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Help Point

# REDBRIDGE EQUALITIES AND COMMUNITY COUNCIL

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Help Point

PRESIDENT: THE WORSHIPFUL THE MAYOR OF REDBRIDGE  
CHAIR: DR. S VASISHTHA

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Rt Honourable Teresa May MP  
Home Secretary and Minister for Women and Equalities  
House of Commons  
London SW1A 1AA.

15 June 2010.

Dear Teresa May,

## Consultation on Equalities

Redbridge Equalities & Community Council (RECC) was sent, by a third party, an article in GEO News - the Newsletter of the Government Equalities Office - an announcement of a consultation on a number of matters regarding Equalities legislation, under the heading "Bureaucracy Scrapped Under New Approach to Equality". I tried to telephone the GEO to find out how to participate in this consultation and the deadline. I was told by the Home Office switch board that the GEO does not take telephone calls from the public and that I would have to e-mail them. So I did e-mail them on 15 May 2012 and have yet to receive a reply. The GEO seems to be a very inaccessible department which seems ironic given the centrality of accessibility to issues of equality. It also raises doubts about the seriousness of this consultation process.

The RECC convenes a quarterly forum of organisations and practitioners involved in equalities issues in London Borough of Redbridge. At our last forum on 7 June 2012 we looked at the article in the GEO News and examined the points laid down there in the absence of any more detailed documentation about these changes. I was asked to write to you expressing the Forum's responses to these points.

### **Repealing Third Party Harassment law, which will ensure employers are no longer liable for the harassment of an employee by a third party.**

It may be that this law needs some revision and fine tuning. However we are opposed to repealing the legislation as it correctly places a duty of care upon employers to take steps to protect their employees from such harassment. To take this duty away, might allow irresponsible employers to make no efforts to educate or take preventive action against its clients, customers, other staff etc in the matter of harassment. Given, for example, the degree of harassment suffered by nurses, even where there are policies in place, demonstrates the need for employers to take a robust approach to protecting its workers.

**Reviewing the Public Sector Equality Duty:.....to establish whether it is operating as intended:** We are opposed to any dilution of the public sector equality duty. Of course, like

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GEO Delivery  
Public sector equ  
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any other policy or duty, effective delivery and the procedures underpinning that delivery, has to be reviewed from time-to-time. But the 'devil is in the detail' in terms of what procedures the Government might have in mind. We are aware of a suggestion, not stated in this article, that the need to make the results of Equality Impact Assessments publically available should be abolished. We would oppose such a proposal. The equality duty cannot be implemented effectively without statutory authorities being held to account and this in turn cannot happen without transparency.

**Repealing the Socio-Economic Duty.** We were under the impression that this matter had been decided upon. If there is any question mark over it we would like to take the opportunity to say that we would be very disappointed if the Socio-Economic Duty were to be repealed. This new duty has or had the potential of helping transform the social and economic landscape of this country, a weapon to challenge poverty, undo blockages to social mobility and so forth. It also increases the credibility of equalities legislation. There are people suffering harsh adversity and poverty who feel that equality law only helps 'special interest groups' rather than themselves, who could have found protection and support under this legislation.

**Tackling gold-plating and over-compliance by working with the British Chambers of Commerce to help small-and-medium-sized companies understand what they do and don't need to do in order to comply with the Equality Act.** We support any steps taken to ensure that people understand the Equality Act and how it affects them. What we would oppose is the dilution of the requirements of the act upon small and medium sized companies beyond the relaxations and exemptions already established.

**Repealing employment tribunals 'wider recommendations' powers, which will remove the power of tribunals to recommend the introduction of, or changes to, policies that affect all of an employer's staff.** Why? What could be the *raison d'être* for removing this power? We are opposed to this proposal. If an employer's policies are leading to breaches of the Equalities Act or have the potential to do so, surely it must be the duty of the Tribunal to point this out and make the employer act upon it. Indeed, you have recently announced proposals to allow employment tribunals to order companies that break the law by under-paying a woman employee to publish details of how male and female earnings compare across their entire business. This suggests that, in some areas at least, you actually want to increase the powers of tribunals in this regard.

**Scrapping bureaucratic information-gathering procedures. Special procedures were meant to increase settlements and reduce employment tribunal cases. Instead they have led to more bureaucracy.** We were uneasy about this. We certainly agree that there is a danger of a culture which sees information-gathering as the primary element of complying with equalities legislation as opposed to actually taking steps to address inequalities. We need 'kick boxers not tick boxes'. Nevertheless, it is not possible to properly identify and address problems without gathering the appropriate data. So whilst there are undoubtedly elements of information-gathering which are unnecessary it is essential that we do not throw the baby out with the bathwater. *Contra wise*, there might be data that currently is not being collected and is not required by legislation, which is more useful and ought to be collected.

The document then went on to proposals about the future of the Equality and Human Rights Commission (EHRC):

**Repealing unnecessary powers and duties.....in order to help it focus on its core functions.** We understand that this includes the abolition of the EHRC's grant making functions. This is a disappointment as excellent projects are funded by the EHRC. We are also concerned about the proposed demise of the EHRC's legal advice service. This service, highly useful in the past, has already been allowed to decay.

**Tighter financial controls. The EHRC will comply with government-wide spending rules - in particular, controls on recruitment, consultancy and marketing.** We didn't have a



comment on this.

**Budget review....** Again we could not make an informed comment.

**New leadership.** A new Chairman and a new, smaller Board will be recruited. We certainly do not carry a torch for the existing leadership and Chair. However, we are concerned that what this means is a leadership and Chair who will be 'on message' with the current Government. We need a leadership that is able to challenge the Government on equalities issues where this is appropriate. We are also concerned that a smaller Board might decrease the range of equalities issues and protected characteristics represented on the Board.

Yours sincerely

A handwritten signature in black ink that reads "D. C. C. Landau". The signature is written in a cursive style with a large initial 'D' and 'L'.

David Landau  
Senior Caseworker/Project Co-ordinator  
c.c. Government Equalities Office.

