

## **DUP RESPONSE TO CONSULTATION ON THE SINGLE EQUALITY BILL**

Given the numerous pieces of legislation relating to anti-discrimination and equality, there is clearly a strong case for consolidating them in a Single Equality Bill. There are also arguments in favour of seeking to harmonise certain rights as they presently appear to be anomalous, though equally different solutions can be appropriate in different circumstances. This is not an area where simplistic solutions are likely to provide the answer to complex problems. Indeed it may well be the case that whilst there is a Single Equality Bill, there are a multitude of solutions to various concerns.

Some of the issues to be addressed in the proposed Single Equality Bill will arise out of existing legislation and international obligations however others proposed are entirely new. Whilst we agree that bringing together existing provisions in itself makes sense, we believe that new rights should only be introduced after very significant consideration and maximum consultation.

Whilst there will be exceptions due to our history, as a matter of principle we believe that wherever reasonable practical Northern Ireland law should reflect the situation in Great Britain. On matters which are not 'particular' to Northern Ireland there is no reason we should be treated differently. We have also argued this point in relation to the proposed 'Bill of Rights' for Northern Ireland.

The debate surrounding many of these issues is not in relation to whether or not it is desirable to discriminate against various groups but of how

effective, proportionate, desirable and workable legal provisions would be. Legislating for rights, whilst superficially attractive, has practical and financial implications.

The principle that, in the absence of compelling arguments to the contrary, we should not go beyond the minimum requirements for legal protection, should be generally applied. Extending rights will inevitably give rise to unforeseen and often undesirable implications. This is not a blatant argument against the extension of rights but a note of caution. It is also worth noting that recourse to law is not always the most effective instrument of social change. Very often there are more important and effective catalysts of change. Other factors can lead to more effective and desirable social change which do not involve the unintended consequences of legislation.

We would apply this principle to the various questions in the application of certain rights to GFS.

We would also apply the same considerations to the issue of exemptions as we do to questions of scope in terms of comparison with Great Britain and the presumption of non intervention by the law unless a compelling argument exists which outweighs the implications of intervention.

The law should be slow to impose greater obligation on employers than is presently the case. Whilst monitoring may be necessary to assess the effectiveness of provisions and to ensure compliance it is nonetheless an added burden on business. Increased costs at the margins can have a severe impact on the economic viability of small businesses and these

considerations need to be carefully weighed against any potential benefits.

The law in relation to the operation of Tribunals at the moment is unsatisfactory. In particular the issues of costs and appeals need to be addressed. The present system does not operate as it was originally intended and too often one party is at a significant disadvantage. It can be either the individual in where they are unassisted against a large company or the firm where against an assisted individual. This can distort the proper result by making it an economic rather than legal battle.

The appeal process is also unsatisfactory and given the potential level of awards needs to be rectified. The issue of costs could help regulate this. It would be desirable to seek to avoid recourse to legal tribunals wherever possible.

It is worth noting that there are currently alternative dispute mechanisms in place but have not been widely availed of. It may be useful to encourage people to take this course of action.