

Equality in our lifetime?

A new Equality Bill is currently making its way through parliament. This Bill proposes major changes in the way progress towards equality is achieved by:

- Abolishing the Commission for Racial Equality (CRE), the Equal Opportunities Commission (EOC) and the Disability Rights Commission (DRC).
- Establishing a new single Commission for Equalities and Human Rights (CEHR) in 2007.

In addition to addressing issues of race, gender and disability discrimination, the new CEHR will have a wider remit, promoting human rights and addressing discrimination also on the grounds of religion, sexual orientation and age.

In principle, there is agreement on all sides that in creating a single equality organisation there should be no erosion of the powers and entitlements represented in the existing statutory commissions. These reflect principles and practice clarified through the long struggles of those facing discrimination. Existing strengths have to be retained and built upon.

However, in practice, the proposals being discussed in Parliament provide no guarantees that the composition of the new Commission will be representative, transparent and adequately financed.

There is concern from an increasing number of grassroots organisations and individuals, and from the Mayor of London, that the proposed Commission will be significantly less effective than it needs to be and will be hampered in achieving equality in our lifetime.

Why are so many people concerned about the proposals?

- The CEHR lacks a representative structure and has inadequate internal processes to ensure clarity of focus on different equality strands and security of funding for the varying strands. If these weaknesses are not corrected, they will weaken the CEHR's effectiveness and possible future support from the communities whose interests it must be able to serve.
- The proposed budget for the CEHR is inadequate for its responsibilities. The proposed budget of £70 million for seven areas of responsibility compares badly to the £50 million that the three existing commissions currently require, even taking into account possible savings in infrastructure and administration cost.
- The government has acknowledged the case for a Single Equality Act based on positive duties and an overhaul of existing anti-discrimination law. However, this Act should provide the foundation and framework for any new structures, and therefore precede the establishment of the CEHR.

What can be done?

The Mayor has proposed amendments to the Bill, aimed to ensure the CEHR can effectively achieve equality and strengthen rather than weaken existing arrangements. In essence, the Mayor believes that the model established within the Bill of a disabled Commissioner and disability committee should be replicated across all equality strands.

An amendment to ensure that Commissioners represent the experience of the communities they serve

At present the Bill provides for the appointment of a Commissioner who is a disabled person.

This follows lobbying by organisations of disabled people and is a welcome development. However, the Bill is silent on whether and how remaining Commissioners should be drawn from the communities that the CEHR will serve.

The Mayor's amendment proposes to address the fact that, at present, there is no requirement for Commissioners to be drawn from any particular social group or have any experience of the causes of discrimination with which the CEHR will be concerned. As it stands, all commissioners could, for example, be white men. An equality commission with no provision for representation within its own top ranks will undermine itself from the outset.

This amendment therefore proposes that, overall, no less than one half of the Commissioners must have personal or direct experience of one or more of the causes of discrimination or prejudice. It proposes that it be a requirement for no less than half of the proposed Commissioners of the new CEHR to be women and no less than one quarter to be from a black or other ethnic minority background.

An amendment to establish decision-making Committees for all equality strands

As currently drafted, the Equality Bill, with one exception, proposes no specific structural or administrative provisions to allow for the necessary policy and organisational attention to the distinct equality areas which it will have a duty towards. This absence will weaken the CEHR by failing to provide mechanisms through which the unique and distinct requirements of each equality strand can be considered and addressed.

The Bill does provide for a decision-making Disability Committee, but has no proposals for a decision-making Women's Committee, Race Committee or similar committees for the other strands.

The argument is that such committees – or even representative Commissioners – would stop the CEHR working in a 'cross-cutting' or integrated way. There is no evidence for this and we disagree. We believe that Equality Committees will allow the sort of specific focus and representation that is a pre-requisite for a more collective understanding. The danger is that a CEHR without such structures will be a recipe for confusion, and create tensions that could easily be avoided.

These Committees should also have ring-fenced funding so that the resources to each equality area are transparent and secure.

Recognising the experience of London as a city of diversity with a distinct and leading equalities experience

A third amendment would create a London Committee, providing a link to the Mayor's duty to equality under legislation and a means of considering the needs of London's diverse communities.

For more copies of the leaflet or other information contact:

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