

## NEWS RELEASE

**21 April 2009**

### **Commission's enforcement team takes on more than 300 cases in first 18 months**

The Equality and Human Rights Commission has now used its enforcement powers on 337 occasions. Around one third of these cases have been resolved and the rest are ongoing, according to a review of the Commission's enforcement work released today.

Around 80 per cent of the resolved cases were dealt with without the need for issuing formal enforcement proceedings, potentially saving court time and money and avoiding lengthy delays for those involved.

The Commission has a range of powers to ensure organisations in both the public and private sectors are observing the law on human rights, equality and good relations. These include intervening in judicial proceedings, conducting inquiries or investigations, issuing applications to restrain unlawful advertising, and issuing compliance notices to public sector bodies who are not abiding by the law.

Examples of the Commission's work include a supermarket which had refused to assist a disabled woman trying to use one of their petrol pumps. Following the Commission's involvement, the supermarket chain made a commitment to communicate its obligations to all staff. Following a claim of sexual harassment, the Commission also signed an agreement with a large commercial group to tackle harassment and bullying and improve its approach to equality and diversity more generally.

The Commission's intervention in the Southall Black Sisters case led to Ealing Council reviewing its funding criteria and processes; and the Commission is currently working on a framework agreement with the MoD to bring about a culture change within the organisation to improve practice on equality and fairness.

Approximately 75 per cent of cases involved allegations relating to race, disability or gender. The prevalence of these claims reflects the legal obligation on public bodies to demonstrate that they are taking action in these areas, requiring them to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality. About 25 per cent of the Commission's cases related to the new areas of its mandate: age, sexual orientation, religion or belief and human rights.

Many of the cases relate to unfair treatment cutting across a range of issues, reflecting the Commission's cross-strand approach to its work. For example women, disabled people, carers, migrant workers and the elderly are all more likely to suffer similar issues like access to services and equal pay.

Of the 337 cases pursued by the Commission, around 175 relate to the public sector duties, requiring public sector organisations to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality. Work on approximately 90 of these cases is ongoing, while the other 85 have now successfully concluded.

The Commission has recently written to the heads of all public bodies in England and Scotland to remind them of their legal responsibilities under the public sector duties to promote equality and eliminate discrimination. Newly updated resources to help them do this are available at [www.equalityhumanrights.com/publicsectorduties](http://www.equalityhumanrights.com/publicsectorduties)

The prominence of cases involving allegations of race, disability and gender discrimination reflects the fact that the public sector duties currently covers these three strands only. The Commission is supporting the Government's proposals that the upcoming Equality Bill should bring together the three existing equality duties into a Single Duty, which should also be extended to cover sexual orientation, trans-gender, religion or belief and age.

Susie Uppal, Legal Enforcement Director, said:

"These figures indicate the Commission's commitment to eliminating unfair treatment for individuals, where possible in partnership with businesses and public sector bodies, but where necessary making full use of our legal powers to enforce the law.

"Our experience in our first 18 months has been that most organisations want to be fair and do the right thing when we raise a problem with them. Often it's a simple, common sense solution that's needed. Us flagging an issue can mean a big organisation taking steps to eliminate unfairness more generally by adjusting its approach to say, customer service. The supermarket chain realised their staff should be providing great service to everyone, including a disabled women who just wanted a hand filling up with petrol, and brought in new guidelines. Most employers can see the benefits of treating their staff, customers or clients well in terms of increased loyalty and commitment.

"Taking informal action as a first step means we don't get bogged down in expensive legal proceedings with the obviously benefit to the people who fund us – the taxpayer.

"But sometimes we do need to use the full force of our legal powers. By intervening strategically we have been able to achieve some landmark court judgements that set precedents that make a big difference to many people's lives."

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**For more information contact the Equality and Human Rights Commission  
Media Office on 02031170255, out of hours 07767272818.**

## NOTES TO EDITORS

The Commission's Enforcement team helps carry out the regulatory function of the Commission by addressing inequalities relating to race, gender, gender reassignment, disability, age, sexual orientation, religion and belief, and human rights. They respond to concerns relating to these issues by conducting inquiries and investigations, intervening in judicial proceedings instigated by third parties that raise significant equality principles, and issuing legal proceedings in the Commission's name.

A more detailed review of the Commission's enforcement activities can be found on our website. For this and for more information about public sector duties visit:

[www.equalityhumanrights.com/publicsectorduties](http://www.equalityhumanrights.com/publicsectorduties)

The figure of 337 include files inherited from the three legacy commissions, such as those handed over by the Commission for Race Equality on fifteen Whitehall departments and agencies that had compliance issues with the Employment Duty of the Race Equality Duty (RED). All fifteen departments and agencies have now complied with the Employment Duty of the RED, although five are still being dealt with by the Commission for reasons relating to wider concerns regarding performance in respect of the Disability, Gender and Race Equality Duties.

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006, which took over the responsibilities of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission.

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

The Equality and Human Rights Commission will enforce equality legislation on age, disability, gender, race, religion or belief, sexual orientation or transgender status, and encourage compliance with the Human Rights Act. It will also give advice and guidance to businesses, the voluntary and public sectors, and to individuals.