



DNfC

Diversity Network for Cornwall
& The Isles of Scilly

Registered charity No. 1134744

**Diversity Network for Cornwall & The
Isles of Scilly
Registered Office:
c/o Victim Support
Carnon Building
Wilson Way
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Redruth TR15 3RS**

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***A charitable company limited by guarantee,
Registered in England & Wales no. 6943112***

**Equality law & better regulation unit,
Government Equalities Office,
3rd. Floor, Fry – North East Quarter,
2 Marsham St.,
London,
SW1P 4DF**

Dear Sirs,

The Government is currently consulting on three proposals to amend the Equality Act 2010 by repealing :

- (a) Employer liability for harassment of employees by third parties (e.g. customers or clients)**
- (b) Employment Tribunals' power to make wider recommendations in discrimination cases**
- (c) the procedure for obtaining information.**

As chair of a group of leading Equalities and Diversity organisations in Cornwall, I have been mandated to write to you with our collective response to the proposals.

The Group includes:-

**Disability Cornwall and Isles of Scilly (all disabilities)
Cornwall People First (learning disabilities)
Pentreath (mental health)
Cornwall Racial Equality Council
Unity (BME organisation)
Fata He (BME organisation)
Amber Initiatives (BME and refugee organisation)**

**Travellerspace
Bewnans Kernow (umbrella Cornish cultural network)
Cornwall Rural Community Council
Over 50's Forum
Cornwall Youth Work Partnership
Women's Rape and Sexual Abuse Centre (Cornwall)
Esteem (male victims of domestic abuse)
Intercom Trust (LGBTQ charity)
Cornwall Transgender group
Cornwall Faith Forum
Combined Universities in Cornwall Diversity office
The Diversity Network for Cornwall
Cornwall Voluntary Sector Forum**

And also has as members:

**Cornwall Council corporate Equality Officer
Devon and Cornwall Police Diversity Officers
Cornwall NHS Senior Equality Manager**

Our joint response to the consultation is as follows:

- 1. We believe the proposals could severely affect the personal freedom and liberty of vulnerable individuals in Cornwall.**
- 2. The proposal to remove employer liability for third party harassment will deny employees a vital right of protection from abuse when carrying out their duties to their employer. Our NHS member has reported a case of a doctor being subject to sustained abuse and discrimination from a patient on grounds of colour, who was inadequately supported by their employer, and as a result the Equality Act has been used retrospectively in a review of the circumstances to set a minimum standard of expected employer support. This can only be a positive result. Employees should have the freedom to carry out their duties on behalf of their employer with maximum commitment, enthusiasm and ability to deliver the best standards of service. Fear, or uncertainty of employer support, when faced with personal abuse undermines that enthusiasm and detracts from that best service. Good employers recognise this: but too many do not. The Diversity Network for Cornwall undertook a survey of attitudes of supervisors and junior managers in twenty six Cornish organisations in early 2011. 23% said they needed to take greater action themselves to counter discrimination; 10% said staff and managers needed more training; and 8% said there was a greater need to "speak out" about abuse in the workplace. Junior managers in medium or larger organisations are significantly likely not to adequately support employees who suffer client or customer abuse.**

These Cornish survey findings merely reflect a greater truth about employers nationally. Department of Work and Pensions research published in 2009 showed that the lower the level of recruiter in an organisation, the greater

- degree of racial discrimination that occurred in the recruitment process. The existence of organisational Equality Policies was not a correlating factor.
3. The proposal to remove the power of Employment Tribunals to make wider recommendations in cases where they have found discrimination is a major step backwards. This power when introduced was an eminently sensible improvement, allowing Employment Tribunals to recommend changes to inbuilt workplace practices or procedures to prevent further cases being brought before them that originated from the same causes. This is sensible, acting as a means of reducing the potential future workload of Tribunals – reducing costs to the public purse, reducing bureaucracy, and reducing time spent by employers defending individual cases.
 4. We similarly believe that the proposal to remove the power for employees to obtain information from employers when they believe they have been discriminated against is imposing barriers for vulnerable individuals. It removes the “level playing field”, encourages secrecy and obstruction, and hinders the course of justice.
 5. The argument advanced as a justification for all three proposed repeals of powers that they are little used and therefore un-necessary does not stand closer examination. These powers are much more frequently used as “persuasion” to influence employers to improve standards, using the knowledge that the ultimate step could be legal action to encourage voluntary improvement beforehand. This is the experience of us all when we have entered into dialogue with businesses. Behind the scenes, the powers in the Equality Act have proved enormously useful in facilitating the spread of best practice amongst employers.
 6. We believe that successful businesses are good businesses; and making the most of the skills of every employee is an essential part of achieving that result. Sometimes employers need outside help to obtain that result; and the Equality Act has already proved a useful tool in doing so.

Yours sincerely,

David Sillifant
DNfC Manager

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Copied to all Cornish Members of Parliament