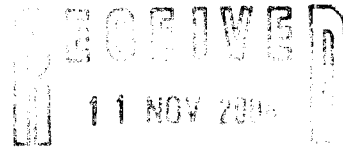


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A Single Equality Bill

I welcome the opportunity to comment on the discussion paper on options for a Single Equality Bill.

It is worth stepping back to consider the purpose of a Single Equality Bill. On the one hand, it is a technical move to harmonise legislation; on the other, as stated in John Spellar's foreword, it is to "provide everyone in Northern Ireland with a legal protection against discrimination and promote equality of opportunity".

The reference to promoting equality of opportunity needs elaboration. Some may argue that it is appropriate to create a "level playing field". Others will point out that one of the teams is healthier, and better equipped; that one of the teams has had better preparation – more experience, better training, nutrition and so on; and that these imbalances should also be redressed to give each team a fair, an equal, opportunity. There are two ways of achieving this balance – bring all players up to the same level; or distribute the disadvantaged players equally between the two teams. I would prefer to see all players brought up to a comparable level, able to function to their full capability. The Single Equality Bill, it seems to me, is geared more towards ensuring that disadvantaged players are equally distributed between teams.

As I wrote in relation to the initial Single Equality Bill consultation paper, there are substantial and persistent inequalities in health standards within our society, with some groups at much greater risk of experiencing preventable illhealth and premature death. The determinants of these inequalities are complex and interrelated, extending through the lifecourse, but there are clear links with patterns of socioeconomic inequality. I had hoped that the Bill would be able to address some of the insidious effects of poverty, both relative and absolute; and that it would legitimise positive action measures, as well as provide antidiscriminatory controls.

I recognise that the Single Equality Bill is not the right vehicle for the major resource allocation decisions needed to rectify issues of poverty within our society – these probably need to be set out in a robust governmental antipoverty strategy. We should not delude ourselves, though, that the Single Equality Bill will lead to a more

equal society – on its own, it will simply ensure the heterogeneity of an underclass within a society where gross inequalities continue to expand.

The document acknowledges at one point that legislation alone will not achieve respect for the equal dignity and worth of all, or facilitate full participation and good relations in society. The authors of the document indicate that their intention is to steer a line between sterile negativity and false optimism as to what the Single Equality Bill can achieve. The criticism of false optimism can be levelled at a subsequent statement in the discussion paper, that the “vision of Government is to create high levels of economic growth and employment, with opportunity and improved living standards for all”. It is now well established that trickle-down economic development does not reduce inequalities, with full participation in society being denied to many. Economic growth is not necessarily good for “equality”.

The Single Equality Bill needs to recognise poverty/low educational attainment/low employability as “grounds”, and legitimise positive action measures aimed at improving the wellbeing of these marginalised people. We acknowledge that a wheelchair user should of course be able to access public buildings; on the other hand, public services are not yet required to adopt appropriate methods of communication with people who are functionally illiterate. In public services, we are scrupulous in seeking “fair” recruitment procedures (driven by fair employment legislation), with selection on merit; but applicants who have experienced greater social disadvantage will usually score less well, and will usually be unsuccessful. Perversely, equality legislation which ignored the most disadvantaged in our society could exacerbate their exclusion. In areas such as employment, healthcare, and education, the Single Equality Bill should legitimise or require positive action measures to overcome disadvantage – even if this means in certain circumstances moving away from the principle of “equality of opportunity “ in its usual proximal sense. The Single Equality Bill should of course require that positive measures be applied in an open and transparent manner, with authorisation and monitoring safeguards in place.

These comments should be interpreted as my own views, albeit as the Director with direct responsibility for the Trust’s Equality Scheme and new TSN action plan. The views expressed do not necessarily reflect those of our wider organisation. I understand, incidentally, that our Director of Human Resources will probably submit additional comments on certain employment-related aspects of the Single Equality Bill.

Please let me know if you would like me to elaborate on any points.



Evan Bates
Director of Corporate Services