

# Equality of Opportunity Committee

EOC(3)-08-09 (p3): 2 June 2009

## Paper to note : Submission from Stonewall Cymru

### Purpose

This paper is being presented to the Equality of Opportunity Committee in order to discuss any issues Stonewall Cymru has with the Equality Bill and its effect on equalities in Wales. Issues raised can then be fed in to the Committee's scrutiny of the Minister for Social Justice and Local Government

### Background

Stonewall Cymru supports the Equality Bill in a number of areas where it impacts on lesbian, gay and bisexual (LGB) people. The Bill moves us towards full legal equality for LGB people in Wales.

The proposed equality duty on public bodies is a particularly significant measure. Lesbian, gay and bisexual people fund public services like everyone else yet all too often they receive second-class treatment from key services. The proposed duty will require public services, including healthcare, education and policing to actively advance equality so that all service users, including lesbian, gay and bisexual people, can approach the services they fund with confidence. Many of the public bodies that Stonewall Cymru works with are already taking active steps, focused on practical outcomes that make a difference, to ensure the services they provide are fair to all.

Stonewall Cymru also welcomes the proposals relating to procurement and positive action. We're pleased that the Government is using the Bill to strike out an existing exemption for insurers relating to sexual orientation from anti-discrimination measures. A clarification in drafting of an exemption for religious organizations from the 2003 employment protections is necessary and welcome.

However Stonewall Cymru are concerned that the Equality Bill as it stands will not provide sufficient protections for people on the basis of indigenous minority languages for example Welsh and BSL and would ask the Welsh Assembly Government to highlight this in their message to Westminster

### Summary

Stonewall Cymru welcomes the Equality Bill, which it believes will simplify the current situation regarding equalities legislation.

The Government of Wales Act enshrines a commitment to equality of opportunity for all. As a result of this and since its inception, the Welsh Assembly Government has demonstrated its support of LGB people in Wales. In 2002, the LGB Cymru Forum was formed with the support of the Welsh Assembly Government. Since 2003, when the Forum changed its name to Stonewall Cymru, the Welsh Assembly Government has continued to demonstrate its commitment to LGB people in Wales in a variety of ways.e.g. essential core funding, invites to address various committees (including the Equality of Opportunity Committee ), inclusion in consultation list, funding of conferences and production of materials(e.g. Spell It Out DVD) and through sponsorship of launch events. The National Assembly of Wales and the Welsh Assembly Government are both members of the Stonewall Cymru Diversity Champions programme.

Stonewall Cymru asks this committee to actively support the Bill and to send a message of support for the Bill to the Government in Westminster.Further to this Stonewall Cymru supports the comments made by Stonewall GB in their parliamentary briefing regarding the Equality Bill. These comments are below.

Stonewall welcomes the Equality Bill. It moves us towards full legal equality for lesbian, gay and bisexual people in Britain.

The Equality Bill will simplify and update our complex existing framework of anti-discrimination laws to make it simpler for individuals and organisations to understand and access the law in one place. The Bill will also level up safeguards where gaps in legal protection remain, leaving some groups exposed to unfair treatment without legal redress.

### Key Issues The Public Sector Equality Duty

The proposed public sector equality duty is the missing piece in the jigsaw for full legal protection for gay people across Britain, complementing existing legislation in employment and goods and services with a more proactive approach to tackling discrimination. Stonewall firmly believes that lesbian, gay and bisexual people should be able to approach the public services they help to fund with confidence. We warmly welcome an integrated equality duty that will help to make this a reality.

The new duty - replacing the existing separate duties for race, disability and gender - could make a very real difference by encouraging public bodies to actively accommodate the needs of their gay service-users in the design and delivery of public services such as education, policing and housing. It could have a transformative effect on gay people's lives in areas where they have often faced discrimination.

All too often lesbian, gay and bisexual people receive second-class treatment from key public services. Recent polling undertaken by YouGov on behalf of Stonewall set out compelling evidence of gay people's expectations of discrimination by public services, demonstrating the urgency of introducing a single equality duty on public bodies.

## **Why do we need a single equality duty?**

A new integrated duty could make a very practical difference to gay people's experience of public services, helping public bodies deliver fairer and more efficient services. For example:

The duty could result in health services taking steps to meet the particular needs of lesbian, gay and bisexual people and encouraging them to access services. Twice as many lesbian and bisexual women over 25 have never had a cervical smear test compared to the general female population. The duty could help authorities target screening to lesbian and bisexual women, improving service take-up with long-term benefits for women's health and the potential cost savings associated with preventive healthcare measures.

The duty could see wider take-up of measures to promote safety and raise awareness about hate crime, for example with posters on public transport or measures to encourage gay people to report hate crimes. While one in five gay people have been the victim of a hate crime in the last 3 years, three in four never reported it to the police.

The duty could lead to schools reviewing their anti-bullying strategies to ensure that they address the issue of homophobic bullying. New YouGov polling reveals that nine in ten secondary school teachers and two in five primary school teachers say pupils experience homophobic bullying in their schools, even if they are not gay.

Stonewall believes that the duty should extend to all public bodies and we look forward to publication of the full list of public bodies to who the duty applies. However we believe that that the duty should be implemented in a proportionate manner, with clear and targeted guidance to help public bodies. We support a focus on practical outcomes, not something which merely becomes an administrative burden.

Many of the public bodies that Stonewall works with are already taking active steps to ensure the services they provide are fair for all, focused on practical outcomes that make a difference. We welcome the public sector equality duty which will see such good practice expanded

## **Procurement**

Stonewall welcomes the Government's commitment to enabling public bodies to use public procurement to improve equality across all areas, including sexual orientation. The annual spending power of the public sector on goods and services is estimated at £175 billion. We support provisions to help public bodies choose suppliers who value diversity as well as delivering value for money. We look forward to further details in this area.

## **Positive action**

Stonewall welcomes provisions in the Bill which will extend the use of positive action measures, both in the workplace and in political representation. The Equality Bill will clarify the options available to employers and clarify the difference between positive action and positive discrimination.

Stonewall works in partnership with almost 500 organisations from the private and public sector through its workplace programmes. Those organisations recognise that diversity among their workforce can better equip them to respond to the diversity of their service users or customer base.

## **Insurance**

Stonewall is pleased that Government is using the Equality Bill to strike out an existing exemption for insurers. The opt-out was included in the Equality Act (Sexual Orientation) Regulations 2007 that make it unlawful for businesses to discriminate because of sexual orientation.

The exception for insurers from the 2007 protections was unexpected and was never consulted on prior to its introduction. The reasons behind its inclusion remain unclear. Stonewall had pressed Ministers and officials to remove the exemption. We welcome this move towards greater equality.

Stonewall supports the Equality Bill in these areas and others where it impacts on lesbian, gay and bisexual people. It has the potential to secure full legal protection for lesbian and gay people. Please back the Bill as it progresses through the House.