

The Equality Bill – Frequently Asked Questions

What is the Equality Bill?

The Equality Bill is currently being debated in Parliament.

It is designed to rationalise and harmonise many different existing laws to do with equality, as well as introducing some new measures. The consolidation aspect of the Bill brings together more than 40 years' worth of equality legislation into a single Act of Parliament. It will mean that there will be parity before the law between the different areas of discrimination. It also makes it much easier for people working with the legislation to understand it.

What will the Bill do?

The Equality Bill seeks to protect against discrimination in nine protected grounds, which already have some protection under law:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Equality Bill also introduces some new measures which have provoked some comment and controversy in the media and in Parliament.

A new 'public sector duty regarding socio-economic inequality' will be introduced. This means that public bodies (such as local councils, NHS Primary Care Trusts, Police Authorities, government departments etc.) will have to take into account how their decisions and actions can help to reduce inequality associated with socio-economic disadvantage. This might include policies on health, education, housing or crime.

Similarly, a new 'single equality duty' will require 'public bodies' (defined as organisations whose activities are funded by taxpayers, including government departments, the armed forces, the NHS, local councils, regional development agencies, fire authorities, national parks, transport executives, local education authorities, higher or further education institutions, and the police) to consider how their decisions and actions will eliminate discrimination. It will not mean that public bodies have to promote any of the grounds listed above, rather that no-one is denied the level of service that someone else would get because of any of the above reasons.

The Bill will also require large companies to report on gender pay differences.

How will the Bill affect churches?

As users and providers of public services, churches will notice the impact of the single equality duty.

This will mean that local authorities will be obliged to consider the needs and wishes of churches in a way which is equal to other faith groups and which does not discriminate against Christians.

Churches which provide a service for the local council, such as facilities for homeless people, will need to ensure that they comply with the equality duty, and not to discriminate on who uses the service on any of the protected grounds.

What about employment?

Religious organisations are allowed to discriminate in making certain appointments. It is possible to stipulate that a particular office holder is of the same faith or denomination, or that they follow the doctrinal teachings of that religion. However, it is the case that this exemption is only permitted when the role being fulfilled requires the post holder to conform to the standards expected. Whilst it is acceptable for a religious organisation to discriminate in leadership roles or where there is an aspect of pastoral care or teaching, churches cannot discriminate in jobs where it is not necessary to be of that religion to do it, such as cleaning, gardening, administrative support etc.

The Government say that although there is a change in the language, there is no intent to change the policy from what it is at the moment. They say that the current case law in this area is quite clear about what it means, and the changing language is merely an update which better reflects the current legal status.

However, the Church of England and the Catholic Bishops' Conference of England and Wales believe that the change of language is significant and substantive, and that this means the Bill will prevent churches from appointing the staff they want to the posts they want.

The biggest sticking point is over a differentiation between various kinds of jobs in religious organisations. The contention arises in the new wording of the Bill, which restricts discrimination on the grounds of religion or belief to posts that mainly involve leading or assisting in worship or promoting or explaining doctrine. This places those involved with youth work or pastoral ministry, for example, in a grey area. The Church of England and the Catholic Bishops' Conference of England and Wales have made representations to the Government and to Parliament about this, and the Attorney General, Baroness Scotland (a Catholic), is reported to be hopeful that an amendment to the Bill will be introduced to address the Church's concerns.

Will the Bill affect religious freedom?

Yes. The Equality Bill ensures and protects religious freedom. It will be illegal to discriminate against someone on the grounds of their religion or beliefs.

People will still be free to believe what they want and to worship how they want. Churches will not be forced to promote lifestyles or beliefs which they do not agree with.

Individual Christians working in secular organisations will be subject to those organisation's own rules on expressing religious belief and proselytising to colleagues or members of the public, and how strongly-held religious beliefs can be accommodated where they may come into conflict with the

policies or practices of the organisation. The Equality Bill makes no proposals to change this from the current situation.

What do the Baptist Union, Methodist Church and United Reformed Church think about the Bill?

The three denominations have expressed strong support for the principles of equal treatment and an end to discrimination. However, none of the three organisations have expressed a specific view on the Equality Bill. The Churches are working with other agencies and the Government to clarify how contentious issues in the Bill will affect the churches.

Is there enough Parliamentary time left for the Bill to get through?

Yes. Although the current session of Parliament will end in the autumn, the Bill will be carried forward into 2010. The Bill needs to complete its stages in the House of Commons, and go through the House of Lords. There should be enough time for Parliamentary managers to make sure the Bill is enacted by the time of the General Election, expected in spring 2010.

What is the European Equal Treatment Directive and what does it mean?

The European Union is also debating proposals for a new Directive related to this issue.

Current European law protects against discrimination in employment and vocational training on the grounds of sex, racial or ethnic origin, age, disability, sexual orientation and religion or belief.

Only the grounds of sex or race are protected outside employment or vocational training.

The draft Equal Treatment Directive proposes to extend protection against discrimination outside employment and vocational training on grounds of age, disability, sexual orientation, religion or belief so that there is comprehensive protection both in and outside of employment.

The Swedish Presidency of the EU (July-December 2009) is strongly supporting the Directive and hope to make progress over the next few months.

The Directive requires unanimous agreement from all 27 member countries before it can be adopted.

If it is agreed, it will mean that there will be greater protection against discrimination across the EU. In Britain, this may not mean a significant change, as equality laws in the UK are already in place, or, in the case of age discrimination, will be covered by the Equality Bill currently before Parliament.

One other significant area is around the issue of harassment. The British Government have not sought to extend protection against harassment on the grounds of sexual orientation and religion or belief in the Equality Bill, because, following a consultation process, they have come to the opinion that there is no need for such protection, in addition to the protection already provided from direct and indirect discrimination.

Some groups have warned that if the harassment clause is included in the Directive, it may limit the freedom of people to debate different lifestyles or religions.

Further information can be found at <http://ec.europa.eu/social/main.jsp?catId=423&langId=en>

Where can I find further information about the churches and equality?

The Baptist Union of Great Britain has produced guidance on employment, which includes an equal opportunities policy which could be used by local churches:

http://www.baptist.org.uk/resources/resource_downloads/195.pdf

The Methodist Church has a programme of work called 'Equally Different' which includes an Equality and Diversity Project.

<http://www.methodist.org.uk/index.cfm?fuseaction=opentoworld.content&cmid=4>

The Methodist Council (as an employer) also has an equal opportunities policy:

http://www.methodist.org.uk/downloads/per_lay_section2_equal_opp_oct08.doc

The United Reformed Church has an equal opportunities policy:

http://www.urc.org.uk/contact_us/jobs/jobs/equal_opportunities_policy

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