



16

9 November 2004

Single Equality Bill Team  
Office of the First Minister and Deputy First Minister  
Room E3.18  
FREEPOST NAT 17679  
Belfast  
BT4 3BR

Dear Sir/Madam,

Consultation on the Single Equality Bill

Thank you for the invitation to respond to the above consultation. Training for Women Network (TWN) always welcomes the opportunity to contribute to policy development.

TWN is a network of over 250 individuals and organisations committed to gender equality and the addressing of barriers to the participation of women in business, the labour market, public life and society in general, as well as campaigning for general equality. With a broad membership, the attached response will reflect the general needs of women and gender equality imperatives.

A copy of the TWN Gender-Proofing Checklist is also enclosed. This is the current policy thinking of the organisation that, without these particular provisions, women are being discriminated against.

If you need any more input, please do not hesitate to contact me.

Yours sincerely,

**MICHAEL POTTER**  
Policy and Research Officer

Training for Women Network Limited • Unit 10b Weavers Court, Linfield Road, BELFAST BT12 5GL  
Tel: 028 9031 9888 • Fax: 028 9031 1166 • E-mail: [info@twnonline.com](mailto:info@twnonline.com) • Web: [www.twnonline.com](http://www.twnonline.com)

## **RESPONSE TO THE CONSULTATION ON THE SINGLE EQUALITY BILL TRAINING FOR WOMEN NETWORK – NOVEMBER 2004**

### **Purposes and Principles**

The general purposes of the Bill are supported, creating a 'clear and accessible framework' for easy reference to anti-discrimination and equality law. As the situation stands, there are many sources of legal reference for equality and a simplification would be beneficial, provided that none of the existing protections are lost in the process and generalisations do not supersede specific protections, particularly for women.

The reference to the 'promotion' of equality is welcomed, as opposed to the prohibition of discrimination. Promotion would raise awareness and encourage an understanding of equality, as the existence of legislation against discrimination for the past thirty years has not been entirely successful in its purpose.

The differences in legislation covering various groups and situations have created a 'hierarchy of inequalities' where protections are uneven. The bringing into line of existing protections is therefore a positive step.

### **Grounds**

The definition of women as a group that is discriminated against needs to be preserved due to the foundational nature of gender equality and the multiple inequalities women suffer due to multiple group membership, such as ethnic minority women, disabled women, etc. It is therefore urged that women are named in all equality legislation and policies and that specific provisions are included for the protection of women.

Group membership is often subjective and boundaries to groups are difficult to define. It is therefore recommended that provision be made that any group that defines itself as such can be protected against discrimination and that inequalities cannot be justified in respect of any such group.

The inclusion of socio-economic group rights to equality is supported. Women are over-represented in groups that are among the poorest in society, such as older people, single parents and those experiencing extreme poverty.

### **Scope**

In order that no form of discrimination can become legal through omission, it is recommended that, rather than defining specific activities where protection is provided, any activities not defined 'exceptions' in the legislation should be covered.

The realignment of different levels of protection under different pieces of legislation is welcomed in the Bill, provided the adjustment is made upwards to afford the highest protection to all groups.

## **Exceptions**

TWN strongly supports the inclusion of certain exceptions, such as those listed under the Sexual Discrimination (Northern Ireland) Order 1976. In order to achieve equality of outcome, inequality of treatment is often necessary. For example, the preservation of Article 48, which permits single gender training to address a defined under-representation, is essential to ensure that women can compete on even terms as men in many areas. Likewise, the allowance of such activity is not sufficient to ensure equality, there being a requirement to promote and finance women's training in areas such as participation in the workforce, entrepreneurship, participation in public life, etc.

## **Goods, Facilities and Services**

The position of TWN is that discrimination should not be permitted under any circumstances ('exceptions', above, excepted). The inclusion of goods, facilities and services should therefore be included as areas where equality should be guaranteed.

## **Under-representation in Employment**

The promotion of equality in employment is welcomed in the proposed Bill. Also, active approaches to addressing under-representation in employment is supported and TWN looks forward to provisions guaranteeing high-quality, accessible, low-cost childcare and other support mechanisms for establishing gender parity in the workplace. Further provisions addressing the pay gap between men and women, and provisions to prevent the 'glass ceiling' and 'sticky floor' syndromes are also urged as part of this legislation.

## **The Equality Commission**

The existence and role of the Equality Commission are supported by TWN. However, in order for the organisation to have an effective role in the promotion of equality in Northern Ireland, more funding needs to be provided for it to be effective.

## **Tribunals and Courts**

TWN supports the inclusion of group or class actions in bringing legal redress on the grounds of equality. In order for equality to be mainstreamed and taken seriously, damages for the infringement of equality legislation, discrimination and victimisation need to be prohibitive.

## **Alternative Dispute Resolution**

While alternative dispute resolution may not be the ideal scenario for addressing inequalities, the method would not be ruled out. TWN supports the choice of the individual in the form of redress due to discrimination, provided there is no pressure placed on the victim.

## TWN GENDER-PROOFING CHECKLIST



TWN is a consultee under the provisions of Section 75 of the Northern Ireland Act 1998, which is to assess the impact of policy on specific groups regarding equality. TWN comments on policy development in the area of equality between men and women, while contributing to consultations in other areas. With regard to gender issues, the following are key points of policy the absence of which indicates a disadvantage to women.

- Women bear the main responsibility for childcare: Any policy that does not include the provision of childcare disadvantages women in terms of participation
- Women bear the main responsibility for other caring roles, such as elder care and care of disabled family members: Any policy that does not include provisions for respite care arrangements or arrangements for temporary care of family members disadvantages women in terms of participation
- Women bear the main responsibility for the care and administration of domestic life: Any policy that does not incorporate some form of flexible working enabling participation that is responsive to personal circumstances disadvantages women
- Men tend to be given priority in the allocation of household resources, including means of transport: Any policy that does not ensure sufficient transport arrangements, particularly in rural areas, excludes women
- Statistics indicate that women constitute the larger proportion of older people in society, the ratio increasing the greater the age: Any policy that disadvantages older people not only constitutes age discrimination, but also gender discrimination
- Many areas of policy development include some form of consultation or advisory body or forum: Any body that does not have a significant proportion of women, with sufficient financial support, does not represent the interests of women
- Consultation processes are often restricted to a policy document available for comment: Any consultation process that does not take steps to sufficiently access the opinions of women does not represent women's views
- Women constitute more than half of the population, which includes constituting more than half of other disadvantaged groups, indicating multiple disadvantage for women in those groups: Any policy or legislation that subsumes the category of 'women' into other categories or generalisations or does not gender-proof each individual group ignores the multiple disadvantages women experience and therefore discriminates against women

For further information, contact:

The Policy and Research Officer  
Training for Women Network  
10b Weavers Court  
Linfield Road  
Belfast BT12 5GL

028 9031 9888  
028 9031 1166 (fax)

[www.twnonline.com](http://www.twnonline.com)  
[info@twnonline.com](mailto:info@twnonline.com)