

# Equality Bill - a new treatment of discrimination law for 2010

**2010 Update**



The Equality Bill is expected to receive Royal Assent in Spring 2010 and to come into force in October 2010 (save for some specific public sector equality duties that will come into force in April 2011). This Bill has had a long and complex route to Assent, having begun its life in the government's Green Paper of 2007, followed by a series of public consultations, the publication of a White Paper in June 2008 and a Response to Consultation by the government in July 2008. With the last Equality Bill only enacted in 2006, but a significant existing body of other, more specific legislation competing for precedence, it is evident that this multi-faceted area of law requires constant updating and streamlining to make it effective.

The Equality Bill may seem a distant issue, cloaked in the vagueries of parliament and law-makers, but with the Equality and Human Rights Commission proposing to publish new Codes of Practice on employment and goods and services in September 2010, it is soon to become a reality for most businesses and employers.

The Bill has two main purposes: to harmonise discrimination law and strengthen the law to support progress on equality. The government is seeking to harmonise all the existing, disparate laws covering discrimination and to ensure that they all work with the same concepts, definitions and comparator formulas, adopting a unified approach where possible.

The Bill is also designed to make significant changes and additions to the existing law. These include proposals to make gender pay discrimination more transparent; a new type of claim for gender pay discrimination based on a hypothetical comparator; and, most significantly, new types of disability discrimination and the

widening of the definitions of direct discrimination and harassment to cover claims based on "association" and "perception". The Bill will also broaden the scope of permitted positive action to allow employers to choose between two equally-qualified candidates by selecting one from an under-represented minority.

But what will this mean for the employer and employee in real terms? In its simplest application, the new Bill will widen the scope of claims against employers and others for discrimination and will further increase the need for vigilance in the workplace to ensure that current practices and employees are not in breach of the new regulations. The Codes of Practice will obviously provide assistance in this, but it is essential that all firms keep their Staff Handbooks updated with the latest model policies on such contentious areas. By taking an active approach to maintaining and communicating a zero tolerance policy for harassment and discrimination in the workplace, and ensuring that all employees are made fully aware of the policies of the firm and how these need to be reflected in their own behaviour, an employer can go some way to diminishing their liability.

For a advice and guidance on employment law issues, or to create an up-to-date Staff Handbook for your workplace, please contact us at our Cockfosters Office on 020 8441 1556 by e-mail to [law@pwjsolicitors.co.uk](mailto:law@pwjsolicitors.co.uk)

**This Newsflash is intended to provide information on areas of law which might be of use to our clients and is not intended to provide any form of advice or a comprehensive presentation of all matters relating to the topic in question. No representations or warranties are given by Parkes Wilshire Johnson in relation to any information included in any of the articles on this website and specific individual advice should be sought from us if you have any doubt about the application of the information to your particular situation.**

1 Cockfosters Parade, Cockfosters,  
Hertfordshire EN4 0BX

[www.parkeswilshirejohnson.co.uk](http://www.parkeswilshirejohnson.co.uk)

Tel: 020 8441 1556  
DX: 49956 Cockfosters  
Fax: 020 8449 5774

[law@pwjsolicitors.co.uk](mailto:law@pwjsolicitors.co.uk)

Highstone House, 165 High Street,  
Barnet, Hertfordshire EN5 5SU

[www.parkeswilshirejohnson.co.uk](http://www.parkeswilshirejohnson.co.uk)

Tel: 020 8364 9955  
DX: 130034 Barnet 3  
Fax: 020 8364 9959

[law@pwjsolicitors.co.uk](mailto:law@pwjsolicitors.co.uk)