



National Assembly of Women

92 Wansbeck Avenue, Cullercoats, Tyne & Wear. Tel: - 0191 252 0691 e-mail naw@sisters.org.uk

Affiliated to: Women's International Democratic Federation, UNESCO status B, United Nations (ECOSOC) status 1. ILO Special List

To: Kate Hepher
Discrimination Law Review Team
Women and Equality Unit
Department for Communities and Local Government
Ashdown House
123 Victoria Street
London SW1E 6DE

August 29, 2007

Dear *Ms Hepher,*

National Assembly of Women's Response to the Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain.

Below please find the NAW's response to some of the specific proposals made in the current government consultation on introducing a Single Equality Act, the *Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain.*

As an Organisation whose objective is to work for full social, economic, legal, political and cultural independence and equality for women irrespective of age, race, religion, philosophical belief, sexual orientation or nationality we welcome the opportunity to participate in the debate on proposals for a Single Equality Act and consider the Discrimination Law Review a major opportunity to address the continuing discrimination in our society by modernising, simplifying and making current discrimination law more effective.

We believe this Review must be used to address the discrimination against women which continues in our society despite all previous legislation; as demonstrated by the Equal Opportunities Commission's latest report *The Gender Agenda*. We feel that the Single Equality Act must promote equality as a duty and provide tools to ensure change such as mandatory pay audits and positive action programmes.

Some specific examples of the inequalities that need to be addressed are:-

- **Equal Pay:** Female graduates earn, on average, 15% less than their male counterparts at the age of 24, with this gender pay gap widening with age¹.
- **Justice:** Conviction rates have dropped steadily from 33% of reported cases in 1977 to only 5.29% in 2004 and the past ten years has seen a 192% increase in the number of female prisoners.² In addition refugee and asylum seeking women live in constant fear of violence in the UK and 83% live under self-imposed curfew³.
- **Poverty:** If poverty were measured on the basis of individual income, 52% of married women would be under the income support poverty line, compared to just 11% of men⁴. Also when it comes to pensions Single women on average receive £196 per week in income compared to £244 for a single man though this does vary according to their particular circumstances.⁴

¹ EOC, 'Qualifications and Careers: Equal Opportunities and Earnings among Graduates' EOC, 1999

² why women? Campaign, 'Statistics', Women's Resource Centre, www.whywomen.org.uk/Downloads/Statistics.doc

³ Sen, P, Humphreys, C, and Kelly, L, 'CEDAW Thematic Shadow Report 2003: Violence Against Women in the UK', WOMANKIND Worldwide, March 2004

⁴Data from Family Resources Survey, 2004/05.

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NAW Secretary

⁵ Sex and Power: who runs Britain? EOC
NAW DLR Response

- **Equality in representation.**

Figures for 2004 from Who's Who of Britain's top jobs shows that women hold fewer than one in ten of the senior posts⁵

Given the above, and many other examples we could quote, we are disappointed that the review fails to tackle the root causes of discrimination and inequality and does not adequately address gaps in current legislation or problems experienced by those who have experienced discrimination and seek legal redress.

1. Proposed changes to the public sector duties

We fully support the proposal to extend the public sector duties to cover the additional equalities 'strands' of age, sexual orientation and religion/belief but strongly disagree with the proposals to replace the specific duties with 'key principles' (p. 92). The Gender Equality Duty, only introduced in April 2007, provides a significant opportunity to address gender inequality within public authorities and more time is required for it to 'bed in' before the benefits can be realised. The Duty provides women and women's organisations with a means of holding public bodies to account and without this it is unlikely that gender will be prioritised. Women will continue to be disadvantaged and issues such as domestic violence risk being marginalised. We also want to see public and private sector duties strengthened so that all equalities groups are given the same protections and adequate measures taken to ensure that it is properly enforced and monitored.

2. Public sector procurement

We are concerned that the Discrimination Law Review rejects that there is a need for a public sector duty to include equality in procurement processes and have concerns in relation to the potential impact on the women's sector if gender is not central to procurement processes.

3. Enforcement and access to justice

We believe that the Green Paper has rejected proposals that would strengthen the enforcement of the Single Equality Act and ensure that the most vulnerable and marginalised communities have access to justice and ask that you reconsider allowing 'representative actions' (which would allow third parties to take bring discrimination claims on behalf of groups of people). Discrimination cases are lengthy, expensive, complex and often extremely stressful all of which are a disincentive to seeking justice. Representative actions can help to ease the burden on individuals as well as highlighting group/structural discrimination. In addition the Green Paper fails to address the problems of availability of Legal Aid for Tribunal Cases. This with the Legal Aid reforms currently being considered, may disproportionately impact on discrimination cases, many of which are complex and time consuming.

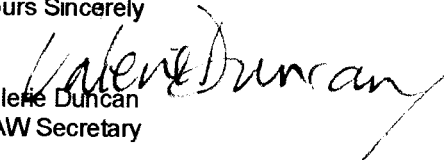
4. Mandatory Pay Audits

The Green Paper says '*the evidence does not support legislation mandating equal pay reviews... Instead we are focusing on promoting the spread of good practice*'. On the contrary, all the evidence points to the fact that good practice has not succeeded in closing the pay gap and legislation is clearly needed. The Green Paper also rejects allowing hypothetical comparators in equal pay cases, a technical change that could make it easier to fight for equal pay.

Conclusion

The NAW believe that the Single Equality Act must not water down current legislation in its remit to consolidate it. The Act needs to be a comprehensive piece of legislation that addresses the gaps and weaknesses in the law and puts in place measures for positive change.

Yours Sincerely


Valerie Duncan
NAW Secretary

⁵ Sex and Power: who runs Britain? EOC
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