

Equality of Opportunity Committee

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Inquiry into Discrimination against Older People in Relation to Employment Submission From Welsh Assembly Government

Introduction

What does it feel like to be treated differently just because of your age? Many Older People feel that they are forced to retire before they are ready; are rejected for employment on the basis of their age; denied the same opportunities as younger people and are bullied by younger colleagues. (Everyday Age Discrimination: What Older People Say. Help the Aged April 2004)

Wales has been at the forefront of the equality agenda and was the first to set up the Older Person's Commissioner. Whilst UK Discrimination law is not devolved, many of the levers to affect change are functions devolved to the Welsh Assembly Government.

Since devolution ten years ago, we have built up a proud reputation for leadership on a range of equality issues. The new powers in the Equality Bill if used wisely, will hasten the pace of change.

Equality, Diversity and Inclusion Division

The Single Equality Scheme

The Welsh Assembly Government is required to publish equality schemes for gender, race and disability. The decision was taken by the Welsh Ministers to develop and publish a single scheme for gender, race and disability, together with religion and belief or non-belief, age, transgender and sexual orientation. People do not necessarily fit 'into one box' such as disabled black women, and discrimination can be evident on many levels. Under the present legislation, the Welsh Assembly Government is not required to publish a Single Equality Scheme. More organisations are choosing to do so and the Welsh Assembly Government wants to go beyond what it is legally required to do.

Developing the scheme

The initial intention was not to include all the work of the Welsh Assembly Government, but to focus on a smaller number of priorities using high level statements supported by more detailed actions. The outcomes from these activities needed to be measurable.

A framework for principles and priorities for the Scheme was published to consultation in March and concluded June 2008. A variety of methods were used to engage with groups to further inform development of the scheme, including workshops, stakeholder events and conferences. Events were tailored to meet the needs of the individual audiences and the learning from these events has been published on the Assembly Government website.

Further consultation

As the scheme developed, it became apparent that external stakeholders wanted the opportunity to give their views on the Scheme and action plans together. We published the Scheme together with its departmental action plans for consultation on 30 October. The feedback received was given to departments to further refine the action plans. A model to develop action plans that has been successfully piloted with Health and Rural Affairs is also available.

Single Equality Scheme Launch

The Single Equality Scheme was launched on 31 March 2009. The Scheme will run for 3 years and we will monitor and report on progress on a six monthly basis. The progress reports will be published.

A Delivery Group has been established from external and internal representatives. The role of this Group will be to inform development of the Scheme and to review progress. The first meeting of the Delivery Group will take place in September 2009.

Equality Bill

In February 2005, the United Kingdom Government set up the Discrimination Law Review to look at inconsistencies in the discrimination law framework and to consider how best to achieve a clearer and more streamlined equality legislation that results in better outcomes for those who experience disadvantage.

A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain was published in June 2007. This was quickly followed by A Framework for a Fairer Future - the Equality Bill and The Equality Bill - Government Response to the Consultation, both published by the Government Equalities Office.

The Equality Bill was announced in the Queen's speech on 3rd December 2008. The Bill was introduced into the UK Parliamentary process on Friday 24 April and published on Monday 27th April. The Bill is currently in its committee stage. (June 2009)

Effect of the new law

It is intended that the new equality law will harmonise and strengthen UK discrimination law. When brought into force, it will establish the protected characteristics of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

It will also give definitions of direct discrimination, discrimination arising from disability, indirect discrimination, harassment and victimisation.

The new law will also place a new duty on certain public authorities to consider socio-economic disadvantage when taking strategic decisions about how to exercise their functions;

create a duty on listed public authorities when carrying out their functions and on other persons when carrying out public functions to have due regard of the need to eliminate prohibited conduct; the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and the need to foster good relations between people who share a relevant protected characteristic and people who do not. The practical effect is that listed public authorities will have to consider how their policies, programmes and service delivery will affect people with the protected characteristics;

allow an employer or service provider or other organisation to take positive action so as to enable existing or potential employees or customers to overcome or minimise a disadvantage arising from a protected characteristic; and

enable an employment tribunal to make a recommendation to a respondent who has lost a discrimination claim to take certain steps to remedy matters not just for the benefit of the individual claimant (who may have already left the organisation concerned) but also the wider workforce.

The Equality Bill is currently making its way through the UK Parliamentary process. The Bill is currently in the committee stage and evidence is being taken from 2nd June.

The Bill is due to receive Royal Assent by 2010. Any specific equality duties on public authorities to support implementation of the general equality duty are likely to be brought into force in 2011.

The Welsh Assembly Government has sought a power for the Welsh Ministers to enable them to place specific equality duties on public authorities in Wales. These duties will be designed specifically to fit the Welsh context and to enable Welsh public authorities to better implement the new public sector duty.

The Welsh Assembly Government will be conducting a listening exercise during the summer on the specific equality duties that Welsh Ministers may want to impose on listed public authorities in Wales that help implement the general public service equality duty.

This exercise will ensure that the specific duties developed by the Welsh Ministers are informed by the experiences and ideas of stakeholders in Wales.

There will be a public consultation on proposals about the specific equality duties that Welsh Ministers will be imposing on public authorities in Wales before they are introduced in 2011.

The Bill is at an early stage in its progress. We will work closely with the UK Government to seek to ensure Welsh interests are taken into account.

Under the Welsh devolution settlement, the subject matter of equal opportunities is not devolved. However many of the levers to tackle inequality are. The Government of Wales Act 2006 says that the Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.

The Welsh Assembly Government welcomes the introduction of this long awaited and landmark Bill. It is intended to harmonise and strengthen UK discrimination law and it will establish the protected characteristics of all the equality strands, including age

The Welsh Ministers have no power to make, confirm or approve any subordinate legislation, or to do any other act that is incompatible with any of the EU's Convention on human rights enshrined in the Human Rights Act 1998.

Department for Economy and Transport (DE&T)

DE&T provides specialist support to companies as part of Flexible Support for Business in developing and implementing appropriate policies and procedures with regard to the employment of staff. For example, Equal Opportunities Policy, Recruitment procedure, Redundancy procedure, and how to write job advertisements etc. This reduces the likelihood of discrimination or ill-treatment on any grounds, not just age.

The department has previously provided specialised pre-start up support for the over-50s through the Potentia project. As part of the same project, 3rd party contractors for business support attended awareness-raising sessions on 50+ entrepreneurship, and how to tailor their services appropriately.

Other initiatives include the Jobmatch (DWP partnered) scheme in the Heads of the Valleys regeneration. This provides tailored advice for individuals that are long term unemployed/ economically inactive including for older people.