



## Single Equality Bill -House of Lords Committee Stage

### Amendments debated January 2010

#### 11<sup>th</sup> January 2010

- The socioeconomic duty on public authorities – amendments withdrawn
- Making ‘Scottish Gypsy Traveller’, and ‘Caste’ as protected characteristics – amendments withdrawn
- A new clause to include association with and perception of protected characteristics will not be included.
- Being under ‘medical supervision’ will not determine qualification for protection as gender reassignment
- Extensions of protections for marriage extended to those of differing marital status, i.e. widowed, divorced etc. – amendments withdrawn

#### 13<sup>th</sup> January 2010

- ‘philosophical’ will remain as part of the definition of religion or belief,
- ‘because of’ will be retained instead of ‘on grounds of’ with Lady Thornton asserting that that "on grounds of", or "on the grounds of", and "because of" are indeed synonymous,
- There will be no exclusion for ‘targeted marketing’,
- Dual discrimination provisions retain regulatory powers to make further provisions,
- Disability discrimination – knowledge requirement is retained,
- Pregnancy and maternity - protection from discrimination extended to school pupils - **agreed**
- Indirect dual discrimination clause – not moved,
- Payment cannot be required for reasonable adjustments - **agreed**
- Harassment – amendments to include rejection or submission to harassment on all grounds (not just sex and gender re-assignment), third party liability for harassment in schools and liability for harassment on grounds of sexual orientation and gender re-assignment in schools – not agreed and some suggestion that some of these issues may be raised again at the Report stage,
- Exclusion of under 18’s from goods, facilities and services protection confirmed,
- Exemption from service provision requirements on the grounds of conscientious objection rejected.

#### 19<sup>th</sup> January 2010

- Reasonable adjustment duty will not be re-defined,
- Reasonable adjustment duty should extend to schools - **agreed**,
- List of exemption on grounds of religion or belief in relation to schools is unchanged,
- Proportionality test for immigration disability exemption was not agreed,
- Clarification that churches, and other registered buildings, can refuse to marry people who have re-assigned their gender - **agreed**,
- Broadcasting exemption - to preserve editorial independence – **agreed**,
- Regulatory powers to make an order varying, removing or adding to the exceptions to the services and public functions provisions in Part 3. This power is necessary to allow changes to be made in response to unforeseen circumstances and is subject to the affirmative procedure - **agreed**.
- Pre-employment enquiries about disability and health amendments - **agreed**,
- Equal pay the word 'colleague' is to be replaced by 'comparator' together with clarification that equal pay comparisons are not restricted to people working together at the same time – **agreed**,
- Material factor defence – improved definition – **agreed**,
- Prevention of prohibitions on disclosure of pay details to colleagues clarified and made grounds for a victimisation claim – **agreed**,
- Equal pay audits to follow a finding of unequal pay – withdrawn,
- Representative actions in equal pay claims – withdrawn,
- Provisions for trade union equality representatives – withdrawn

### 25<sup>th</sup> January 2010

- Sexual orientation protection for clergy – withdrawn,
- Occupational requirements for employment for the purpose of an organised religion need not be proportionate to the doctrines of the religion – **agreed after a vote**,
- Definition of employment for the purposes of an organised religion removed after a vote (very narrow – 177-172),
- Occupational requirements for employment for the purpose of an organised religion do not have to be expressed to be 'genuine',
- No differential occupational requirements for employment with an organisation having an ethos based on a religion or belief to be made according to whether the employment is paid for out of public funds, and
- Exemption from disability discrimination for the armed forces to remain, however, a code of practice was suggested to deal with this area (although clearly a longer term proposition not linked to the bill

### 27<sup>th</sup> January 2010

- Default retirement age – withdrawn (current review should resolve this),
- Head teachers and reserved teachers at schools with a religious character – withdrawn,
- Stronger protection for disabled people from disadvantageous treatment by qualifications bodies – **agreed**,
- Reasonable adjustment duty in relation to education to be anticipatory – withdrawn, but the government will look at a further wording,
- Private clubs – members and associates – differential provisions – withdrawn,

- Information about diversity – registered political parties (government amendment) – withdrawn,
- Employment tribunal powers, especially power to make recommendations wider than complainant - debated and retained.
- EHRC amendment to include steps within 'due regard' duty – withdrawn,
- Additional duty to take steps – withdrawn,
- Duty to take additional steps to meet the needs of disabled people – **agreed**,
- Publication of data – withdrawn,
- Exclusion of religion or belief from duty to foster good relations – withdrawn, government think about the arguments raised.