

## **Response of The Fawcett Society to the Government's Draft Legislative Programme 2008/9: Preparing Britain for the future**

### **1. The Fawcett Society**

The Fawcett Society is the UK's leading campaign for women's rights. We campaign for:

- Economic rights: women's right to fair pay and fair treatment in the workplace
- Political rights: women's right to a powerful voice in decision making
- Social rights: women and men to break free from stereotypes
- Bodily rights: women's freedom from violence, harassment and objectification

### **2. Introduction**

It is Fawcett's view that the upcoming Equality Bill presents a once in a generation opportunity to speed up progress to pay equality and create positive protection, particularly for the most vulnerable women workers.

The persistence of the gender pay gap demonstrates that the existing legislative tools are insufficient, and have not been effective in ending discrimination and disadvantage for women in the workplace. We would therefore argue that the Bill should include bold new measures to combat discrimination and realise pay equality.

We are calling for a number of key elements to be included in the upcoming Bill. The first four of these are preventative and aimed at stopping discrimination before it occurs. The fifth is aimed at improving the cure for discrimination where it does occur.

### **3. Equal pay audits**

We have long campaigned for equal pay audits as a measure that increases transparency, uncovers hidden discrimination and allows organisations to check that they are staying within the law. The evidence suggests that full equal pay reviews have considerable potential to uncover the causes of the pay gap and give organisations the information they need to make redress.

We wait to hear whether the Government has reached the 2004 PSA target of 45% of large employers completing an equal pay review by April 2008, but early data suggests that this target is unlikely to be met. Detailed studies also show that few organisations have understood how to conduct a review that addresses the issue of equal pay for work of equal value. We believe that if organisations were offered appropriate support and training from the Equality and Human Rights Commission, equal pay reviews would have considerable potential in revealing the root causes of the pay gap and thereby allowing organisations to correct pay inequalities and

prevent them arising in the future. Further, where organisations do undertake reviews they report relatively low costs and they show great willingness to repeat the process.

While we understand that there has been considerable debate about the merit of equal pay audits the Government should, as a minimum, keep open the option of introducing such audits at a future date. This could be achieved through enabling legislation that would give the Government the ability to make equal pay audits mandatory, in say five years, if certain targets had not been met. This would echo the spirit of the original Equal Pay Act and so underline Labour's long history in this area as well as setting out a new agenda for the future.

#### **4. Protection of pregnant workers**

We are calling for improved protection from discrimination for pregnant women. EOC figures suggest that at least 30,000 pregnant women lose their jobs every year simply because they are pregnant. Recent media debate and opinion polls have brought into question the rights of pregnant women and underlined our sense that extensions to maternity leave have given cause for an increase in pregnancy related discrimination.

In the current legislative context, pregnant women and new mothers have to be prepared to take a discrimination case in order to realise their employment rights. The costs, financial and emotional, of this are large and it is a route that few women are prepared to take. That is why we are calling for a prohibition on dismissing pregnant women before, during and for a period of six months following maternity leave. This would mean that employers would have to seek specific permission from a tribunal to dismiss a pregnant woman. The Pregnant Workers Directive permits, and arguably requires, such an approach.

#### **5. Procurement**

We welcome proposals that the Government uses its own procurement power to actively promote equality. We call for a procurement process that allows contracts to be awarded only to those organisations with a good track record on gender equality and that excludes for a limited period those organisations that have a finding of discrimination against them.

#### **6. Equality Representatives**

We recommend that each workplace, unionised or non-unionised, should have a statutory representative who holds responsibility for ensuring that equality standards are met. Equality representatives must have statutory protection and paid time off for training, similar to union representatives. They will need clear reporting lines so that they can effect change and influence within an organisation. They should have powers to access information about pay.

### **7. More effective legal redress**

We call for a more streamlined process including removing the requirement for an actual comparator and the amendment of tribunal rules to allow for representative actions and for the EHRC, Unions and other organisations to have the power to bring cases on behalf of a group of individuals.

### **8. Further information**

'Gender equality in the 21st century: modernising the legislation' Fawcett Society, 2006 [http://www.fawcettsociety.org.uk/documents/low\\_res\\_final2.pdf](http://www.fawcettsociety.org.uk/documents/low_res_final2.pdf)

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