

**A Framework for Fairness:
Proposals for a Single Equality Bill for Great Britain**

Response Form

We welcome your views as part of the consultation. For convenience, this preformatted response form sets out all the questions in the main consultation document. It can also be downloaded from www.communities.gov.uk/index.asp?id=1017165.

Should you wish to use the form, it should be returned, once completed, to:

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The consultation closes on 4 September in 2007. Please let us have your response by that date.

When responding, it would be helpful if you could provide the following information.

Please fill in your name and address, or that of your organisation if relevant. You may withhold this information if you wish, but we will be unable to add your details to our database for future consultation exercises.

Name

Organisation (if applicable)

Address

Postcode

Confidentiality

Under the Code of Practice on Open Government, any response will be made available to the public on request, unless respondents indicate that they wish their views to remain confidential. If you wish your response to remain confidential, please

tick this box and say why. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

I would like my response to remain confidential:

Please say why

You or your organisation

Q(i) In what capacity are you responding?

As an individual (if so, please go to Q1 in the main comments section)

On behalf of an organisation (if so, please go to Q(ii) below)

As an employer (if so, please go to Q(iii) below)

Other (please specify)

Q(ii) Is your organisation
(please tick the boxes that apply to your organisation)

A local authority (including health authority) / organisation

An equality lobby group or body

A statutory body

An organisation representing employers

An organisation representing financial institutions

A professional association

A university

A college of further education

A trade union/staff association

Other – please specify

Q(iii) If responding as an employer, how many people do you employ?

Between 1 and 14 employees

Between 15 and 49 employees

Between 50 and 249 employees

250 employees or more

Q(iv) If responding as an employer please indicate which sector best describes you:

Legal services

Construction and/or building design

Communications

Wholesale and retail trade

Leisure – hotels, restaurants, pubs

Leisure – cinemas, theatres, museums

Leisure – other

Distribution/transport

Financial and/or business services

Electricity, gas and water supply

Advice and/or information services

Public administration

Education/training

Health and social work

Charity/voluntary work

Other (please tick box and specify)

Proposals for a Single Equality Bill for Great Britain

The main consultation document addresses various proposals and options for changing discrimination law in order to create a clearer, more streamlined equality legislative framework, which produces better outcomes for those who currently experience disadvantage. The following questions are reproduced from the main document, in the order and with the same numbering in which they appear there. In addition, you are asked for your comments generally on the estimated provisional costs and benefits, as shown in the Initial Regulatory Impact Assessment and the Equality Impact Assessment.

Part 1 – Simplifying the law

Chapter 1: Simplifying Definitions, Tests and Exceptions and Promoting Compliance

Simplifying Definitions and Tests

Direct Discrimination

Q1 Do you have any comments on our intention to keep the existing requirement for a comparator in direct discrimination claims?

Yes

No

If not, please give your reasons

We are not in favour of keeping the requirement for a 'comparator' in direct discrimination claims. In the definition of 'direct discrimination' there should be a following provision: 'when a person is treated unfavourably on any of the grounds covered by the law'. Sometimes, it might be quite difficult to identify a comparator which makes it hard for a claimant to represent his/her case in a court. If a person can give good evidence of his/her ill treatment on any grounds covered by the law, there is no need to provide a comparator. For instance, there could be employers who discriminate against all races except for their own and in this case it will be almost impossible for a claimant to find any comparator. But it does not mean that there is no case of discrimination.

Q2 Do you have any comments on our proposal to replace the separate definitions of discrimination in Part 3 of the Disability Discrimination Act with a single definition?

Yes

No

Please provide:

Q3 Do you agree that we should largely keep the existing approach in relation to discrimination on the basis of perception and association, except for an extension to protect against discrimination on the grounds of association with transsexual people?

Yes

No

Please provide:

Indirect Discrimination

Q4 Do you agree with our proposal to extend indirect discrimination to cover gender reassignment but not explicitly introduce it to disability discrimination law?

Yes

No

Please say why:

Definition of indirect discrimination

Q5 Do you agree with our proposal to harmonise the definition of indirect discrimination where it applies across the protected grounds?

Yes

No

Please say why:

Objective Justification

Q6 Do you agree with our proposal to harmonise the objective justification test?

Yes

No

Please say why:

Justification of disability discrimination

Q7 Do you agree that there should be a single test of objective justification for disability discrimination in employment and vocational training, goods, facilities and services, housing, education, private clubs and public functions?

Yes

No

The threshold for reasonable adjustments

Q8 Do you have any comments on our proposal to establish a single threshold for the point at which the duty to make adjustments is triggered?

Yes

No

Please provide:

Victimisation

Q9 Do you agree that the approach to victimisation in discrimination law should be aligned with the employment law approach?

Yes

No

Please say why:

Simplifying Exceptions

Genuine occupational requirement test

Q10 Do you agree that a genuine occupational requirement test should be introduced for all grounds of discrimination, with the exception of disability (where it is not necessary)?

Yes

No

Please say why:

We think that the genuine occupational requirement test should be introduced for all grounds of discrimination, including disability. Sometimes people with disabilities can still perform their duties as well as able-bodied or even better. So we think that the test must be carried out for all grounds, including disability.

Q11 Do you think there is a need to retain any of the genuine occupational qualifications listed in the Sex Discrimination and Race Relations Acts?

Yes

No

If so please explain why:

Genuine service requirement test

Q12 Do you support or oppose the introduction of a genuine service requirement test for differentiation in the provision of goods, facilities or services, housing and the exercise of public functions?

Support

Oppose

Please give your reasons and examples of what it might cover:

We are in favour of introducing a genuine service requirement test for differentiation in the provision of goods, facilities or services, housing and the exercise of functions. Re your point 1.75 we think that the test can also be compatible with the Race Directive. For instance, some charities can also provide benefits to certain racial groups. There could be tailored medical services for certain ethnic groups who for instance do not understand the English language and need an interpreter.

Specific Exceptions

Q13 Do you agree with the proposal for a unified approach where exceptions apply to more than one protected ground, where this is appropriate?

Yes

No

Please give your reasons:

Q14 Do you have any comments on our proposals for retaining the specific exceptions set out in Table 1 in Annex A?

Yes

No

Please provide

Q15 Do you agree that the exceptions listed in Table 2 in Annex A should be removed?

Yes

No

If not, please explain why.

Q16 Is there any need to return an exception to allow insurers to treat people differently on the grounds of sexual orientation, where supported by sound actuarial evidence, beyond the end of 2008?

Yes

No

If yes, what should this seek to achieve and why:

Chapter 2: Public Functions

Q17 Do you agree that there would be benefits in adopting a harmonised approach to the goods, facilities and services and public functions provisions are structured across all protected grounds?

Yes

No

Please say why:

Q18 Do you think the exceptions could be streamlined in this area or do you think that there are any exceptions that should apply to public authorities that it would not be appropriate to apply to the provision of goods, facilities or services by private bodies?

Yes

No

Please say why:

Chapter 3: Equal Pay

Q19 Do you agree that the distinction should be retained?

Yes

No

Please say why

Q20 Do you consider there are further areas of the law of equal pay developed by case law, which it would be helpful to codify?

Yes

No

Please give details of these areas of legislation and any case law relevant to these

Q21 Do you have further suggestions on how we could simplify equal pay legislation or make it easier to work in practice?

Yes

No

Please provide further information on how equal pay legislation could be simplified to make it easier to work in practice.

Q22 Do you agree that allowing the use of hypothetical comparators would be unlikely to give any benefit in practice.

Yes

No

Please explain

Part 2: More effective law

Chapter 4: Balancing Measures

Q23 What evidence is there of the extent to which the current “positive action” provisions are being used? Do you consider that the current provisions limit the actions that employers and others would like to take?

Q24 Do you agree that it would be helpful for organisations seeking to make progress towards their goals of tackling under-representation and disadvantage to be able to use a wider range of voluntary balancing measures?

Yes

No

Please explain:

Q25 Do you agree that measures to meet special needs in relation to education, training or welfare or any ancillary benefits should be permitted in respect of all protected groups?

Yes

No

Please explain why:

Q26 Do you agree with these proposals for issuing of guidance by the Commission for Equality and Human Rights, but that the Commission should not have a role approving positive action programmes?

Yes

No

Please explain why:

Q27 Do you agree that we should have a power to continue the operation of the current provision beyond 2015, if this is still necessary and proportionate?

Yes

No

Please explain why:

Q28 Do you agree that we should widen the scope of voluntary positive measures for political parties to target the selection of candidates beyond gender?

Yes

No

Please explain:

At the moment there are just a few representatives from ethnic minorities in political parties. There is a necessity for some measures to increase the representation of ethnic minorities, as well as other under-represented groups in the parties. It is quite important that all political parties reflect the diversity of their country.

Chapter 5: Public Sector Equality Duties

Q29 Do you agree that the race, disability and gender duties should be replaced by a single duty on public authorities to promote race, disability and gender equality?

Yes

No

Please state your reasons:

A single duty to promote race, disability and gender equality would help public authorities to integrate policies and processes concerned with various strands of equality and make efficient use of limited resources. It would offer a single effective lever for addressing discrimination and disadvantage. A single equality duty would also make it easier to address the needs of individuals and groups facing multiple discrimination.

Q30 Do you agree that it would be helpful to provide a clear statement of the purpose of a single public sector duty which public authorities should use as a foundation for taking action to promote equality and good relations?

Yes

No

Please state your reasons:

It is vital to have a clear statement of purpose of a single equality public sector duty to ensure a clear understanding of what it would mean in practice. It would not only help public authorities to focus on achieving meaningful outcomes for disadvantaged groups, but would also provide a reasoned and informed basis for promoting economic and social inclusion of groups experiencing discrimination and disadvantage.

Q31 Do you agree with the four areas set out in the proposed statement of purpose?

Yes

No

If not, please give your reasons and any alternative suggestions.

The four "dimensions of equality" adapted for a statement of purpose are necessary but not sufficient. Addressing disadvantage does not in itself address the discrimination experienced by individuals. It is important for this statement to include the need to not only prevent discrimination but also to address its negative consequences as and when it occurs.

Q32 Do you think that the proposed statement of purpose adequately captures the need for work to build good relations and promote positive attitudes within and between groups and underpins efforts to build integration and cohesion?

Yes

No

If not, please give your reasons and any alternative suggestions:

Whilst the proposed statement of purpose captures the need to build good relations and promote positive attitudes, it does not capture the need to prevent discrimination. Clear practical guidance is definitely needed to ensure public authorities make it their business to eliminate discrimination on any grounds. This statement of purpose needs to be built into their strategic objectives and integrated into their business plans.

Q33 Do you agree that a single public sector equality duty should require public authorities to identify priority race, disability and gender equality objectives and take proportionate action towards their achievement?

Yes

No

If not, please give your reasons and any alternative suggestions:

Yes, single public sector duty should require public authorities to identify evidence based equality objectives in the areas of race, gender and disability. However, it is important that these objectives are set on the basis of effective and informed consultation and their achievement and effects are regularly monitored and reviewed.

Q34 Do you agree that public authorities should be required to review their priority equality objectives at least every 3 years?

✓ Yes

No

If not please give your reasons and alternative suggestions

We think that they need to be reviewed more frequently, perhaps annually or at least every 2 years.

Q35 Would it be helpful for strategic equality outcomes to be set by the appropriate national Government?

✓ Yes

No

If so, what would be an appropriate way of doing this?

A Framework of National Strategic Equality Outcomes does sound like a good idea but the idea of an equality score-card can turn it into a tick box exercise and add another layer of bureaucracy. It is important for public authorities to agree priorities, set targets and evaluate progress towards equality, but this should be done as part of their strategic planning and measured not just quantitatively but also qualitatively.

Q36 We would welcome views on the proposed new approach to supporting effective performance of a single public sector equality duty by requiring proportionate action towards the achievement of priority equality objectives, and on the four key principles we have identified. Do you prefer this approach, or an extension of the type of specific duties adopted so far in the race, disability and gender equality duties? Please give your reasons.

The duty is designed to help all public authorities to perform better, so they should be able to respond to the requirements of this duty as is appropriate to their functions. The notion of proportionate/disproportionate actions seems rather artificial. Public authorities do have flexibility to adopt processes to deliver their priority objectives. The detailed information and documentation may not be required by law, but it would be still necessary as evidence and to demonstrate transparency. If you abandon the requirement of employment monitoring, where is the evidence to gather, analyse, and consider the information and data to understand the incidence of discrimination and disadvantage?

Q37 If you prefer an extension of the type of specific duties adopted so far in the race, disability and gender equality duties, which elements of the specific duties do you think should be retained for a single public sector equality duty and why?

We prefer an extension of the type of specific duties adopted so far in the race, disability and gender equality duties, the four key principles underlying the effective performance of public sector equality duty are a welcome addition and should be woven into this approach. The specific duties to eliminate discrimination and the promotion of equality of opportunity and good relations between people of different racial groups should be retained, as should the duty to publish equality schemes and report on progress.

Q38 Do you think that the proposed single public sector equality duty should apply to all public authorities?

✓ Yes

No

If not, please say how you think it should be targeted and give your reasons.

Definitely yes, the proposed single public sector duty should apply to all public sector organisations, otherwise it makes a mockery of the principle of equality. If the notion of integrating equality objectives into strategic planning is to be followed through, this should not be seen as a burden. The emphasis needs to be on the principles of valuing diversity and promoting inclusion and cohesion, and not on equality objectives as something of a 'burden'.

Q39 Do you think that a single public sector duty should be extended to cover:

✓ a) age

Yes

No

✓ a) sexual orientation; and/or

Yes

No

✓ b) religion or belief;

Yes

No

Please state your reasons, including examples of the types of disadvantage you believe are experienced by people because of their age, sexual orientation or religion or belief which could be addressed effectively through such a duty.

Yes, it is time to include, age, sexual orientation and religion in a single public sector duty. The recent legislation on age is clearly based on evidence of discrimination on the grounds of age. A formal requirement for public authorities to set priority equality objectives for people of different ages could address the concerns about treatment of older people in health and social care services. This does not mean that services which are designed to differentiate between people of different ages can not be justified. But it does mean that age discrimination outside the work place (access to goods and services) can be prohibited. Similarly, a duty which covers sexual orientation would ensure that specialised or appropriate sexual health services would be built into the planning of services of a public authority.

Q40 Might there be disadvantages in extending the duty to any of these groups?

Yes

No

If so please give examples

No, as long as the statement of purpose is articulated clearly to avoid any such disadvantage. For example, it is important that single equality duty is not aimed at putting the needs of particular religious groups above the needs of a wider community.

Q41 Over what timescale do you think a single public sector duty and any extensions to it should be implemented to ensure we have learned as much as possible from recently introduced duties on disability and gender?

It is important for any substantial change to be given appropriate timescale to take effect, the introduction of single public sector duty is long overdue and should be implemented as soon as possible, especially since a number of them have already adopted integrated approaches and have introduced single equality schemes.

Q42 Do you think public authorities should be given the option to implement any new approach in advance of it becoming a legal requirement, enabling these authorities who have already taken an integrated approach to build on existing work?

✓ Yes

No

Please explain:

Yes, especially if the new approach to single equality duty takes on board the three current duties as a starting point and uses them to extend to others, then the introduction and implementation of any new approach will be fairly simple.

Enforcements of Public Sector Duties

Q43 Do you think that there should be a single enforcement mechanism for the proposed single equality duty, enabling the commission for Equality and Human Rights to issue a compliance notice with or without an assessment, as appropriate in the circumstances, enforceable in the county court or Sheriff's court in Scotland?

✓ Yes

No

If not, please give your reasons

Yes, it would be helpful to have a single enforcement mechanism, but the compliance notice by the Commission for Equality and Human Rights should be issued, where possible, after an assessment, unless there is sufficient evidence of breach of regulations.

Public Service Inspectorate

Q44 What do you think should be the role of the public service inspectorates in assessing compliance with public sector equality duties?

It is naïve to suggest that under the single equality duty, the information published by public authorities about how they are responding to the duty under the transparency principle should provide the information inspectorates will need to assess compliance with the duty and performance on equality. Our experience suggests that not all public services inspectorates have taken on the role of assessing compliance with the equality legislation. Even the ones (especially in education) who have developed their own equality standards lack clarity and do not always pay sufficient attention to the actual achievement of equality targets/standards.

Q45 What issues would you like to see included in practical guidance on how public sector procurement can be used to achieve equality outcomes in the delivery of public services by the private sector, whilst ensuring that the guidance works well for business?

All public authorities need to have due regard to the legal and policy framework for public sector procurement. If this framework includes compliance with the public sector equality duties and has due regard to the need to eliminate unlawful discrimination, there should be no need for additional specific duties relating to procurement.

Chapter 6: Promoting good equality practice in the private sector

Q46 Do you think that an “Equality Standard” would be beneficial to businesses, employees and customers?

✓ Yes

No

Please give reasons for your answers

Yes, it would be extremely beneficial to develop an equality standard for employers to use (similar to the standard for race equality) as a lot of private sector employers now recognise the business case as well as the moral argument and have developed equality policies to comply with the current equality legislation. An independently assessed accredited standard may be a better option for larger employers, but for smaller companies, a voluntary Equality Standard Scheme as a non-accredited good practice and compliance tool would work better.

If yes, would you prefer an accredited or a non-accredited good practice and compliance tool?

Accredited

Non-accredited

Q47 We would welcome your suggestions for other ways in which good equality practice could be encouraged and embedded in the private sector

Like all public sector employers, all private sector employers should be required to monitor and report on their equality practices. Positive duties similar to the public sector equality duties should be considered to be imposed on private sector organisations.

Previous measures to combat discrimination in the private sector and relying on voluntary measures failed to achieve their purpose.

Therefore, we think that a separate clause in the legislation making it an obligation to promote good equality practice by the Private sector would be more useful than the voluntary measures. My additional proposal would be obligatory equality and diversity training programmes in the company. Candidates who are considered for jobs in a private company should also be asked questions re their knowledge and understanding of equality and diversity issues.

Chapter 7: Effective dispute resolution

Promoting Early Resolution of Disputes

Q48 Can you suggest ways in which Alternative Dispute Resolution could be used more effectively or widely to resolve discrimination disputes in the field of goods, facilities, services, premises and the exercise of public functions?

Q49 Can you suggest ways in which the role of Ombudsmen might be used more effectively to resolve discrimination disputes?

Improving the handling of Discrimination Cases in the Courts

Q50 Do you have any views on our proposals for enhancing discrimination expertise in the county and sheriff courts?

Disability Discrimination Education Cases in Scotland

Q51 Do you think that the powers of the Additional Support Needs Tribunals for Scotland should be extended to include consideration of disability discrimination cases in education?

Multiple Discrimination

Q52 Can you provide us with evidence illustrating any difficulties of gaining legal redress in cases of multiple discrimination?

Q53 Are there particular issues you would want to see addressed in relation to multiple discrimination claims?

Part 3 – Modernising the law

Chapter 8: The grounds of discrimination

Disability

Q54 Do you have any comments on whether we should remove the list of 'capacities' from the definition of disability?

Yes

No

Please provide:

Q55 Do you have any comments on our approach to addressing the needs of parents and carers?

Yes

No

Please provide:

Married Persons and Civil Partners

Q56 Do you consider that the protection for married persons and civil partners is still needed in the absence of a "marriage bar" in employment?

Yes

No

Please give your reasons for supporting/opposing its removal?

We think that this provision is still needed to ensure that married people as well as civil partners are protected even in the absence of a 'marriage bar'. The discrimination can be indirect and therefore it will not always be clear that a certain person is discriminated on the basis of his/her marital/civil status. Therefore, this person has the same rights like a person who has been discriminated on other grounds to protect himself/herself. There should be an adequate protection on all grounds.

Genetic Predisposition

Q57 Do you agree that there is no current justification for legislating to prohibit genetic predisposition discrimination?

Yes

No

Please say why:

Chapter 9: Age discrimination

Q58 What instances of unfair age discrimination outside the workplace against people of any age, are you aware of?

Please give details of any examples below:

1. Being refused holiday insurance cover simply because of age
2. Health screening programmes with an upper and lower age limit (breast cancer)
3. Health services that can have a major impact on the quality of life restricted to older age group (knee replacement)
4. Negative stereotyping of older people in the media
5. Multiple discrimination on the grounds of age and race

Q59 Is legislation the most appropriate and proportionate way of tackling harmful age discrimination?

✓ Yes

No

What would be the likely costs of legislation?

Yes, because good practice guidance has not been enough to combat age discrimination. Legislation alone is probably not enough but it does help to raise awareness of the negative effects of age discrimination. But for legislation to be effective, it must apply equally within the public and the private sector. The cost of age discrimination is likely to far outweigh the likely costs of legislation.

Q60 Do you have any views on how, if we decide to legislate, we can target the legislation to avoid unintended consequences and disproportionate burdens on both public and private sectors?

- ✓ Yes
- No

Please give details below:

The general principle of equality legislation is to outlaw unlawful discrimination and encourage a positive mental attitude towards people who are being disadvantaged or discriminated against. The focus on preventing unnecessary 'burdens' on the private and public sector, in the green paper is very unhelpful, as it seems to equate the equality initiatives to burdens rather than an opportunity to provide appropriate services for all concerned.

Q61 Do you have any comments on any of the issues which would arise with a legislative approach to tackling age discrimination?

- Yes
- No

Please provide:

Effective legislation that tackles the discrimination faced by older people would demonstrate a serious commitment by the Government to encourage older people's contribution to the national economy. It would also help to support the non-legislative measures such as National Service Framework for Older people, Opportunity Age and Sure Start to Later Life with much needed legal backing. It would also help tackle the discrimination that is preventing many older people from participating fully in society.

Chapter 10: Gender reassignment

Q62 Do you agree that we should prohibit discrimination on the grounds of gender reassignment in the exercise of public functions?

Yes

No

What are your reasons for supporting/opposing this?

Q63 Do you agree that it is unnecessary to include school pupils and education in any extension to protect on the grounds of gender reassignment?

Yes

No

What are your reasons for supporting/opposing this?

Q64 Are there any circumstances in which you consider that it is necessary for organised religions to treat people differently on grounds of gender reassignment?

Yes

No

Please explain what they are:

Q65 Do you agree that we should retain the existing definition of gender reassignment?

Yes

No

Please say why:

Chapter 11: Pregnancy and maternity

Q66 Do you agree that we should make less favourable treatment of a woman on grounds of pregnancy and maternity unlawful in the exercise of public functions?

Yes

No

What are your reasons for supporting/opposing this?

Q67 Do you agree that it is neither necessary nor appropriate to extend protection on grounds of pregnancy and maternity to school pupils and education in schools?

Yes

No

Please say why:

Chapter 12: Private clubs and associations

Q68 Do you agree that it is a positive benefit to have clubs which are set up for the purpose of offering the benefits of membership to a particular group, including single sex clubs catering for particular religions or beliefs or age ranges, along with those currently permitted under race, disability and sexual orientation law?

Yes

No

Q69 Do you agree with the proposal to make it unlawful for private clubs with 25 or more members (other than single sex clubs or those set up for members who are a particular religion or belief) to discriminate on grounds of sex and religion or belief?

Yes

No

If you do not, please explain why:

Q70 Do you agree that private clubs with 25 or members should not be permitted to discriminate against guests on the grounds of sex, race, sexual orientation and religion or belief, as is already the case on the grounds of disability?

Yes

No

Please explain:

Q71 Do you think that the law should address unjustified age discrimination by private clubs with 25 or more members (other than those set up to cater for a particular age range) if age discrimination is made unlawful in the provision of goods, facilities and services?

Yes

No

If you do not, please explain why:

Chapter 13 – Improving access to and use of premises for disabled people

Q72 Do you agree with our proposal for requiring disability-related alterations to the common parts of let residential premises?

Yes

No

Please say why:

Chapter 14: Harassment

Q73 Can you provide examples of harassment you think is occurring or could occur on grounds of religion or belief, sexual orientation, age or disability, which would fall outside the existing protections in discrimination and other law?

Please list examples below:

Q74 Do you think that express statutory protection against harassment on grounds of:

- religion or belief;
- sexual orientation;
- age; and
- disability

should or should not be provided in any of the following:

(a) the provision of goods, facilities and services?

Yes

No

Please say why.

(b) education in schools?

Yes

No

Please say why.

(c) the management or disposal of premises?

Yes

No

Please say why.

(d) the exercise of public functions?

Yes

No

Please say why.

Q75 Were statutory protection against harassment to be extended to one or more of the above grounds in one or more of the above areas, do you think that specific exceptions would be desirable?

Yes

No

If yes, please say why and the types of exceptions, if any, you would like to see in the legislation:

Q76 Do you think that harassment on grounds of religion or belief should be treated differently from the other protected grounds and that a different definition of harassment would be appropriate in this case?

Yes

No

If so, please state your reasons why:

Q77 Do you think there is a valid distinction to be made between harassment in an “open” and in a “closed” environment and that the approach to its prohibition should be differentiated accordingly?

Yes

No

Please say why:

Q78 Do you have any evidence of harassment by third parties in the workplace in relation to protected grounds other than sex? If so do you consider that it should be dealt with in a similar way?

Yes

No

If so, please state your reasons why:

Annex B – Implementing the Gender Directive

Q79 Do you agree with the proposals in Table 1

Yes

No

If not, please give details of those you disagree with and your reasons for doing so.

Q80 Do you have any comments on the likely impact of the Gender Directive's insurance provisions on providers and/or customers of insurance and related financial products?

Yes

No

Please provide:

Q81 Should the ban on differences due to maternity or pregnancy costs be implemented in December 2007 or deferred until December 2009?

December 2007

December 2009

Please explain

Q82 Do you think 'maternity' should be defined for the purposes of the Sex Discrimination Act provisions covering goods, facilities or services and premises?

Yes

No

Please explain how:

Costs and Benefits

Q83 Please let us have your views on the estimate of costs and benefits summarised in the Initial Regulatory Impact Assessment.

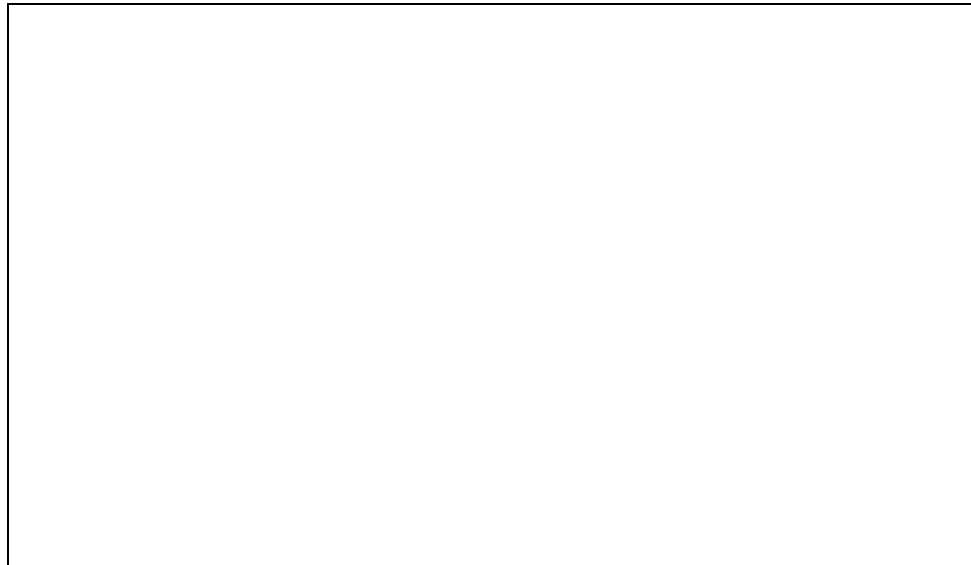
Equality Impact Assessment

Q84 Please let us have your views on the Equality Impact Assessment.

A clearer statutory requirement on public service inspectorates for their compliance assessment responsibility is an essential ingredient for Equality Impact assessment. Assessment of compliance with public sector duties needs to go beyond a ticking of the boxes and number crunching, it needs to focus on the appropriateness and effectiveness of equality objectives. Further more allocation of resources/public funds needs to be linked with the assessment of compliance with public sector equality duties.

Other Comments

Q85 Do you have any other comments about the consultation documents or the consultation exercise itself?



Thank you for completing this response form.