



The Rt. Hon. Harriet Harman QC MP
House of Commons
London SW1A 0AA

04/02/2009

RE: SINGLE EQUALITY BILL: WINNING THE RACE COALITION

Two weeks ago, **Race on the Agenda (ROTA)** with the support of Voice4Change England formed a national coalition of Third Sector bodies to bring to your attention four areas of concern in relation to the Single Equality Bill. We appreciate that the bulk of the work on the Bill has now been completed and that the consultation phase is finished. Our recommendations aim to inform the final stages of the Bill including its wording.

Our focus is primarily on race equality and the discrimination faced by Black, Asian and minority ethnic (BAME) groups. However, both the coalition's creation and the purpose of this letter also aim to make the argument for cross-equality and human rights issues where appropriate. Our recommendations are underpinned by the following principles:

- The new Act should strengthen existing equality legislation and provide consistent, clear and enforceable standards that are user friendly and accessible;
- Acknowledge persistent inequalities, and enable victims to have easily accessible remedies through fair, inexpensive and expeditious procedures;
- Acknowledge that to achieve equality and eliminate discrimination there needs to be a holistic approach that takes into consideration the different roles of public, private and third sector organisations, and the support needed by those working in these three different environments.

1. Public Sector Duty

- The duty should be extended to all strands (including socio-economic status), but each strand should be considered in a way that best suits its needs. This is particularly true for race equality due to its long history and rich case law. The focus should also be on outcomes than process.
- The Act should clearly define what constitutes a public authority covering all bodies (including private and third sector organisations) that provide public services.

2. Positive Action measures

- We recommend that the Act aligns domestic legislation with EU law and in particular the Equality Framework Directive (2000/78/EC) and European Race Directive (2000/43/EC). The directives allow

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positive action to be undertaken, and do not regard it as infringing the principle of equal treatment. They cover access to employment, training or promotion, and are relevant to public, private and Third sector organisations.

3. Remedyng discrimination in the private sector

- Over £175 billion is spent each year in contracts for works, goods or services. This represents approximately one-third of total public expenditure. It is important to ensure that employees in the private and third sector do not receive less protection than those in the public sector.
- The current equality legislative framework has not provided consistency and a clear picture on the consideration and implementation of equality standards by private and Third sector contractors who have been procured to deliver public services. We have evidence to suggest that despite the existing guidance, there is inconsistency in its implementation. This is not only seen across different public bodies, but also within a single body. We also have evidence to suggest that some public authorities are ignoring equality throughout the procurement process including management, planning, performance and monitoring.
- We recommend that the Act places an explicit legal duty to make equality part of procurement. In this way the Act will ensure that public contracts are awarded only to those who are prepared to provide equal opportunities and not to contractors who are willing to cut costs by adopting poor equality practices.
- As a minimum there should be a specific duty to ensure that public authorities are not able to contract out of their equality duties.

4. Enforcement

- We are concerned that existing protection of equality strands with longer history (race equality in particular) might be levelled down. Existing protection must be streamlined and strengthened.
- Representative claims should be allowed. Where tribunals find cases of unlawful discrimination that apply more broadly than the individual claimant, its decision should have collective effect and provision should be made for collective implications.

To provide a more detailed account of our concerns, we have produced a Policy Briefing, which we have circulated to the coalition and the equality Third Sector. As a way forward, we would be grateful if you could meet representatives of the coalition to discuss the listed concerns. The equality Third Sector is a critical friend and a partner in helping your Department to deliver the equality agenda and the agreed equality PSAs. We are particularly thankful to the Equality and Human Rights Commission whose Chair has provided us with several opportunities to come together to discuss their and our concerns. A dialogue with your Department will also

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ensure that the equality Third Sector is kept fully engaged. We would also welcome your support in providing appropriate capacity building services that will enable the equality Third Sector to respond to the challenges introduced by the Bill. I look forward to hearing from you.

Best wishes,

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Chief Executive, ROTA



Vandna Gohil
Director, Voice4Change England

CC: Sadiq Khan MP, Trevor Phillips, Jonathan Rees

This letter is supported by the following coalition members:



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Tania Pouwhare
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(WRC does not support the extension of the single
duty to the faith/ belief strand)



Katherine Rake
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*Building cross-sector multi-agency
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