



Discrimination Law Association

1. The Discrimination Law Association is a registered charity, a membership organisation established to promote community relations by the advancement of education in the field of antidiscrimination law and practice.
2. It is a national association with a wide and diverse membership. The membership currently consists of some 250 members (individuals and organisations). Membership is open to any lawyer, legal or advice worker or other person substantially engaged or interested in discrimination law and any organisation, firm, company or other body engaged or interested in discrimination law. The membership comprises, in the main, but not exclusively, persons concerned with discrimination law from a complainant perspective.
3. The Discrimination Law Association welcomes the opportunity to provide further evidence to the Woman and Equalities Committee's (the Committee) call for evidence following the Government's letter dated 25 May 2022. In this letter, the Government sought to provide justification for not enacting s14 of the Equality Act 2010. Part of this justification was that it would introduce "unwelcome regulatory complexity and place new costly burdens on business and the public sector". The Committee has requested a further short piece of supplementary written evidence on this point, which we have provided below. We are grateful to the Committee for providing a short extension of time for the presentation of our evidence to accommodate the process of writing this up.
4. The DLA's position is that section 14 should be enacted. The current protection available to prove discrimination involving multiple characteristics (for example age and gender) is not adequate, we refer back to our evidence (attached again for reference) at paragraphs 56-61 which highlights the difficulty and uncertainty for intersectional /combined characteristic claims under current case law. If the Government considers that individuals who suffer discrimination on the basis of multiple grounds are already protected by existing law, then the justification for not bringing it into force does not hold much weight.
5. The DLA do not agree that the enactment of s14 would involve regulatory complexity or would place new costly burdens on businesses. It is noted that the Government have provided no evidence that it would be complex or costly to enact. Accordingly, it appears that the concept of 'regulatory complexity' is a myth based on uninformed fears and pandering to the concept of 'cutting red tape' rather than knowledge of the costs of enactment or the evidential process in the courts.

6. It is also noted that in 2009 the Government issued a consultation on the 'Equality bill: assessing the impact of a multiple discrimination provision'. A number of organisations responded to this consultation and we attach here the DLA's response at that time. We refer to the answers provided to that consultation in our response here (including reference to evidence in footnotes), and specifically with regards to the alleged burdens on the courts and businesses in Annex A. We have dealt with this issue comprehensively in this document and so have not repeated this here, save for pulling out a few key and additional points. We say that this document is considered as part of our response to this supplementary question.
7. It should be noted that businesses are already well aware of their responsibilities under the Equality Act, it does not appear this would require much, if any, further training or education. This could simply be added to ongoing training. Guidance on s14 could be provided in the same way it is provided in other type of discrimination, by EHRC Code of Practice and Guidance and HSE Guidance. There are systems in place for the drafting and dissemination of this guidance already.
8. Further it is not a justification to simply say that a claim brought on multiple grounds may be complex to resolve. That is not sufficient reasoning to deny equality and justice. The complexity is already there as a consequence of the existence of many individual strands. Intersectional cases will likely become less complex because the law will more naturally suit the facts and therefore we do not consider this would add additional complexity.
9. It is understood that the s14 amendment to the Equality Act Bill was introduced late in the day and as a consequence there was little parliamentary scrutiny. The DLA consider this should be given further consideration and with time for further Parliamentary scrutiny, it may be that the Government wish to consider not simply enacting s14, but expanding it beyond simply direct discrimination to include indirect and harassment as well as discrimination on the grounds of more than 2 characteristics.
10. In summary, the DLA disagree that the administrative or regulatory burden is sufficiently substantial to justify not enacting s14. Furthermore, the DLA consider that as part of its review of enacting s14, the Government should take the time to consider expanding this to include harassment and indirect discrimination as well as discrimination on the grounds of more than 2 characteristics.

