

Link:

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmworpen/158/15802.htm>

Summary: Considers disability equality within single equality act based on written and oral evidence received.

Title: Attitudes to mental illness 2010 research report

Author/Organisation: TNS UK for the Care Services Improvement Partnership, Department of Health

Date of publication: 2009

Link:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsStatistics/DH_114795

Summary: Since March 1993, the Department of Health has placed a set of questions on TNS's Face-to-Face Consumer Omnibus about public attitudes towards mental illness. From 1993 to 1997 the questions were asked on an annual basis and then every third year up until 2003. Since 2007 the survey has again been carried out annually. The surveys serve as a benchmark, enabling measurement of whether attitudes are improving or worsening over time. The questionnaire included a number of statements about mental illness. Respondents were asked to indicate how much they agreed or disagreed with each statement.

Title: Housing for disabled children and their families. An information resource

Author/Organisation: Judith Cavet/Joseph Rowntree Foundation

Date of publication: 2009

Link: <http://www.jrf.org.uk/publications/housing-for-disabled-children-and-families>

Summary: An overview of information about housing for disabled children and their families, and ideas for improving their circumstances. Includes a summary of research evidence about the housing circumstances of disabled children and their families.

Title: Indicators of Disability Equality in Europe (IDEE) A preliminary list of indicator proposals for discussion

Author/Organisation: Mark Priestley and Anna Lawson/Academic Network of European Disability Experts

Date of publication: September 2009

Link: <http://www.disability-europe.net/content/pdf/ANED%202009%20Task%204%20Preliminary%20Indicator%20Proposals%20report.pdf>

Title: Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities in Europe: Principles for the Identification and Use of Indicators
Author/Organisation: Anna Lawson/Academic Network of European Disability Experts

Date of publication: May 2009

Link: <http://www.disability-europe.net/content/pdf/ANED%202008%20Task%205%20Monitoring%20UN%20Convention%20report%20final%20version.pdf>

Summary: This report focuses on principles underlying the identification of indicators to be used in monitoring the implementation of the CRPD and provides examples of indicators already in use in the monitoring of disability rights.

Title: European Comparative Data on the Situation of Disabled People: an annotated review

Author/Organisation: Wim van Oorschot , Maarten Balvers, Marjon Schols and Ilse Lodewijks

/Academic Network of European Disability Experts

Date of publication: March 2009

Link: [http://www.disability-europe.net/content/pdf/ANED%20report%20European%20Comparative%20Data%20on%20the%20Situation%20of%20Disabled%20People%20\(corrected\).pdf](http://www.disability-europe.net/content/pdf/ANED%20report%20European%20Comparative%20Data%20on%20the%20Situation%20of%20Disabled%20People%20(corrected).pdf)

Summary: Provides systematic information on the availability of EU-comparative quantitative data on the situation of disabled people in European countries and identifies gaps.

Title: Disabled people's experiences of targeted violence and hostility

Author/Organisation: Hoong Sin, C., Hedges, A., Cook, C., Mguni, N. and Comber, N./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Experiences and Expectations of Disabled People

Author/Organisation: B. Williams, P. Copestake, J. Eversley J and B. Stafford/Office of Disability Issues

Date of publication: 2008

Title: Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)

Author/Organisation: Mark Priestley/Academic Network of European Disability Experts

Date of publication: 2008

Link: <http://www.disability-europe.net/content/pdf/ANED%202008%20NSR%20disability%20synthesis%20report%20SPSI%20-%20311008.pdf>

Summary: Summary and analysis of member states' mainstreaming of disability

Title: Getting Away With Murder. Disabled people's experiences of hate crime in the UK

Author/Organisation: Disability Now, the UK's Disabled People's Council and Scope

Date of publication: 2008

Link: <http://www.ukdpc.net/library/Getting%20Away%20With%20Murder%20-%20Hate%20Crime%20Report.pdf>

Summary: Report on disability hate crime, covering official data, barriers to addressing and successfully preventing it.

Title: Involvement for Real Equality. The benefits for public services of involving disabled people

Author/Organisation: Office for Public Management Report for the Disability Rights Commission

Date of publication: September 2007

Link: <http://www.dotheduty.org/files/Involvementforrealequality.pdf>

Summary: Identifies benefits gained and lessons learned through involving disabled people in the development and implementation of disability equality schemes in a range of public organisations.

Title: Landlords' responses to the Disability Discrimination Act

Author/Organisation: J. Aston, D. Hill and C. Williams/Department of Work and Pensions

Date of publication: 2007

Title: Monitoring the Disability Discrimination Act 1995 Phase 3

Author/Organisation: J. Hurstfield , N. Meager, J Aston, J Davies, K Mann, H Mitchell, S O'Regan and A Sinclair/Disability Right Commission

Date of publication: 2004

Age

Title: Predictors of attitudes to age: Multilevel modelling of the 2008/9 European Social Survey.

Author/Organisation: Abrams, D., Vauclair, C-M, & Swift, H., Department for Work and Pensions

Date of publication: forthcoming

Link: Not available

Summary: Not available

Title: Ageism and Age Discrimination

Author/Organisation: Professor John Macnicol, ILC-UK

Date of publication: 2010

Link: <http://www.ilcuk.org.uk/record.jsp?type=publication&ID=65>

Summary: This ILC-UK published think piece by Professor John Macnicol analyses the basis and history of ageism in social relations and attitudes, employment and in the distribution of goods and services. It finds that ageism 'in all its forms is a complex and convoluted topic to analyse, especially as its recent revival has been closely associated with governmental efforts to encourage...older people back into paid employment.' It suggests that the numbers of people to benefit from the abolition of the default retirement age will likely be small. Combating age discrimination in employment by policies based upon positive action could include measures such as subsidies to ensure that working as one ages becomes more attractive.

Title: Equality and diversity and older people with high support needs

Author/Organisation: ILC-UK

Date of publication: 2010

Link: http://www.ilcuk.org.uk/files/pdf_pdf_142.pdf

Summary: This research was commissioned by the Joseph Rowntree Foundation to conduct a 'capability-based' review of existing literature regarding the knowledge of the needs and situations of older people with high support needs from different equality strands. The paper examines the effect of dual discrimination for older people with support needs with reference to additional discrimination issues related to age disability, ethnicity, gender, religion or belief, sexual orientation and poverty.

Title: The Future of Retirement

Author/Organisation: ILC-UK

Date of publication: 2010

Link: http://www.ilcuk.org.uk/files/pdf_pdf_134.pdf

Summary: This discussion paper is an analysis of the factors and socioeconomic trends which are influencing, and will continue to influence, retirement ages. According to this research, the abolition of the default retirement age removes a barrier to extending working life and allowing older people more flexibility at the end of their employment. However, there is no guarantee that there is a demand for older workers who will become available due to this removal, or that this group has the skills required 'to meet real labour demand in the economy'. In addition, the current working environment in the labour market for older employees may act as a

deterrent for some to defer their retirement and extend their working life. The Equality Act 2010 should seek to improve the labour market practices for older workers in order to encourage participation in employment for longer after the removal of the DRA.

Title: The Golden Economy: The Consumer Marketplace in an Ageing Society'

Author/Organisation: ILC-UK/Age UK

Date of publication: 2010

Link: http://www.ilcuk.org.uk/files/pdf_pdf_155.pdf

Summary: This research examined the role of older people in the consumer marketplace, looking both at their contributions as a significant spending group, and at the barriers and issues they face in this environment. Specifically; upper age limits mean that some products and services are inaccessible to the older population; incomprehensible jargon, poor design and modern phraseology can make the consumer marketplace complicated for people of all ages; and mis-selling is a major issue of concern for the older consumer.

Title: Second survey of employers' policies, practices and preferences relating to age

Author/Organisation: Hilary Metcalf and Pamela Meadows

Date of publication: July 2010 (plus baseline survey 2006)

Link: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_682.asp

Summary: This report presents findings from a survey of employers carried out to enable evaluation of the Employment Equality (Age) Regulations which was implemented in 2006 and the Default Retirement Age, set at 65, which was introduced with the Age regulations. This survey is based on a representative survey of 2205 establishments in Britain with at least five employees. The research was commissioned by the Department for Work and Pensions and Department for Business, Innovation and Skills and was carried out by the National Institute of Economic and Social Research and the TNS-BMRB. Findings from this survey are compared to a baseline survey carried out in 2006 prior to the introduction of the Age regulations (Metcalf and Meadows, 2006, DWP Research Report 325) and to feed into the review of the Default Retirement Age.

Title: Don't look back? Improving health and social care service delivery for older LGB users

Author/Organisation: Ward, R., Pugh, S. and Price, E./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Older people inside and outside the labour market: A review

Author/Organisation: Smeaton, D. and Vegeris, S./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Older workers: employment preferences, barriers and solutions

Author/Organisation: Smeaton, D., Vegeris, S. and Sahin-Dikmen, M./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Monitoring Report No. 20. A profile of the Monitored Northern Ireland Workforce

Author/Organisation: Equality Commission for Northern Ireland

Date of publication: 2009

Link:

http://www.equalityni.org/archive/pdf/MonitoringReportNo20_FINAL_171110.pdf

Summary: Identifies trends in the monitored labour force including by religion and gender.

Title: Attitudes to age in Britain 2004-8

Author/Organisation: Dominic Abrams/DWP

Date of publication: 2009

Link: http://research.dwp.gov.uk/asd/asd5/report_abstracts/rr_abstracts/rra_599.asp

Summary: This research analysed evidence on attitudes to age in Britain between 2004 and 2008. The data are from over 6,000 respondents to a series of five nationally representative face-to-face interview surveys.

Title: A think piece on intergenerational equity

Author/Organisation: Piachaud, D., Macnicol, J. and Lewis, J./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Life course influences and well-being in later life: a review

Author/Organisation: Glaser, K., Price, D., Willis, R., Stuchbury, R. and Nicholls, M./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Life course influences on poverty and social isolation in later life: a secondary analysis

Author/Organisation: Glaser, K., Nicholls, M., Stuchbury, R., Price, D. and Gjonça, E./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Cost-effectiveness analysis and ageism: a review of the theoretical literature

Author/Organisation: Leeds Institute of Health Sciences/Department of Health

Date of publication: 2008

Link: http://www.leeds.ac.uk/lihs/auhe/papers/cea_ageism.pdf

Summary: One of four pieces of work commissioned by the Department of Health on the costs and benefits of eliminating age discrimination in the provision of health and social care. This was to inform decisions on whether to pursue legislation to outlaw discrimination in the provision of health and social services.

Title: Age Discrimination in Mental Health Services

Author/Organisation: Jennifer Beecham et al, PSSRU/Department of Health

Date of publication: 2008

Link: <http://www.pssru.ac.uk/pdf/dp2536.pdf>

Summary: One of four pieces of work commissioned by the Department of Health on the costs and benefits of eliminating age discrimination in the provision of health and social care. This was to inform decisions on whether to pursue legislation to outlaw discrimination in the provision of health and social services.

Title: The costs of addressing age discrimination in social care

Author/Organisation: Julian Forder, PSSRU/Department of Health

Date of publication: 2008

Link: <http://www.pssru.ac.uk/pdf/dp2538.pdf>

Summary: One of four pieces of work commissioned by the Department of Health on the costs and benefits of eliminating age discrimination in the provision of health and social care. This was to inform decisions on whether to pursue legislation to outlaw discrimination in the provision of health and social services.

Title: Review of Older People's Engagement with Government

Author/Organisation: John Elbourne

Date of publication: 2008

Link: <http://www.dwp.gov.uk/docs/john-elbourne-181108.pdf>

Summary: Independent review of older people's engagement with Government. Government responded to the review in 2009.

Title: transitions in employment among older men and women

Author/Organisation: David Haardt/Institute for Social and Economic Research
University of Essex

Date of publication: 2006

Link: <http://www.iser.essex.ac.uk/publications/working-papers/iser/2006-20.pdf>

Summary: This paper analyses the labour market transitions of older men and women using data from the British Household Panel Survey (BHPS).

Age – children/young people

Title: Equality measurement framework: specialist consultation on the selection of indicators for children

Author/Organisation: Polly Vizard and Tiffany Tsang, Centre for Analysis of Social Exclusion, London School of Economics/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To consult key stakeholders and develop an agreed list of three to five spotlight indicators for children for each of the ten domains in the equality measurement framework.

Title: Fairness and unfairness

Author/Organisation: Ofsted

Date of publication: 2010

Link: <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Fairness-and-unfairness>

Summary: A report of children's views by the Children's Rights Director for England. Two hundred and sixty-eight children and young people in boarding schools, children's homes and other care and residential settings gave their views and experiences about fairness and unfairness.

Title: The Foundation Years: preventing poor children becoming poor adults. Report of the Independent Review on Poverty and Life Chances

Author/Organisation: Frank Field

Date of publication: 2010

Link:

<http://webarchive.nationalarchives.gov.uk/20110120090128/http://povertyreview.independent.gov.uk>

Summary: Report on how to address child poverty

Title: The children left behind. A league table of inequality in child well-being in the world's rich countries

Author/Organisation: UNICEF

Date of publication: 2010

Link: <http://www.unicef.org.uk/Documents/Publications/rc9.pdf>

Summary: Provides league tables of child well-being in OECD countries.

Title: Engaging all young people in meaningful learning after 16

Author/Organisation: Various authors/EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Summary: Includes survey, review and qualitative study

Title: Specialist consultation on the list of central and valuable capabilities for children

Author/Organisation: Burchardt, T., Tsang, T. and Vizard, P./EHRC

Date of publication: 2009

Link: EHRC research available [at http://www.equalityhumanrights.com/our-job/our-research/](http://www.equalityhumanrights.com/our-job/our-research/)

Summary:

Title: Early years, life chances and equality: a literature review

Author/Organisation: Johnson, P. and Kosykh, Y./EHRC

Date of publication: 2008

Link: EHRC research available [at http://www.equalityhumanrights.com/our-job/our-research/](http://www.equalityhumanrights.com/our-job/our-research/)

Title: Promoting equality in the early years (Equalities Review companion report)

Author/Organisation: Institute of Education et al

Date of publication: 2007

Link:

http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/promoting_equality_in_the_early_years.pdf

Summary: A report on equality and inequality in early years education and care. Identifies differences in children's cognitive and social/behavioural development associated with ethnicity, gender and socio-economic status.

Sexual orientation

Title: Lesbian, Gay and Bisexual employees' experience of discrimination, bullying and harassment at work

Author/Organisation: Dr Helge Hoel/ESRC

Date of publication: Completion September 2013

Link: <http://www.esrc.ac.uk/my-esrc/grants/RES-062-23-2412/read>

Summary: This study will examine the working experiences of lesbians, gay men and bisexuals (LGB) in terms of discrimination, bullying and harassment. By means of a survey of a random sample of 500 LGBs and a similar number of heterosexual employees, the study will describe and quantify experiences, examine how experiences vary between lesbians, gays and bisexuals, and how they differ from those of heterosexuals. Factors which may contribute to negative experiences, eg gender, age, ethnicity, disability, levels of education, pay, tenure, organisational status and occupation will be explored. The survey will be followed up by six organisational case studies, two each from the public, private and third sectors, respectively.

Title: Through Our Eyes – Experiences of Lesbian, Gay and Bisexual People in the Workplace

Author/Organisation: The Rainbow Project

Date of publication: 2011

Link: <http://www.rainbow-project.org/news/the-rainbow-project-launch-employment-equality-research>

Summary: Report presenting quantitative data on the experiences of lesbian, gay and bisexual (LGB) people of employment in Northern Ireland

Title: Improving sexual orientation monitoring

Author/Organisation: Creegan, C. and Keating, M./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Researching and monitoring adolescence and sexual orientation: asking the right questions, at the right time

Author/Organisation: McDermott, E./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Sexual orientation research review 2008

Author/Organisation: Mitchell, M., Howarth, C., Kotecha, M. and Creegan, C./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Estimating the size and composition of the lesbian, gay and bisexual population in Britain

Author/Organisation: Aspinall, P./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Homophobic hate crimes and hate incidents Research Summary

Author/Organisation: Dick, S./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Moving forward: putting sexual orientation in the public domain

Author/Organisation: Botcherby, S. and Creegan, C./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: The experiences of lesbian gay and bisexual staff and students in higher education Research Summary

Author/Organisation: Valentine, G. and Wood, N./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: The double-glazed glass ceiling. Lesbians in the workplace

Author/Organisation: Stonewall

Date of publication: 2008

Link: http://www.stonewall.org.uk/documents/doubleglazed_glass_ceiling.pdf

Summary: Findings of interviews in 2008 with lesbian and bisexual women in depth about their experiences in the workplace. The participants discussed their experiences, perceptions and expectations of the impact that their sexuality might have on them at work.

Title: Living together. British attitudes to lesbian and gay people

Author/Organisation: Stonewall

Date of publication: 2007

Link: http://www.stonewall.org.uk/documents/living_together_final_web.pdf

Summary: In October 2006 Stonewall commissioned YouGov to survey a nationally representative sample of 2,009 adults. The aim of the research was to understand the nature of feelings towards lesbian and gay people in Britain today.

Title: Being the gay one: Experiences of lesbian, gay and bisexual people working in the health and social care sector

Author/Organisation: Stonewall/Department of Health

Date of publication: June 2007

Link:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_075568

Summary: Report on experiences of discrimination and homophobia and barriers to preventing discrimination with recommendations.

Title: The School Report. The experiences of young gay people in Britain's schools
Author/Organisation: R. Hunt, and J. Jensen/ Stonewall.
Date of publication: 2007

Title: Harassment and sexual orientation in the health sector
Author/Organisation: Ruth Hunt and Katherine Cowan/Stonewall for Department of Health
Date of publication: 2006

Religion or belief

Title: Religion and Society: Exploring the Equality Dimension

Author/Organisation: Linda Woodhead, Lancaster University/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To review recent or ongoing research relevant to the topic of religion, equality and discrimination. Methodology: a review of projects within the AHRC/ESRC Religion and Society Programme (for which Linda Woodhead is the Programme Director) which are of particular relevance to the EHRC's work on religion or belief; a survey of EHRC Religion or Belief Network members to elicit information about their current or recently completed research projects which are relevant to the EHRC's interests.

Title: Understanding equality and human rights in relation to Religion or Belief

Author/Organisation: Alice Donald et al, London Metropolitan University/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To identify the concerns of religion or belief stakeholders, employers and/or employer organisations and service providers, and other equality strands, about the key conflicting interests between strand rights and different human rights, which are linked in some way to religion or belief issues. Key issues include religious symbols, religious conscience, religious clothing and freedom of expression and potential clashes between the rights of religious and non-religious groups, and religious groups and other equality groups. The project covers England and Wales. Based on literature review, telephone interviews, online survey and roundtable discussion events.

Title: Religious Discrimination in Britain: A Review of Research Evidence, 2000-2010

Author/Organisation: Paul Weller, University of Derby/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To examine the quantitative and qualitative evidence that religious groups feel they are discriminated against; any evidence that religious discrimination is increasing or decreasing; and any differences in the nature of religious discrimination between England, Scotland and Wales. Review of published evidence and information supplied by Religion or Belief Network members.

Title: Religion or belief

Author/Organisation: Dave Perfect/Equality and Human Rights Commission

Date of publication: 2011

Link:

http://www.equalityhumanrights.com/uploaded_files/research/briefing_paper_1_religion_or_belief.pdf

Summary: This briefing paper seeks to present within a single, short, document the best available recent statistical data in Britain on a range of issues relating to religion

or belief. These include religious affiliation, religious practice and attendance, discrimination, and gender and church leadership positions. It does so to provide the background context for equalities work in this area both by the Commission and by others; as such, it seeks to complement the much more detailed information provided by the British Religion in Numbers (BRIN) online data resource (funded by the AHRC/ESRC Religion and Society Programme) which readers are encouraged to consult.

Title: 'Religion or belief': Identifying issues and priorities

Author/Organisation: Woodhead, L. with Catto, R./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Local authority engagement with faith groups and inter faith organisations

Author/Organisation: Interfaith Network and LGA

Date of publication: 2008

Link: <http://www.lga.gov.uk/lga/aio/1297417>

Summary: Report of on-line survey of how local authorities are working with faith and inter-faith organisations.

Multidimensional (2 or more grounds)

Category: education and race

Title: The Educational Strategies of the Black Middle Classes

Author/ Organisation: Carol Vincent, Nicola Rollock et al/ Institute of Education

Date of Publication: May/ June 2011 (forthcoming)

Link: <http://www.ioe.ac.uk/research/32261.html>

Summary: How ethnicity and class shape Black middle class parents' understandings of education & their strategies and aspirations for their children's education; the kinds of resources from which Black middle class parents are able to draw & ways in which parents seek to overcome barriers such as racism are the key elements of this study.

Category: race and religion

Title: The impact of counter-terrorism legislation on the Muslim Community

Author/Organisation: Tufyal Choudhury and Helen Fenwick, University of Durham Human Rights Centre/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: The aim is to explore the impacts of counter-terrorism legislation and any relevant counter-terrorism policies on ethnic minority groups in general, and the Muslim community in particular. Methodology: An examination of existing national level statistical data; Four case studies including semi-structured interviews and focus groups; 15-20 semi-structured interviews with politicians, policy-makers, Muslim organisations, human rights lawyers and civil servants.

Category: age, sexual orientation and gender identity

Title: Bridging the gap: Exploring the potential for bringing older and younger LGBT people together

Author/Organisation: ILC-UK

Date of publication: This report is currently at the peer review stage.

Link: forthcoming

Summary: This research is an evidence review on Lesbian Gay Bisexual Transgender (LGBT) intergenerational projects. Given the issues facing older (over 65) and younger (under 25) members of the LGBT community this paper focuses on whether there is potential benefit to members of this group by combining these two age ranges in intergenerational projects. Support groups and schemes such as art workshops are among the pilot projects examined by this paper.

Category: race and gender

Title: Intersectional Sensibilities in analyzing inequality regimes in public sector organisations

Author/Organisation: Healy, G., H. Bradley, et al.

Date of publication: forthcoming

Link: Gender, Work and Organisation

Summary: This paper focuses on Caribbean, Bangladeshi and Pakistani women who are deemed the most disadvantaged in the UK labour market.

Category: multidimensional

Title: Equality Representative's experiences of multiple discrimination

Author/Organisation: Hazel Conley, Sian Moore and Tessa Wright

Date of publication: 2011

Link:

Summary: A small-scale research project to provide insight into the complexities of dealing with discrimination on more than one ground through an examination of the experiences of trade union Equality Reps (ERs) in two public services unions UNISON and PCS.

Category: race and gender

Title: Exploring BME Maternal Poverty. The financial lives of ethnic minority mothers in Tyne and Wear

Author/Organisation: Chris Warburton Brown for Oxfam GB

Date of publication: 2011

Link: http://www.oxfam.org.uk/resources/policy/right_heard/downloads/rr-exploring-bme-maternal-poverty-uk-280111-en.pdf

Summary: This study of BME maternal poverty draws on in-depth interviews with 30 women from the Indian, Bangladeshi, Pakistani, Arab and Black African communities, resident in Tyne and Wear, England.

Category: race and religion

Title: Citizenship Survey 2008-2009: Race, Religion and Equalities topic report

Author/Organisation: Department for Communities and Local Government

Date of publication: 2010

Link:

<http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurvey200809equality>

Summary: Survey is based on a nationally representative sample of approximately 10,000 adults in England and Wales with an additional sample of around 5,000 adults from ethnic minority groups. Face-to-face fieldwork was carried out with respondents from April 2008 to March 2009 by interviewers from the National Centre for Social Research (NatCen). Explores views about racial and religious prejudice, perceptions of racial discrimination by public service organisations, and experiences of religious and employment-related discrimination.

Category: religion, race and age

Title: Experience of discrimination, social marginalisation and violence: A comparative study of Muslim and non-Muslim youth in three EU Member States

Author/Organisation: Fundamental Rights Agency

Date of publication: 2010

Link: http://fra.europa.eu/fraWebsite/attachments/Pub-racism-marginalisation_en.pdf

Summary: This report presents the findings of a research study conducted by the European Union Agency for Fundamental Rights (FRA) during 2008/09 in France, Spain and the United Kingdom, which surveyed 1,000 children between the ages of 12 and 18 (young people) in each of the three Member States – 3,000 took part in the research survey in total. The survey set out to explore possible relationships between young people's experiences of discrimination and social marginalisation, including experiences of racism, and their attitudes towards and actual engagement in violent behaviours.

Category: race, disability and gender

Title: Speaker's Conference (on Parliamentary Representation). Final Report

Author/Organisation: Speaker's Conference

Date of publication: 2010

Link: <http://www.publications.parliament.uk/pa/spconf/239/239i.pdf>

Summary: Report of conference asked to "Consider, and make recommendations for rectifying, the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large".

Category: sexual orientation and refugees

Title: No going back. Lesbian and gay people and the asylum system

Author/Organisation: Stonewall

Date of publication: 2010

Link: available at

http://www.stonewall.org.uk/what_we_do/research_and_policy/2874.asp

Summary: Report on difficulties lesbian and gay asylum seekers experience.

Category: multidimensional

Title: Managing competing equality claims

Author/Organisation: brap/EDF

Date of publication: 2010

Link: http://www.edf.org.uk/blog/wp-content/uploads/2010/08/EDF_Competing-Equality-ClaimsFeb11.pdf

Summary: Report on dealing with situations where individual rights come into conflict or are perceived to come into conflict with one another. Includes case studies.

Category: disability and sexual orientation

Title: People living with HIV/AIDS

Author/Organisation: Peter Mctigue, Nottingham Trent University

Date of publication: 2010

Link: <http://webjcli.ncl.ac.uk/2010/issue5/mctigue5.html>

Category: age and race

Title: The Future Ageing of the Ethnic Minority Population of England and Wales

Author/Organisation: Nat Lievesley/Runnymede and the Centre for Policy on Ageing

Date of publication: July 2010

Link: <http://www.runnymedetrust.org/publications/147/32.html>

Summary: Report gives estimates of the ethnic make-up of the older population of England and Wales over the next 40 years.

Category: multidimensional

Title: Multiple Discrimination in EU Law. Opportunities for legal responses to intersectional gender discrimination?

Author/Organisation: Susanne Burri and Dagmar Schiek/European Network of Legal Experts in the Field of Gender Equality

Date of publication: 2009

Link:

<http://ec.europa.eu/social/main.jsp?catId=641&langId=en&moreDocuments=yes>

Category: race, sexual orientation, Gypsies & Travellers, refugees & asylum seekers
Title: Access to Justice: a review of existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality
Author/Organisation: P. Mason and N. Hughes/Ministry of Justice
Date of publication: 2009

Category: religion and race
Title: Data in Focus Report 2: Muslims
Author/Organisation: Fundamental Rights Agency
Date of publication: May 2009
Link: http://fra.europa.eu/fraWebsite/eu-midis/eumidis_muslims_en.htm
Summary: Data on how Muslims across EU experience discrimination and victimisation. Covers Muslim respondents with diverse ethnic origins in 14 member states. Covers percentage of Muslims experiencing discrimination over preceding 12 month period (interviews in 2008) and breaks down by age, whether discrimination in employment or services, percentage aware of discrimination law, and perceptions of whether discrimination due to race or religion. Based on questionnaire interviews with 23,500 immigrant and ethnic minority people in all 27 Member States with a further 5,000 people from the majority population living in the same areas as minorities interviewed in 10 Member States.

Category: sexual orientation and gender identity and refugees
Title: Over Not Out. The housing and homelessness issues specific to lesbian, gay, bisexual and transgender asylum seekers
Author/Organisation: Refugee Support
Date of publication: 2009
Link: http://www.refugeesupport.org.uk/documents/MST_LGBTreport_screen_0509.pdf
Summary: The first comprehensive study on the housing and homelessness issues facing LGBT asylum seekers.

Category: age, sexual orientation and religion or belief
Title: Integration in the workplace: emerging employment practice on age, sexual orientation and religion or belief
Author/Organisation: Bond, S., Hollywood, E. and Colgan, F./EHRC
Date of publication: 2009
Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Category: race and gender
Title: Lifts and Ladders: resolving ethnic minority women's exclusion from power
Author/Organisation: Zohra Moosa/Fawcett Society
Date of publication: 2009
Link: <http://www.fawcettsociety.org.uk/documents/LiftsandLaddersJune09.pdf>
Summary: Highlights barriers BME women face in employment and politics.

Category: sexual orientation and religion or belief
Title: Religion and Sexual Orientation. How to manage relations in the workplace
Author/Organisation: Ruth Hunt/Stonewall

Date of publication: 2009

Link: http://www.stonewall.org.uk/at_work/research_and_guides/4907.asp

Summary: workplace guidance but includes interview material and analysis.

Category: sexual orientation and disability

Title: Working with HIV

Author/Organisation: National AIDS Trust

Date of publication: 2009

Link:

<http://www.nat.org.uk/Media%20library/Files/Policy/Our%20thinking/Employment%20summary%20report%20-%20FINAL%20August%202009.pdf>

Summary: Study of the employment experiences of people living with HIV.

Category: disability and sexual orientation

Title: People living with HIV/AIDS

Author/Organisation: Peter Mctigue, Nottingham Trent University

Date of publication: 2010

Link: <http://webjcli.ncl.ac.uk/2010/issue5/mctigue5.html>

Category: race and gender

Title: Poverty pathways: ethnic minority women's livelihoods

Author/Organisation: Zohra Moosa with Jessica Woodroffe/Fawcett Society

Date of publication: 2009

Link: <http://www.fawcettsociety.org.uk/documents/povertypathways.pdf>

Summary: Report on ethnic minority women's higher rates of poverty

Category: disability and race

Title: The under-pensioned: disabled people and people from ethnic minorities

Author/Organisation: Steventon A. and Sanchez, C./EHRC

Date of publication: 2008

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Category: refugees and disability

Title: Supporting disabled refugees and asylum seekers: opportunities for new approaches

Author/Organisation: Kim Ward, Neil Amas and Jacob Lagnado, Information Centre about Asylum and Refugees/Refugee Support

Date of publication: 2008

Link: www.refugeesupport.org.uk

Summary: examines the role of refugee community and mainstream disability organisations in supporting disabled refugees and asylum seekers in London. Based on policy and literature review and stakeholder interviews.

Category: multidimensional

Title: 'From conflict to cohesion': competing interests in equality law and policy

Author/Organisation: Maleiha Malik/EDF

Date of publication: 2008

Link: http://www.edf.org.uk/blog/wp-content/uploads/2009/02/competing-rights-report_web.pdf

Summary: This paper examines conflicts of rights and competing interests in the context of the equalities framework.

Category: race and gender

Title: Ethnicity and Gender at Work: inequalities, careers and employment relations

Author/Organisation: Bradley, H. and G. Healy

Link: London and New York, Palgrave and Macmillan

Date of publication: 2008

Category: ethnicity and employment

Title: Untapped resources. The Opportunities of an Ethnically Diverse Workforce

Author/Organisation: Policy Research Institute on Ageing and Ethnicity

Date of publication: 2007

Link:

<http://www.edf.org.uk/news/PRIAE%20Research%20Summary%20Final%20for%20Print%20Jan%20071.pdf>

Summary: Analysis of CEMESME Contribution of Ethnic Minority Employees to Small and Medium sized Enterprises research.

Category: race and gender

Title: Workplace cultures: what does and does not work. Working Paper Series.

Author/Organisation: Bradley, H., G. Healy, et al/Equal Opportunities Commission

Date of publication: 2007

Summary: This paper focuses on Caribbean, Bangladeshi and Pakistani women who are deemed the most disadvantaged in the UK labour market.

Category: race and gender

Title: Pakistani and Bangladeshi women's attitudes to work and family

Author/Organisation: Jane Aston, Hülya Hooker, Rosie Page and Rebecca Willison/DWP

Date of publication: 2007

Link: <http://research.dwp.gov.uk/asd/asd5/rports2007-2008/rrep458.pdf>

Summary: The purpose of this study was to further explore Pakistani and Bangladeshi women's attitudes towards education, employment, and how their views around family, marriage and children fit with and shape these. The research was qualitative, and consisted of 60 in-depth interviews with women.

Category: race and religion (also public sector equality duty]

Title: Assessing the Role of the Equality Commission in the Effectiveness of Section 75 of the Northern Ireland Act 1998

Author/Organisation: Brice Dickson and Colin Harvey

Date of publication: 2006

Link: <http://www.equalityni.org/archive/pdf/CommissRole011206.pdf>

Summary: The report was commissioned by the Equality Commission for Northern Ireland as one part of the Commission's overall review of the effectiveness of section 75 of the Northern Ireland Act 1998. Section 75(1) obliges public authorities to have due regard to the need to promote equality of opportunity across a range of nine different groups in society and section 75(2) obliges the same public authorities to have regard to the desirability of promoting good relations between different racial, religious and political groups.

Legal (including cases)

Title: Discrimination Law Association briefings

Author/Organisation: Discrimination Law Association

Date of publication: three times yearly

Link: <http://www.discriminationlaw.org.uk/>

Summary: each issue picks out 10 cases to comment on plus 2 or 3 articles on issues of current equality law and practice.

Title: European Anti-Discrimination Law Review

Author/Organisation: European Network of Legal Experts

Date of publication: Bi-annual

Link: http://www.migpolgroup.com/publications_info.php?id=17

Summary: Includes European Court of Justice and European Court of Human Rights Case Law Updates

Title: Report on Working Families Helpline 2010

Author/Organisation: Working Families

Date of publication: 2011

Link:

<http://www.workingfamilies.org.uk/admin/uploads/WorkingFamiliesHelplineReport2010.doc>

Summary: Report of the Working Families Helpline 2010. In 2010 the Helpline helped 3203 parents with employment law advice. It provided advice to 2367 callers, and responded to 498 texts and emails. A dedicated discrimination legal adviser, funded by the Equality and Human Rights Commission, further supported 155 of callers in disputes with their employers – writing letters, preparing claims and taking cases to tribunals. In over one third of these cases the dispute was amicably settled and the parents remained in their jobs.

Title: Blackstone's Guide to the Equality Act 2010

Author/Organisation: John Wadham, David Ruebain, Anthony Robinson and Susie Uppal eds./OUP Oxford

Date of publication: 2010

Summary: This Guide combines the full text of the Act with an expert narrative. It seeks to explain the scope and impact of the Act, including the civil liberties implications, and to bring practitioners up-to-date.

Title: Decisions and settlements review 2008-2009

Author/Organisation: Equality Commission for Northern Ireland

Date of publication: 2010

Link:

http://www.equalityni.org/sections/default.asp?cms=News%5FPress+Room&cmsid=1_9&id=238&secid=1_1

Summary: Summaries of cases supported by the ECNI categorised by disability, Special Educational Needs and Disability Order, gender, religious/political, sexual orientation, race discrimination and hybrid.

Title: Research into enforcement of employment tribunal awards in England and

Wales

Author/Organisation: L Adams, A Moore, K Gore and J Browne/Ministry of Justice

Date of publication: 2009

Title: The influence of legal representation at Employment Tribunals on case outcome

Author/Organisation: Geraldine Hammersley, Jane Johnson and David Morris/The Department for Business, Enterprise and Regulatory Reform (BERR)

Date of publication: 2007

Link: <http://www.berr.gov.uk/files/file40751.pdf>

Summary: This report explores the relationship between the choice and use of legal advice and representation by claimants in employment tribunals and their case outcomes and levels of satisfaction with outcomes.

Title: The costs and benefits of Employment Tribunal cases for employers and claimants

Author/Organisation: Kathy Armstrong and David Coats/The Department for Business, Enterprise and Regulatory Reform (BERR)

Date of publication: 2007

Link: <http://www.berr.gov.uk/files/file40752.pdf>

Summary: This report examines the relationships between the costs, satisfaction with outcomes and perceptions of fairness of both Tribunal claimants and employers.

Title: Sexual orientation and religion or belief cases

Author/Organisation: Barry Fitzpatrick/TUC

Date of publication: 2007

Link: <http://www.tuc.org.uk/extras/SORBreport.pdf>

Summary: The TUC was funded by the DTI to carry out a project studying all cases concerning the sexual orientation and religion or belief regulations, and to prepare a report of the conclusions of that study. The work involved analysing published employment tribunal decisions and any relevant higher court judgments, as well as liaising where possible with ACAS, the Employment Tribunal Service and other sources to obtain additional information about cases that have been withdrawn, settled or otherwise disposed of.

Title: Cases, Materials and Text on National, Supranational and International Non-Discrimination Law

Author/Organisation: Schiek, Bell and Waddington eds

Date of publication: 2007

Title: The Experiences of Sexual Orientation and Religion or Belief Discrimination Employment Tribunal Claimants

Author/Organisation: A. Denvir, A. Broughton, J Gifford and D. Hill/ACAS

Date of publication: 2007

Title: Findings from the Survey of Claimants in Race Discrimination Employment Tribunal Cases London

Author/Organisation: M. Peters, K. Seeds and C. Harding/DTI

Date of publication: 2006

Title: The Experience of Claimants in Race Discrimination Employment Tribunal Cases.
Author/Organisation: J. Aston, D. Hill and N. Tackey/DTI
Date of publication: 2006

Title: Review of judgments in race discrimination Employment Tribunal cases
Author/Organisation: A. Brown, A. Erskine and DS Littlejohn/DTI
Date of publication: 2006

Refugees and migrants

Title: Who's still missing? Refugees, migrants and equality

Author/Organisation: Phil McCarvill/Equality and Diversity Forum

Date of publication: 2011 (to be published)

Link: tbc

Summary: Report on extent to which public bodies are including refugees and migrants in their equality work including survey of London authorities' inclusion of refugees and migrants in Equality Schemes and Equality Impact Assessments. Includes three case studies. Looks ahead to use of Equality Act 2010 provisions to support refugees and migrants.

Title: Refugees and asylum seekers. A review from an equality and human rights perspective

Author/Organisation: Peter Aspinall and Charles Watters/EHRC

Date of publication: 2010

Link:

http://www.equalityhumanrights.com/uploaded_files/research/refugees_and_asylum_seekers_research_report.pdf

Summary: This report examines the situation of asylum seekers and refugees from an equality and human rights perspective. Examines available data on refugee and asylum seeker populations, and policy initiatives.

Title: Migrant Integration Policy Index (MIPEX)

Author/Organisation: British Council and the Migration Policy Group and is produced as part of the project: Outcomes for Policy Change, co-financed by the European Fund for the Integration of Third-Country Nationals.

Date of publication: 2010

Link: <http://www.mipex.eu/>

Summary: MIPEX measures integration policies in all European Union Member States plus Norway, Switzerland, Canada and the USA up to 31 May 2010. Using 148 policy indicators it creates a rich, multi-dimensional picture of migrants' opportunities to participate in society by assessing governments' commitment to integration. By measuring policies and their implementation it reveals whether all residents are guaranteed equal rights, responsibilities and opportunities. Allows users to find out how your country's policies rank compared with other countries and track if policies are getting better or worse over time.

Title: Social housing allocation and immigrant communities

Author/Organisation: Rutter, J. and Latorre, M./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: The equality implications of being a migrant in Britain

Author/Organisation: Eleonore Kofman, Sue Lukes, Alessio D'Angelo and Nicola Montagna/EHRC

Date of publication: 2009

Link: www.equalityhumanrights.com/uploaded_files/research/19_the-equality-implications-of-being-a-migrant-in-britain.pdf

Summary: Research to: assess the equality and human rights implications of managed migration, in particular the points-based system (PBS); determine the availability of statistical data on migrants to measure and evaluate inequalities and discrimination by age, disability, gender, race, religion and sexual orientation; outline who are the new migrants by nationality, gender and socio-economic characteristics; consider the economic impact overall and in particular sectors; review access to and use of services, and whether migrants experience barriers or discrimination in service delivery.

Gypsies and Travellers

Title: Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update

Author/Organisation: Brown, P., Henning, S. and Niner, P./EHRC

Date of publication:

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Data in Focus Report 1: The Roma

Author/Organisation: Fundamental Rights Agency

Date of publication: 2009

Link: http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf

Summary: survey-based statistics on discrimination and victimisation experienced by the Roma in EU member states.

Title: Housing Conditions of Roma and Travellers

Author/ Organisation: Teresa Staniewicz/ Centre for Rights Equality and Diversity

Date of publication: March 2009

Link: On file with EDF

Summary: A comprehensive resource base for GRTs (Gypsy-Roma and Travellers) looking at their housing conditions between 2000 and 2009.

Title: Inequalities experienced by Gypsy and Traveller communities: A review

Author/Organisation: Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z. and Whitwell, C. /EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England

Author/Organisation: Brown, P. and Niner, P./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Social care

Title: Advocacy in social care for groups protected under equality legislation

Author/Organisation: Office for Public Management /EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Report of the Standing Commission on Carers 2007 to 2009

Author/Organisation: Standing Commission on Carers/Department of Health

Date of publication: 2009

Link: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/DH_107305

Summary: Report highlights progress made against the main themes of the national Carers Strategy. It sets out future challenges and opportunities, and contains recommendations and suggestions for Government, delivery partners and the next phase of the Commission.

Education

Title: Prevention and Response to identity-based bullying among Local Authorities in England, Scotland and Wales

Author/Organisation: Neil Tippet, Catherine Houlston, Peter K. Smith/EHRC

Date of publication: February 2011

Link:

http://www.equalityhumanrights.com/uploaded_files/research/64_identity_based_bullying.pdf

Summary: The overall aim of the report is to establish the extent and effectiveness of local authorities' and schools' actions to prevent and respond to prejudice-based bullying of young people both inside and outside of school, on the grounds of disability, gender, gender identity, race, religion or belief or sexual orientation. Includes literature and policy review, local authority survey and stakeholder interviews.

Health

Title: Fair Society, Healthy Lives

Author/Organisation: Marmot Review Team

Date of publication: 2010

Link: <http://www.marmotreview.org/>

Summary: Report of an independent review to propose the most effective evidence-based strategies for reducing health inequalities in England from 2010. The strategy will include policies and interventions that address the social determinants of health inequalities. Includes data linking health inequalities to social and economic characteristics.

Title: Tackling health inequalities: 10 years on

Author/Organisation: Department of Health

Date of publication: 2009

Link:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098936

Summary: Reviews developments in health inequalities over previous ten years of government.

Title: Health Inequalities

Author/Organisation: House of Commons Health Committee

Date of publication: 2009

Link:

<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhealth/286/286.pdf>

Summary: Report of inquiry into health inequalities (Government response published in 2009)

Employment

Title: Nomis official labour market statistics

Author/Organisation: ONS

Date of publication: ongoing

Link: <https://www.nomisweb.co.uk/Default.asp>

Summary: Brings together range of data: Labour market and related population data for local areas from a variety of sources including the Labour Force Survey (LFS), claimant count, Business Register and Employment Survey (BRES), New Earnings Survey (NES), and the 1991 and 1981 Censuses of Population; data from official government sources (mostly National Statistics); the latest published figures and time series data, in some cases back to the 1970s. Can view labour market profiles of an area. Includes data on population, employment, unemployment, qualifications, earnings, benefit claimants and businesses or create customized downloads.

Title: 2010 Annual Survey of Hours and Earnings

Author/Organisation: ONS

Date of publication: 2010

Link: <http://www.statistics.gov.uk/pdfdir/ashe1210.pdf> (summary bulletin)

Summary: The Annual Survey of Hours and Earnings (ASHE) is based on a 1 per cent sample of employee jobs. This is drawn from HM Revenue & Customs (HMRC) Pay As You Earn (PAYE) records. Comparison of men's and women's earnings and change since 2009.

Title: Violence at work:

Findings from the 2009/10 British Crime Survey

Author/Organisation: Claire Packham/Health and Safety Executive

Date of publication: 2010

Link: <http://www.hse.gov.uk/statistics/causdis/violence/british-crime-survey2009-10.pdf>

Summary: This report presents findings from the 2009/10 British Crime Survey (BCS) on violence at work. Broken down by age and gender only.

Title: The 2012 Olympics: access to training and employment opportunities

Author/Organisation: Bux-Ryan, M., Finegold, G., Hutcheson, N., Ressel, C. and Smith, G./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Trade union practices on antidiscrimination and diversity - report

Author/Organisation: European Commission

Date of publication: 2010

Link:

<http://ec.europa.eu/social/main.jsp?catId=423&langId=en&pubId=580&type=2&furtherPubs=yes>

Summary: This research identified 280 innovative and/or significant trade union initiatives that fight discrimination or promote equality in 34 European countries.

Title: Patterns of non-employment, and of disadvantage, in a recession. ISER Working Paper 2009-23

Author/Organisation: Richard Berthoud/ISER

Date of publication: 2009

Link: <http://www.iser.essex.ac.uk/publications/working-papers/iser/2009-23>

Summary: Analysis of the impact of the recessions of the early 1980s and 1990s on non-employment patterns among people in the main range of working ages and the possible consequences if the effects observed in earlier business cycles were to be repeated now.

Title: Unleashing Aspiration: The Final Report of the Panel on Fair Access to the Professions

Author/Organisation: Panel on Fair Access to the Professions/Department for Business, Enterprise and Skills

Date of publication: 2009

Link: <http://www.bis.gov.uk/policies/higher-education/access-to-professions/panel-on-fair-access-professions>

Summary: Report of a panel commissioned by Government to look at the processes and structures currently governing recruitment to the professions and focused on the actions that could be taken by them, supported by Government where necessary, to widen access and make entry procedures more flexible.

Title: Work and care: a study of modern parents

Author/Organisation: Ellison, G., Barker, A. and Kulasuriya, T./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Flexible working policies: a comparative review

Author/Organisation: Hegewisch, A./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Working Better: fathers, family and work: contemporary perspectives Research Summary

Author/Organisation: EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Perceptions of discrimination in employment

Author/Organisation: H. Rolfe, A. Duhdwar, A. George and H. Metcalf/Government Equality Office

Date of publication: 2009

Title: Talent not Tokenism

Author/Organisation: EHRC, TUC and CBI

Date of publication: June 2008

Link:

[http://www.cbi.org.uk/ndbs/press.nsf/0363c1f07c6ca12a8025671c00381cc7/fcfc5103975b774b802574510033054e/\\$FILE/Talent%20Not%20Tokenism.pdf](http://www.cbi.org.uk/ndbs/press.nsf/0363c1f07c6ca12a8025671c00381cc7/fcfc5103975b774b802574510033054e/$FILE/Talent%20Not%20Tokenism.pdf)

Summary: Report on the business benefits of greater diversity.

Title: The impact of employee representation upon workplace industrial relations outcomes

Author/Organisation: Sian Moore et al/Department for Business, Enterprise and Regulatory Reform

Date of publication: 2008

Link: <http://www.berr.gov.uk/files/file47737.pdf>

Summary: Report explores the impact of workplace representation on industrial relations outcomes. Based upon secondary analysis of the 2004 Workplace Employment Relations Survey (WERS).

Title: Procurement and supplier diversity in the 2012 Olympics

Author/Organisation: Smallbone, D., Kitching, J., Athayde, R. and Xheneti, M. /EHRC

Date of publication: 2008

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Mobility, careers and inequalities

Author/Organisation: Schroeder, A., Miles, A., Savage, M., Halford, S. and Tampubolon, G./EHRC

Date of publication: 2008

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Work-life policies in Great Britain: What works, where and how?

Author/Organisation: Sadia Nadeem and Hilary Metcalf/The Department for Business, Enterprise and Regulatory Reform (BERR)

Date of publication: 2007

Link: <http://www.berr.gov.uk/files/file40753.pdf>

Summary: This report provides a comprehensive picture of work-life policies in Britain and their effect on job satisfaction, organisational commitment and stress. It examines a wide range of policies (e.g. reduced working-time, home working, childcare and additional leave) and explores provision as reported by management and as reported by employees.

Title: Reassessing the 'family- friendly workplace': Trends and Influences in Britain, 1998–2004

Author/Organisation: Gillian Whitehouse, Michele Haynes, Fiona Macdonald, Dionne Arts/The Department for Business, Enterprise and Regulatory Reform (BERR)

Date of publication: 2007

Link: <http://www.berr.gov.uk/files/file40754.pdf>

Summary: This report examines trends in the incidence of family-friendly provisions in British workplaces between 1998 and 2004.

Title: Sexual harassment in the workplace: A literature review
Author/Organisation: C. Hunt, M. Davidson, S. Fielden and H. Hoel/EOC
Date of publication: 2007

Title: Employment Rights at Work: Survey of Employees 2005
Author/Organisation: J. Casebourne, J. Regan, F Neathey and S Tuohy/DTI
Date of publication: 2006

Socio-economic/poverty

Title: An Anatomy of Economic Inequality in the UK

Author/Organisation: the National Equality Panel

Date of Publication: January 2010

Link:

http://213.251.150.223/ga_tna_june/20110608160754/http://www.equalities.gov.uk/national_equality_panel/publications.aspx

Summary: A comprehensive evidence-based review of the state of economic inequality by a panel of leading academic experts under Professor John Hills of the London School of Economics, commissioned by Government. Presented evidence on inequalities of educational outcomes, employment, earnings, individual and household incomes and household wealth. In particular the presentation of the distribution of wealth represented an important advance on previous work. Analysed the inequalities in relation to socio-economic groups, all the discrimination grounds, 4 nation and area distribution. Demonstrated how inequalities change over the life cycle. Extensive diagrammatic material. Not asked to make policy recommendations, but drew attention to the policy implications of the findings. The NEP commissioned 10 major pieces of research (see p 416 of the main report) and drew on a wide selection of other research. A 35 page summary is available.

Title: Poverty and Inequality in UK 2010

Author/Organisation: Institute of Fiscal Studies

Date of publication: 2010

Link: <http://www.ifs.org.uk/comms/comm116.pdf>

Summary: Includes data on living standards, inequality and poverty. The Commentary assesses the changes since 1979, with a particular focus on the changes that have occurred in the latest year of data (2008-09) and since 1996-97.

Title: London's Poverty Profile

Author/Organisation: Trust for London and New Policy Institute

Date of publication: 2009 and ongoing

Link: http://www.londonspovertyprofile.org.uk/?dm_i=679,6W61,SEW7N,H191,1

Summary: Statistics on London poverty and related problems, including 'inequality'.

Title: Poverty and wealth across Britain 1968 to 2005

Author/Organisation: Daniel Dorling et al

Date of publication: 2009

Link: <http://www.jrf.org.uk/publications/poverty-and-wealth-across-britain-1968-2005>

Summary: A study of how the geographical distribution of poor and wealthy people in Britain has changed in the last 40 years. Authors have developed four consistent measures of poor and wealthy households, recording the numbers of each group at points in time across the last 40 years.

Title: The equality impacts of the current recession

Author/Organisation: Hogarth, T. et al/EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Scotland

Title: Investigating the experiences of people trafficked into commercial sexual exploitation in Scotland

Author/Organisation: Professor Roger Matthews and Helen Easton, London South Bank University, the Crime Reduction and Community Safety Research Group (CRCSRG)/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: Purpose of project is better understand the experiences of people who have been trafficked into commercial sexual exploitation in Scotland; and analyse the impact of relevant policies and practices on victims of trafficking (this might include agencies working in asylum and immigration and law enforcement as well as a range of other service providers who work with victims of trafficking). Based on interviews and secondary data and documentation.

Title: Using and developing data to improve local equality outcomes (Scotland)

Author/Organisation: The Improvement Service, Scottish Government and EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: The three partner organisations will work with 4 local authorities / Community Planning Partnerships (CPPs) (where appropriate), to meet the challenge of developing the equalities evidence base in order to identify, measure and track progress on key outcomes for their area.

Title: Building understanding of fairness, equality and good relations in Scotland

Author/Organisation: Dobbie, F. with Arthur, S. and Jones, N./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Significant inequalities in Scotland: Identifying significant inequalities and priorities for action

Author/Organisation: EHRC Scotland and Office for Public Management

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Good practice in community engagement from an equality perspective

Author/Organisation: Reid Howie Associates /EHRC Scotland

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: An uncertain mix: equality and Scottish devolution

Author/Organisation: EHRC Scotland

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Poverty and Inequality in Scotland: Report on expert seminars and stakeholder feedback on the relationship between equality and poverty

Author/Organisation: Jarvis, A. and Gardner, P./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Equality issues in Scotland: a review of research, 2000–08

Author/Organisation: Macpherson, S. and Bond, S./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Equal opportunities and the Scottish Parliament: a progress review

Author/Organisation: Fitzgerald, R./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in Scotland

Author/Organisation: Brown, P., Niner, P. and Lomax, D./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Attitudes to discrimination in Scotland

Author/Organisation: Catherine Bromley, John Curtice and Lisa Given/the Scottish Government

Date of publication: 2006

Link: <http://www.scotland.gov.uk/Resource/Doc/205755/0054714.pdf>

Summary: This report looks at attitudes towards discrimination on all six of the grounds for which anti-discrimination legislation exists in Great Britain. The evidence comes from a module of questions included on the 2006 Scottish Social Attitudes Survey, a high quality survey undertaken annually by the Scottish Centre for Social Research. A representative sample of 1,594 adults was interviewed between August 2006 and January 2007. The work is in part a follow-up to similar research undertaken in 2002 that looked at discriminatory attitudes in respect of four areas, ethnic background, gender, disability and sexual orientation.

Wales

Title: Wales Triennial Review report

Author/Organisation: Victoria Winckler, Tom MacInnes and Peter Kenway, The Bevan Foundation and New Policy Institute/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To provide the devolved context for the Triennial Review, including key challenges in Wales and policy recommendations for tackling inequality. Data collection to be drawn from the content of the GB wide Triennial Review and supplemented with data from Welsh sources

Title: Not just another statistic: Life in Wales for people with mental health conditions, Gypsy Travellers, transgender

people and asylum seekers and refugees

Author/Organisation: EHRC Wales

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Who runs Wales? The road to equality for women

Author/Organisation: EHRC Wales

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Equality issues in Wales: a research review

Author/Organisation: Winckler, V./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Equal opportunities and human rights: the first decade of devolution in Wales

Author/Organisation: Chaney, P./EHRC Wales

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Who do you see? Living together in Wales

Author/Organisation: EHRC Wales

Date of publication: 2008

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Northern Ireland

Title: Annual Report 2009/10

Author/Organisation: Office of the Industrial Tribunals and Fair Employment Tribunal
Northern Ireland

Date of publication: 2010

Link: http://www.employmenttribunalsni.co.uk/annual_report_2009-2010.pdf

Title: Enabling Lesbian, Gay and Bisexual Individuals to Access their Rights under
Equality Law

Author/Organisation: J. Walsh, C. Conlon, B. Fitzpatrick and U Hansson/Equality
Commission for Northern Ireland

Date of publication: 2007

Title: Fair Employment in Northern Ireland, A Generation On

Author/Organisation: B. Osborne. and I. Shuttleworth

Date of publication: 2004

Link: Blackstaff Press

Other

Title: Secondary analysis of the British Crime Survey

Author/Organisation: Paul Iganski and Spridoula Lagou, Lancaster University/EHRC

Date of publication: research in progress

Link: EHRC research available when published at

<http://www.equalityhumanrights.com/our-job/our-research/>

Summary: To conduct secondary analysis of selective variables of the British Crime Survey (BCS), in order to reveal fear and experiences of harassment and crime according to aspects of identity, including: disability, age, sexual orientation, race and gender. Methodology: the study will merge sufficient waves of the BCS in order to generate robust sub-samples, and conduct descriptive and regression analysis.

Title: The Millennium Cohort Study

Author/Organisation: Centre for Longitudinal Studies

Date of publication: ongoing

Link: <http://www.cls.ioe.ac.uk/text.asp?section=000100020001>

Summary: The Millennium Cohort Study (MCS) is a multi-disciplinary research project following the lives of around 19,000 children born in the UK in 2000/1. It is the most recent of Britain's world-renowned national longitudinal birth cohort studies. The study has been tracking the Millennium children through their early childhood years and plans to follow them into adulthood. The four surveys of MCS cohort members carried out so far – at age nine months, three, five and seven years – have built up a uniquely detailed portrait of the children of the new century. They have also amassed a vast amount of information on the children's siblings and parents. The study was commissioned by the Economic and Social Research Council (ESRC), whose funding has been supplemented by a consortium of Government departments and the Wellcome Trust. The next sweep of the study is planned for 2012. Data published in December 2010 covers education, health, income and housing. Study was designed to cover areas with high minority ethnic populations and disadvantaged areas.

Title: UK Data Archive

Author/Organisation: University of Essex

Date of publication: ongoing

Link: <http://www.data-archive.ac.uk/>

Summary: UK's largest collection of digital social and economic research data

Title: The Places Database

Author/Organisation: Department for Communities and Local Government

Date of publication: ongoing

Link: <http://www.places.communities.gov.uk/>

Summary: provides access to a broad range of statistical data and information at several geographic levels across England.

Title: Economic and Social Data Service

Author/Organisation: ESRC/JISC

Date of publication: ongoing

Link: <http://www.esds.ac.uk/>

Summary: Includes government data sets and longitudinal surveys

Title: The Legal Profession as Gatekeeper to the Judiciary: Design Faults in Measures to Enhance Diversity

Author/Organisation: L Barmes & K Malleson,

Date of publication: 2011

Link: On file with EDF

Summary: Identifying the underlying reasons for a lack of diversity in the judiciary and recommending changes to address it

Title: Handbook of Discrimination at Work

Author/Organisation: Hazel Conley and Tessa Wright (eds)

Date of publication: 2011

Summary: Examines discrimination across a number of strands

Title: Oneplace

Author/Organisation: Audit Commission with other regulatory bodies

Date of publication: up to June 2010.

Link: <http://oneplace.audit-commission.gov.uk/Pages/default.aspx>

Summary: Data based on Comprehensive Area Assessments which ended in June 2010. This website covers the annual assessments first released in December 2009, and will not be updated further. It covers the 152 main areas in England, measuring how well local services work together to meet both their own priorities and government indicators.

Title: A Review of Evidence of the Equality Strands in the East of England

Author/Organisation: Menter (the Black and Minority Ethnic Network for the East of England Region)

Date of publication: 2010

Link:

http://www.mentor.org.uk/sites/default/files/June%202010_A_review_of_Equalities_Evidence.PDF

Summary: information around all the seven equality strands (age, gender, race and ethnicity, religion or belief, disability, sexual orientation and transgender) and their situation in the Eastern region.

Title: Human Development index 2010

Author/Organisation: The United Nations Development Programme (UNDP)

Date of publication: 2010

Link <http://hdr.undp.org/en/reports/global/hdr1990/> and

<http://hdrstats.undp.org/en/countries/profiles/GBR.html>

Summary: Reports date back to 1990. Human Development Report for 2010 includes – for the first time – the Inequality-adjusted Human Development Index, the Gender Inequality Index and the Multidimensional Poverty Index. UK statistical profiles available. Covers health, education, income, poverty, inequality, gender, sustainability and human security by various indices.

Title: British Social Attitudes 27th Report

Author/Organisation: National Centre for Social Research

Date of publication: 2010

Link: www.natcen.ac.uk

Summary: British attitudes on range of topics including religion

Title: Pathways to politics

Author/Organisation: Durose, C., Gains, F., Richardson, L., Combs, R., Broome, K. and Eason, C. /EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Summary: The research explores the barriers faced, and pathways taken, by under-represented groups in seeking election to UK national institutions. The research looks across a wide range of groups perceived to be under-represented, including women, ethnic minorities, the disabled and LGBT people.

Title: Process of prejudice: Theory, evidence and intervention

Author/Organisation: Abrams, D./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Understanding the rise of the far right: Survey results and Focus group results

Author/Organisation: Boon, M./EHRC

Date of publication: 2010

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Equality, inequalities and diversity – contemporary challenges and strategies

Author/Organisation: Healy, G., G. Kirton, et al., Eds.

Date of publication: 2010

Link: <http://www.palgrave.com/products/title.aspx?pid=358644>

Summary: This book is a collection by researchers at or associated with Queen Mary. It covers a number of pertinent legal and social issues and contemporary challenges.

Title: Navigating Multi-Layered Uncertainty: EU, Member State and Organizational Perspectives on Positive Action

Author/Organisation: Lizzie Barmes

Date of publication: 2010

Link: draft in QM Laws SSRN series in 2009

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1538522 and final version in G. Healy, G. Kirton & M. Noon (eds) Equality, Inequalities and Diversity - From Global to Local (2010)

Title: Competing rationalities in the diversity project of the UK judiciary: The politics of assessment centres

Author/Organisation: Healy, G., G. Kirton, et al.

Date of publication: 2010

Link: Human Relations 63(6): 807-834.

Title: The role of Local Strategic Partnerships and Local Area Agreements in promoting equalities
Author/Organisation: Russell, H. in conjunction with Lepine, E., Newman, I., Dickinson, S., Meegan, R., Lawrence, R., Ni Luanaigh, A., Swift, J., Grimshaw, L. and Chapman, R. /EHRC
Date of publication: 2010
Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: European Union Minorities and Discrimination Survey. Data in Focus Report. Rights Awareness and Equality Bodies. Strengthening the fundamental rights architecture in the EU III
Author/Organisation: European Union Agency for Fundamental Rights (FRA)
Date of publication: 2010

Title: Public sector duty assessment of the Department of Work and Pensions through Jobcentreplus
Author/Organisation: Equality and Human Rights Commission
Date of publication: 2009
Link: http://www.equalityhumanrights.com/uploaded_files/ehrc_jobcentre_plusweb.pdf

Title: Developing an equality measurement framework: A list of substantive freedoms for adults and children
Author/Organisation: Burchardt, T. and Vizard, P./EHRC
Date of publication: 2009
Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Funding practice and funding gaps for the equalities voluntary sector
Author/Organisation: Shah, R. and Lees, I./EHRC Scotland
Date of publication: 2009
Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: International perspectives on positive action measures
Author/Organisation: Professor Uduak Archibong, University of Bradford/European Commission
Date of publication: 2009
Link: <http://www.brad.ac.uk/health/pamecus/>
Summary: Report on positive action based on online survey in the 27 EU Member States and the EFTA-EEA countries and in-depth case studies of eight EU countries, plus Canada, the United States and South Africa.

Title: Making practice happen. Practitioners' views on the most effective specific equality duties
Author/Organisation: Elizabeth Sclater/EHRC
Date of publication: 2009
Link: www.equalityhumanrights.com/uploaded.../making_practice_happen.doc
Summary: Research on whether specific duties lever for change within

organisations. Based on telephone interviews with 38 equality practitioners selected on the basis that their organisations were thought to be making progress in implementing the duties or had a significant national role. The interviews took place between November and December 2008.

Title: Society at a Glance 2009 - OECD Social Indicators

Author/Organisation: OECD

Date of publication: 2009

Link:

http://www.oecd.org/document/24/0,3343,en_2649_34637_2671576_1_1_1_1,00.html

Summary: Provides an overview of quantitative social trends and policies across the OECD, including income distribution (equity), health, social cohesion. 'At a Glance' publications available online date back to 2001.

Title: Equality statistics in practice at a local level

Author/Organisation: Fry, G., Yeandle, S., Turner, R. and Wigfield, A./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Developing the Equality Measurement Framework: selecting the indicators

Author/Organisation: Burchardt, T., et al/EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: The place of equal opportunities in the devolution settlement: a legal analysis

Author/Organisation: O'Cinneide, C./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Good relations: a conceptual analysis

Author/Organisation: Johnson, N. and Tatam, J./EHRC

Date of publication: 2009

Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Responding to Discrimination: the Geography and Geometry of Advice Provision in England, Scotland and Wales Final Report

Author/Organisation: J. Borland, A. Griffiths, O. Rees/Law Centres Federation

Date of publication: 2009

Title: Using competency-based assessment centres to select judges; implications for equality and diversity

Author/Organisation: Kirton, G. and G. Healy

Date of publication: 2009

Link: Human Resource Management Journal 19(3): 302-318

Title: Review of equality statistics
Author/Organisation: Walby, S., Armstrong, J. and Humphreys, L./EHRC
Date of publication: 2008
Link: EHRC research available at <http://www.equalityhumanrights.com/our-job/our-research/>

Title: Walking in my shoes: personal experiences of inequality in Britain (Equalities Review companion report)
Author/Organisation: The Equalities Review team
Date of publication: 2007
Link: http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equalities_review_walking_in_my_shoes.pdf
Summary: Personal testimonies relating to equality/inequality around 6 areas of life: education and learning; workplace and labour market; health and social care; home and family' crime and justice; wider society and community.

Title: Commission on Integration and Cohesion - Our shared future
Author/Organisation: Commission on Integration and Cohesion
Date of publication: 2007
Link: http://collections.europarchive.org/tna/20080726153624/http://www.integrationandcohesion.org.uk/Our_final_report.aspx
Summary: report on how to create opportunities for more cohesive and integrated communities. A collection of case studies illustrating examples of local good practice was published alongside main report. Government published response to the report in February 2008.

Title: Equalities in Great Britain, 1946-2006 (Equalities Review companion report)
Author/Organisation: Pat Thane, Tanya Evans, Liza Filby, Nick Kimber, Helen McCarthy, Simon Millar, Mel Porter, Becky Taylor. Centre for Contemporary British History, Institute of Historical Research, University of London.
Date of publication: 2007
Link: http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/equalities_in_gb_1946_2006.pdf
Summary: Study to: assess what has and has not changed concerning the causes and experiences of inequality for these broad social groups over the period c.1945 to c.2006; assess, insofar as time and data allow, which factors have promoted or impeded the lessening of the inequalities they have experienced; and to deliver conclusions concerning key drivers for change.

Title: The Road is Long: Thirty Years of Equality Legislation in Britain
Author/Organisation: L. Dickens
Date of publication: 2007
Link: British Journal of Industrial Relations 45:3

Title: Equality, Diversity and Prejudice in Britain. Results from the 2005 National Survey (Equalities Review companion report)

Author/Organisation: Dominic Abrams & Diane M Houston

Date of publication: 2006

Link:

<http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/kentequality.pdf>

Summary: This report describes the findings of a survey which employed social psychological methods and measures to assess a range of different aspects of prejudice towards six significant groups in British society – defined by gender, age, ethnicity, sexuality, disability and religion.

Title: Literature Scoping Review on Reducing Inequalities: International Comparisons (Equalities Review companion report)

Author/Organisation: Lizzie Coates and Emma Froud

Date of publication: 2005

Link:

<http://webarchive.nationalarchives.gov.uk/20100406130654/http://archive.cabinetoffice.gov.uk/equalitiesreview/upload/assets/www.theequalitiesreview.org.uk/gsr.pdf>

Summary: The review addresses the following questions: What international examples are there of incentives and levers that have been successfully employed by different countries to reduce inequalities for different groups; How has progress in reducing inequalities been measured over time? What measures and indicators have been used and how has the evidence base been established?; Are there any promising examples of indices of equality or indicators which are appropriate to track progress over time and are these applicable for different groups?; What international evidence exists around future trends in inequalities? What are countries doing in response to these trends?

Title: Taking Equal Opportunities Seriously. The Extension of Positive Duties to Promote Equality Equal Opportunities

Author/Organisation: C. O'Cinneide/Equality and Diversity Forum

Date of publication: 2003