

**RAINBOW FORUM****Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain****Response**

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The Rainbow Forum is an umbrella organisation of statutory bodies, voluntary organisations, charities and individuals representing the needs of and delivering services to the LGBT population of Herefordshire. Our website address is [www.rainbowforum.co.uk](http://www.rainbowforum.co.uk)

**Part 1 - Harmonising And Simplifying The Law**

We welcome, in principle, proposals to bring over 39 Acts of Parliament, 80 Statutory Instruments, 15 Codes of Practice, 6 Codes of Guidance and 16 EC Directives into a Single Equality Act.

We also welcome the work of the Equalities Review Panel, chaired by Trevor Phillips, whose report fed into the Discrimination Law Review. We welcome assurances that the Commission for Equality and Human Rights (CEHR) will not only replace the CRE, DRC and EOC but will be

extended to cover all equalities areas. We hope that appropriate audits will be carried out to ensure this remains so. We expect that Government lawyers have sufficiently reviewed older laws on the statute books to ensure compliance with a Single Equality Act and that nothing will remain that can undermine this new legislation.

We refer to the insurance provision in The Equality Act (Sexual Orientation) Regulations 2007. We note the intention that this particular exception will not apply beyond the end of 2008. We refer to the latest guidance from the Association of British Insurers that insurers should not ask about sexual orientation or any HIV negative tests but instead base their assessment of risk on answers provided about actual behaviour, regardless of sexual orientation. We, therefore, submit this exception should be removed.

## Part 2 - More Effective Law

We agree with balancing measures, as distinct from positive discrimination, in order to try and address the under representation of particular groups in a variety of roles and situations. We consider this is an area for the CEHR to pursue. We note that the Race Relations (Amendment) Act 2000 introduced a positive duty on public authorities to promote race equality following the McPherson Enquiry. We also note that similar positive duties have been introduced in relation to disability in December 2006 and for gender in April 2007. We

persons" With the acceptance that perception is now part of

submit that these positive duties should be extended to cover people who are lesbian, gay, bisexual or transgendered.

### Part 3- Modernising The Law

We agree that the "marriage bar" provision in the 1975 Sex Discrimination Act and incorporated into the Civil Partnership Act 2004 is an anomaly, especially as it does not cover unmarried partners or single people. We consider there have been changes in legislation since 1975 which now makes this piece of legislation unnecessary.

We submit that ministers must not use a new harassment offence as cover to reintroduce the controversial incitement to religious hatred measures which have already been rejected by Parliament.

We note there is currently no legal protection from age discrimination in the provision of goods, facilities and services, premises, education or the exercise of public functions. Bearing in mind the positive reasons for treating people differently because of their age, eg. concessionary travel, services targeted at particular age groups, there still exists unjustified discrimination. We, therefore, support legislation which prevents negative age discrimination without preventing different treatment on grounds of age which has positive consequences.

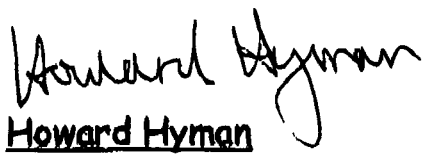
In paragraphs 1-24, we note that there is no intention to legislate to prohibit discrimination on the grounds of perceived gender reassignment. Apart from the question - how would it be possible to distinguish between perceived gender reassignment and actual gender reassignment? - there is an analogy to be drawn from the McPherson Report on the Stephen Lawrence Inquiry. The McPherson definition of a racist incident is "an incident that is perceived to be racist by the victim or another

person". With the acceptance that perception is now part of law, this should automatically apply to everyone and their perception of discrimination, including issues surrounding gender identity.

In paragraphs 10-15, we submit that most transsexual people wish to see their condition depathologised and do not see themselves as having a 'medical condition', defined by DSM IV or ICD 10. Again, there is an analogy to be drawn, this time with the disabled community who have won the argument on 'social model v medical model'. It is the prejudice of society that uses difference in a negative way and so it is in this respect we should be legislating positively. If this negativity did not exist then difference would be immaterial. This would have the beneficial effect of extending protection, not only to transsexual people, but also to any person who presents to society in any gender variant way.

We agree with the proposals to strengthen protection for expectant and new mothers.

We agree with the proposals in chapter 12 (Private clubs and associations).

  
Howard Hyman

On behalf of the LGBT Rainbow Forum Herefordshire

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**Discrimination Law Review – Our Response to Single Equality Bill Proposals**

I am sending 5 pages, which includes this cover page, as our response to the consultation document.

A handwritten signature in black ink that reads 'Howard Hyman'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Howard Hyman**