

ENTERPRISE & REGULATORY REFORM BILL: Equalities (Equality Act 2010)

Main purpose and benefits of legislation:

The legislation is part of the Government's programme to remove obstacles which prevent it from achieving a strong economy and a fair society. It will also introduce stronger steps towards addressing the longstanding gender pay gap. It will do this by:

- repealing unnecessary and/or complicated legislation; and
- enabling the Government to introduce specific sanctions for the very few employers who break equal pay laws.

The main elements under the Bill are:

- Removing provisions which make employers expressly liable for harassment of their employees by third parties, such as customers;
- Removing the statutory provisions for an individual to obtain information from a person they think has acted unlawfully against them, with a view to establishing if discrimination has taken place – which includes the Government prescribing questions and answers forms and the time limits for their use; and
- Introducing a power to enable Ministers to make regulations at a later date that will require an employment tribunal to order an equal pay audit where an employer has been found to have breached equal pay laws.

Wider context:

A culture of unnecessary and over-complicated regulation does not help the Government to achieve its aims of equal treatment and equal opportunity and of helping to build and support a strong economy and sustainable growth.

The Red Tape Challenge exercise opened up government to the public by promoting open discussion of ways in which the aims of existing regulation can be fulfilled in the least burdensome way possible. Under the equalities theme, this has not been about diluting equality legislation but improving the way it is implemented. As a result, we are removing those provisions which are unnecessary or unhelpful to business, but we are retaining the key protections for individuals.

At the same time, the gender pay gap has persisted stubbornly for nearly 40 years. It is right, therefore, to complement the Government's voluntary approach with strong but proportionate sanctions for the small number of employers who break equal pay laws.