

**CHRISTIAN CONCERN FOR OUR NATION/
CHRISTIAN LEGAL CENTRE RESPONSE TO
THE GOVERNMENT EQUALITIES OFFICE
CONSULTATION –EQUALITY BILL: ASSESSING THE
IMPACT OF A MULTIPLE DISCRIMINATION
PROVISION
JUNE 2009**



*Changing Society to put the
Hope of Christ at its Centre*



Andrea Minichiello Williams
Director
Christian Concern for our Nation/Christian Legal Centre
020 7467 5427
07712 591164
<http://www.ccfon.org> and <http://www.christianlegalcentre.com/>

Instructions on How to Respond

The Consultation can be found at the following link:

<http://www.equalities.gov.uk/pdf/090422%20Multiple%20Discrimination%20Discussion%20Document%20Final%20Text.pdf>

Responses should be sent to:

By email multipledisresponses@geo.gsi.gov.uk

By post Multiple Discrimination Responses

Government Equalities Office

9th Floor, Eland House

Bressenden Place

London

SW1E 5DU

Please ensure that your response reaches us by Friday 5th June, 2009.

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of a larger organisation please make clear who the organisation represents and, where applicable, how the views of members were assembled.

The closing date for receipt of comments is **Friday 5th June, 2009**. Any views received after this date may not be reflected in our analysis.

When responding to this document please use the proforma at Annex A. An electronic version will be available to download from the GEO website at: www.equalities.gov.uk.

Response

About Us

Christian Concern for our Nation (CCFON) is a policy and legal resource centre that identifies changes in policy and law that may affect the Judeo-Christian heritage of this nation. The team of lawyers and advisers at CCFON conduct research into, and campaign on, legislation and policy changes that may affect Christian Freedoms or the moral values of the UK. CCFON serves a mailing list reaching 25,000 supporters. <http://www.ccfon.org>

CCFON is linked to a sister and separate organisation, the Christian Legal Centre, which takes up cases affecting Christian freedoms. <http://www.christianlegalcentre.com>.

7. ANNEX A Response Proforma

RESPONDENT NAME: Andrea Minichiello Williams, Barrister, Director.	ADDRESS: Christian Concern for our Nation PO Box 655 Haywards Heath West Sussex RH16 9AT
ORGANISATION: CCFON/CLC	DATE: June 2009 EMAIL: info@ccfon.org
DISCUSSION QUESTIONS	RESPONSE
<p><u>Executive Summary</u></p> <ol style="list-style-type: none"> 1. CCFON/CLC welcomes the opportunity to respond to this consultation. 2. The introduction of a Multiple Discrimination provision in the Equality Bill is strongly opposed by CCFON/CLC.¹ The stated aim of the Equality Bill is to simplify the law. The concept of multiple discrimination, however, lacks legal clarity and makes the law more complex. Moreover, little evidence exists supporting the need for such protection. 3. For Christians, a legitimate concern exists that these new proposals will result in a hierarchy of rights. Moreover, an unintended consequence of the provision is that it exacerbates the chill on free expression by further limiting a Christian citizen's right to express a legitimate view or hold a particular belief. For example, Christians expressing orthodox religious views potentially face additional consequences for the exercise of their conscience (i.e., not just a single strand discrimination allegation but more potential allegations by the combination of any two discrimination strands). Increased intolerance of Christian beliefs, in all spheres of public life, ought to result in the sponsors of the Equality Bill creating measures to improve protection of religious liberty. 4. The costs to organisations and businesses will significantly increase as a result of having to obtain more lengthy legal advice in dealing with single strand claims, combined with multiple discrimination claims. The multiple discrimination claims may involve lengthy investigation and uncertain comparisons. It will also require detailed information requests about an employer's staff for potential comparisons. The lack of any definitive way of disproving multiple discrimination leaves both the consultation and legal advisers in the unsatisfactory position of clutching at all straws. For example, the consultation implies in point 5.5. that this will not be onerous as they would expect many businesses "to use tools such as competency frameworks, job evaluation systems, scoring matrixes and other models of good practice" However all such tools will take time and expense to collate and then to assess their usefulness to the case in hand. 5. Business human resource audits aimed at preventing multiple discrimination claims may be 	

¹ It is hoped the UK Government will also oppose its introduction in negotiations on the proposed new EU Directive on Equal Treatment (outside employment).

required due to the difficulty people will have in understanding the concept. It will also be very expensive. Considerable time and expense may be undertaken in trying to imagine the various hypothetical situations in which combined multiple discrimination claims may be made.

6. The consultation and the questions on multiple discrimination as described in point 2.7. centre upon the “minimal impact” on businesses or organisations in employment matters and service provision. However, the actual consultation fails to consider service provision for businesses or its overall impact generally on individuals, organisations or businesses across all areas of discrimination law including service provision.
7. The concept of multiple discrimination is not workable in practice due to its legal complexity. This means that no amount of guidance will help. This is very clearly illustrated in this consultation as the advice given on how to assess multiple discrimination is contradictory. This highlights the problem that there is a lack of any definitive standards against which you can measure and determine that multiple discrimination has been proved.
8. Organisations and businesses may find it costly and an administrative burden to defend claims. Human resource professionals are also complaining of reaching “litigation fatigue”.
9. In conclusion, we strongly urge the Government not to introduce a multiple discrimination provision in the Equality Bill at any time as this may infringe even further upon the legitimate expression of religious views and complicate the law rather than simplify it as intended.

Question A:

Do you agree with the conclusions set out in our Impact Assessment on the impact of multiple discrimination claims brought alongside single strands claims? If not, please explain why.

The impact assessment can be found in Annex C between pages 40 and 50 and is also discussed in the paragraphs preceding this question on pages 16 to 17.

We strongly object to any proposal to introduce a Multiple Discrimination provision in the Equality Bill. Such a measure in every area of equal treatment law, (both inside and outside the employment field) unnecessarily complicates the law and places an undue burden on organisations and businesses. The concept is difficult enough for those with a legal background to understand. Human resources professionals are already complaining of reaching “legislation fatigue” at the prospect of the Equality Bill.

[://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html](http://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html)

The aim of the Equality Bill is to simplify the law, not to make it more complex. Businesses and organisations attempting to comply with a multiple discrimination provision will find the process unwieldy at best. The cost here is not worth the effort considering the dearth of evidence suggesting a need for such protection actually exists.

The overview and consultation questions centre only upon its impact from a business and organisational point of view, focusing on employers. It fails to cover the much wider implications of service provision for all and its impact upon religious beliefs. By way of contrast, The Getting Equal

Consultation on the proposed introduction of the Sexual Orientation Regulations on service provision asked general questions for both individuals to answer as well as organisations.

[://www.communities.gov.uk/documents/corporate/pdf/565863.pdf](http://www.communities.gov.uk/documents/corporate/pdf/565863.pdf)

Multiple Discrimination is a concept lacking legal clarity. Instead of seeing people for the whole complex beings we are, the concept seeks to define us by complicated and combined discrimination categories. Instead of a promoting a positive approach to life and working relationships, the provision generates an aggressive, unhealthy, and multiple victim mentality detrimental to a good working environment. Moreover, it upsets the delicate balance of rights which are already complex enough when there are only two conflicting fundamental rights being considered. Instead of removing stereotypes this may result in the exact opposite and exacerbate stereotyping.

This concept could very easily result in the application of unreasonable and circumstantially irrelevant weightings by combined grounds in areas which conflict with sincerely held religious beliefs. This will result in both a hierarchy and unfair balancing of fundamental rights, which instead of protecting rights will oppress numerous citizens for their expressions of conscience. From a Christian viewpoint we are very concerned that such a measure could be used to promote an arbitrary hierarchy of rights. For example, the rights of Christians to express their conscience could arbitrarily be trumped by the combination of any two other rights (e.g., those of other religions, sex, gender reassignment and sexual orientation etc.).²

Considering the ever increasing intolerance of Christian expressions of conscience, the Equality Bill should carefully examine the unequal treatment for Christians (ironically being served out here in the name of Equality). Extra provisions and protections need to be put in the Equality Bill to protect the free speech of Christians and to protect their legitimate religious views.³ The hallmark of a legitimate democracy is a citizen's right to free expression and the free exercise of religious conscience.

² Intersectional multiple discrimination is based on combining two strands and then making a comparison without either of those strands. Please see website for details of cases based on only single strand discrimination matters where there is an unreasonable and intolerant treatment of Christian beliefs: <http://www.christianlegalcentre.com/>

³ Lord Waddington has recently stated in debates on the Coroners and Justice Bill that :

There is, right now in this country, an intolerance of Christians of a sort that I never thought I would see. Street preachers are threatened and Christians expressing mainstream orthodox views on sexual behaviour are harassed and abused. A marriage registrar is bullied at work for asking to be excused from civil partnership duties; a housing charity worker is suspended for discussing with a colleague his beliefs about same-sex relationships.

<http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90518-0005.htm>

Option 1 in the impact assessment is preferable, which is to do nothing and not introduce a complicated concept of intersectional multiple discrimination.

The impact assessment states that the Hampton principles are not applicable.

Does enforcement comply with Hampton principles? N/A (see page 43 of this consultation)

However, in our opinion, the measures will significantly increase the burdens and red tape on businesses which are already over-regulated in this area. The video in the following link illustrates how businesses already feel there is too much regulation and legislation.

[://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html](http://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html)

The Hampton review was about the principle of simplification and reducing administrative burdens for organisations and businesses and not increasing them as this proposal will do if implemented.

[://www.hm-treasury.gov.uk/bud_bud05_hampton.htm](http://www.hm-treasury.gov.uk/bud_bud05_hampton.htm)

Administrative burdens are the costs imposed on business complying with information obligations stemming from government regulation. (See page 8 of the GEO Simplification Plan December 2008).

[://www.equalities.gov.uk/PDF/081209%20GEO%20Simplification%20Plan%202008%20Final.pdf](http://www.equalities.gov.uk/PDF/081209%20GEO%20Simplification%20Plan%202008%20Final.pdf)

Question B:

To what extent would you agree that the process for identifying a comparator in a multiple discrimination case would be no more onerous than in a single strand case?

We disagree that the process for identifying a comparator in a multiple discrimination case would be no more onerous than in a single strand case. It would be far more complex. An example given in the consultation (see 4.16) illustrates this complexity. In that example, a fifty-year old man claims he was discriminated against because he was an older disabled person. The comparator is said then to be an (actual or hypothetical) non-disabled younger person in the same or similar circumstances. Firstly, in view of people generally living longer and people working beyond statutory retirement age, the age of 50 may not be considered relevant as an age discrimination issue. Secondly, this is such a difficult concept that even this consultation is unable to provide an example of the relevant circumstances where this might arise.

One of the arguments on intersectional multiple discrimination is that the combined grounds of both characteristics are *unique*. If truly *unique* then no true comparator exists -- and the courts and tribunals are left with rulings based on nothing more than subjective and arbitrary whim of the decision-maker. How can anyone successfully and legally appeal against such rulings when no satisfactory comparative or proof basis exists in which to do so?

Question C:

Do you agree that the proposed multiple discrimination provision would not require businesses or organisations to do more to avoid the risk of multiple discrimination claim than they need to do to avoid single-strand claims? If not, please explain why. Please include what additional steps you think they would need to take.

No, we disagree. Single strand claims are simple and easy to understand. The complexity of the concept of inter-sectional multiple discrimination claims would leave organisations and businesses in a state of great uncertainty and potentially lead to numerous unanticipated claims.

The combination of just two strands together creates huge problems for businesses and other organisations. Even listing the potential combinations of the different equality strands would cause difficulty, let alone trying to anticipate the unique circumstances in which such cases may arise. The often-quoted example of the black woman in relation to employment only is the only example that can provide anything that is remotely understandable. No additional steps exist to make this any better since the concept itself does not stand up to scrutiny and lacks legal clarity. It should, therefore, sensibly be abandoned.

Question D:

Do you agree with our assessment of how businesses and organisations will defend a claim, and the costs which will be incurred when they face a claim of multiple discrimination? If not, please set out how you think the process would differ from that described and how this would impact on the costs incurred.

No the costs are likely to be much greater as the earlier part of this consultation has illustrated. The likelihood is that the 2 single strands will be pleaded independently and then the multiple discrimination claim added on, (which would add all grounds and throw everything into the melting pot). Allegations of single strand claims combined with multiple discrimination claims will significantly add to the cost and time for organisations and businesses to respond to such claims and the need for more complex responses. It would be extremely difficult to advise a business on how to respond to multiple discrimination claims when a person simply alleges this has taken place in his or her unique combination of discrimination factors and a real or hypothetical comparator cannot be easily found or envisaged. It will result in the absurd situation of a person's word against another individual or organisation.

Our answers to previous questions show how difficult it will be for organisations and businesses to argue against multiple discrimination without a proper simple one strand backdrop of a comparator. Paragraph 5.4. simply refers to being treated less favourably and being left to the employer or service provider to provide a non-discriminatory reason.

Paragraph 5.8. says:

Should a court or tribunal find in favour of the claimant in a multiple discrimination claim, compensation and damages will be calculated in the same manner as for single-strand claims of discrimination based on actual loss and injury to feeling. There is no provision for aggravated damages or increased compensation for multiple discrimination. If the claimant is successful on more than one claim (including a claim of multiple discrimination), the award will be calculated in the same manner as for more than one successful single-strand claim, again based on actual loss and injury to feeling. Because there can be no double recovery, the award for more than once successful claim must reflect the actual loss and injury to feeling as a result of the less favourable treatment as a whole, rather than, for example, just doubling the award which would have been made in a single successful claim.

It is unclear in the above explanation whether or not a multiple discrimination claim will be awarded on the basis of two successful single strand claims or not. In our opinion this is yet another reason why the whole costly and unnecessary concept of multiple discrimination should be abandoned and option I pursued.

Question E:

Do you agree with our conclusion that multiple discrimination claims should not take significantly longer to consider than single strand claims? If not, can you describe how much longer you

think these claims and cases would take to consider, and what would be the subsequent cost burden to businesses or organisations from this additional time in courts and tribunals?

No, we disagree with your conclusion that multiple discrimination claims will not take significantly longer to consider than single strand claims. Please see our answer to question D.

Question F:

In defending claims of discrimination, do you/does your organisation rely on evidence of the treatment of similar people within your organisation? How would a multiple discrimination provision impact on this? By limiting the combination to 2 characteristics, we consider that this approach will still be feasible. Do you agree?

The comparison of evidence of the treatment of similar people is part of the definition of discrimination and is relevant to the consideration of a single strand

potential claim with its need for a comparator. This is more difficult to achieve in a smaller organisation which is why a hypothetical comparator may be considered but the difficulty of doing so has already been highlighted. The multiple discrimination provision would impact very badly on this, as explained in our answers to previous questions, due to the “uniqueness” of the alleged combined protected characteristics making it impossible for businesses or organisations to defend such a claim due to the difficulty of finding an actual or hypothetical comparator for all organisations and even more so for smaller organisations and individuals.

The whole concept of introducing a multiple discrimination provision in the Equality Bill should be abandoned as impractical, unworkable and infeasible causing an undue burden upon businesses with businesses being left unable to cope with such complexities even if limited to 2 characteristics.

Question G:

To what extent does your business or organisation demonstrate good practice in making sure you can point to the non discriminatory reasons for the decisions your business or organisation makes?

We believe that God created all humans in his image and that all human life is sacred. Moreover, we are instructed to love our neighbour as ourselves. We therefore believe that all humans are moral equals, each of whom is endowed by their Creator with certain equal rights. Thus, we love and treat all people equally in accordance with our sincerely held Christian beliefs.

Question H:

Do you consider there would be any other costs involved in defending a claim of multiple discrimination which we have not addressed in these questions? Can you please describe what these costs might be?

Yes, there are other costs involved in defending a claim of multiple discrimination which have not been addressed in these questions. Multiple discrimination provisions will create business uncertainty and the concept is so complex that organisations will be unable to risk assess or protect against the numerous circumstances that may potentially arise. The same applies for Christian individuals and organisations not only in relation to employment but also in service provision.

Costs need to be considered not just in financial terms but in human terms as well. As the result of organisations having to potentially defend multiple discrimination allegations, there may be human costs to an organisation in terms of the detrimental impact upon work relationships and work efficiency, with the development and potential encouragement of a hierarchical unhealthy ‘multiple victim’ mentality.

There is a need to develop more tolerance of each other not less, so that we all

are not so easily offended. Instead of introducing multiple discrimination provisions, we need common sense measures to develop tolerance and a healthier atmosphere at work. To be sure, we also need courts and tribunals to place greater respect and value upon the fundamental human rights of freedom of expression and the free exercise of religious conscience.

Question I:

What would guidance need to cover to ensure that businesses and organisations are clear about what they do and do not need to do? What do you consider to be the best way to communicate this guidance? Where would you normally go for guidance on discrimination law?

The consultation descriptions provided here show the difficulty of introducing guidance on this matter as the description of the comparison of age and disability shows. Even in this example there is a failure to describe the type of hypothetical circumstances in which this would be applicable. Presumably due to the difficulty of doing so. Please see our answer to question S in relation to the other examples given to show how no guidance will help communicate this complex concept of multiple discrimination.

Because no best way to communicate such complexities exist, the concept should be abandoned at the outset.

Guidance on the Equality Bill as a whole (as opposed to this provision which should be not pursued), is best placed on a website for easy access. The difficulty now, however, is the number of government departments and other organisations dealing with the Equality issue.

Equality Bill guidance should aim for simplicity of understanding and application. It needs to demonstrate a sensible and reasonable approach, which fully understands that rights conflict and with an emphasis upon the need to preserve the fundamental human rights of freedom of expression, thought, conscience and belief. Equality laws and policies need to be applied in a way which demonstrates fairness, reasonableness and a use of commonsense.

Question J:

Do you think our estimation of up to two hours for familiarisation time is correct? If not, how much time do you think would be needed to familiarise your business or organisation with this provision? Can you please describe the size of your business or organisation?

No, this would take much longer. For example, the document for this consultation is 51 pages long and there would be a need to assess how this related to the other parts of the Equality Bill. The Equality Bill is in two volumes on the Parliament

website, currently with 205 clauses and 28 Schedules.

A survey of 1,080 HR professionals by Personnel Today on the Equality Bill revealed that:

Eight in 10 respondents said the time spent dealing with employment law issues over the past two years had increased. The most significant reason for this increase was the administration time linked to introducing new laws (66%), with more than one-third saying the increase was due to more claims being brought by employees.

One in 10 HR professionals believe they will need 'a significant amount of time' to introduce the new regulations into their business, with a further 50% saying it will take 'a fair amount of time'. Public sector respondents were twice as likely as their private sector counterparts to need a significant amount of time (15% compared to 8%) – reflecting the increased duties the Bill will impose on that sector.

Two hours is therefore clearly insufficient. It would not really be prudent or possible to look at multiple discrimination on its own as it will be part of the whole of any Equality law changes.

The impact assessment on pages 49 and 50 grossly underestimates the time when it says:

There are approximately 1.2 million small and medium enterprises (SMEs). It is assumed that a general manager will be responsible for informing themselves about the change in legislation before disseminating this information. We estimate that this process will take one hour.... We therefore estimate that familiarisation costs for SMEs will be about £28 per SME.... We estimate that large enterprises will spend two hours on familiarisation..... We therefore estimate that familiarisation costs for large enterprises will be about £62 per large enterprise.

Question K:

We think that the large majority of people who have experienced multiple discrimination are already bringing cases relying on single strand claims and if a provision for multiple discrimination were introduced, that approximately 7.5% of the existing caseload would include a claim for multiple discrimination. From your business or organisation's perspective, do you agree with this conclusion? If not, please explain why.

No, this percentage is based on an estimate without a solid evidence basis. The impact assessment only refers to a comparison with the Irish Equality Tribunal over the last 3 years and then the descriptions on pages 44 and 45 make the figures meaningless because of the exceptions..

Point 5.16 also makes it clear that the Irish figures are based on additive multiple discrimination not the more complex intersectional multiple discrimination for

which international evidence has shown there to be no similar discrimination provisions in operation.

Question L:

Were protection from multiple discrimination to be introduced, we estimate that there would be a 10% increase in the number of cases brought. From your business or organisation's perspective, would you agree with this conclusion? If not, please explain why.

No, as outlined on page 46 of the impact assessment the percentage figure of 10% is based merely on "estimation" without any solid foundation.

Question M:

We conclude that there is likely to be a 20% increase in the number of cases that include a multiple discrimination claim which businesses or organisations choose to settle. From your business or organisation's perspective, would you agree with this conclusion? If not, please explain why.

No, as outlined on page 47 of the impact assessment the percentage figure of 20% is based merely on "estimation" without any solid foundation. Asking questions in K, L, and M as to whether or not organisations or businesses agree with these estimates will not make the percentages any more reliable.

Question N:

How can we work with businesses and organisations to discourage unmeritorious claims of multiple discrimination?

The best way of doing so would be not to allow any provisions on multiple discrimination in the Equality Bill and for the UK Government through the Council of Ministers to strongly resist such measures being introduced in the proposed new EU Directive on Equal Treatment outside the employment field.

It would be highly regrettable if such measures were introduced later on the basis of conformity with community legislation as the Equality Bill allows.

Question O:

What can Government do, either through guidance or other means, to help individuals to understand their rights in relation to multiple discrimination?

In our opinion, it is too difficult a concept to practically introduce and guidance will not help here.

Question P:

Can you please describe how you think a multiple discrimination provision would affect your business or organisation? Please indicate the size of your business or organisation when answering this question.

It would be totally impractical for all organisations including small ones.

We note that the conclusion of the Personnel Today article states that businesses want to know how to work within the law and minimise the risk of getting into trouble.

[://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html](http://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html)

In our opinion that would be impossible due to the hoops needed to understand this concept and for it to operate in practice. Page 45 of the consultation says:

For example, if a black woman has been discriminated against because of her combination of race and sex, the respondent can currently adduce evidence about how they treat black men or white women as proof that they do not discriminate on the grounds of race or, separately, sex.

Smaller organisations or even large organisations, depending on geographical location may not have employees with all of the necessary protected characteristics within the Equality Bill to be able to perform such an exercise even on a separate single strand basis.

Question Q:

Do you consider that the proposed provision could have unintended consequences? If so, please explain what they are and how the risk could be reduced.

Please see our answer to question A.

In our opinion, the introduction of a multiple discrimination provision will have the unintended consequence of even further jeopardising the reasonable and legitimate expression of Christian religious belief and cause a chilling effect upon free speech, adding even more potential claims to those which have already been brought against the legitimate expression of religious beliefs on sexual ethics. For example, it would open up the potential of a multiple discrimination claim to be brought by someone who was uniquely alleging that he or she was discriminated in the provision of a service because of being of an intersectional multiple discrimination unique combination of sex and sexual orientation, religion and sexual orientation or gender assignment and religion.

There should be no legislation in this area for the same reasons given by the Government in relation to the consultation on harassment which stated that:

We will only legislate if we consider that this is a proportionate response to a real problem;

and we are sure we can avoid unintended consequence, such as limiting the right to express a legitimate view or hold a particular belief.

[://www.equalities.gov.uk/PDF/DLRConsultation.pdf](http://www.equalities.gov.uk/PDF/DLRConsultation.pdf) (page 24).

There have and are already existing cases even on a single strand basis where Equality has been used as a reason for unfairly and unreasonably treating Christians. For example, a nurse has been sacked for suggesting a patient go to church not in real life but merely in a role play session and a nurse was suspended for offering to pray for a patient. A homeless charity worker was suspended for answering questions about his faith on same sex relationships to a colleague. A Christian teacher has been suspended from a senior post for complaining that a staff training day was used to promote a homosexual agenda. A homeless prevention officer was suspended for discussing his faith with a client.

Please see the following links on these cases:

<http://www.christianlegalcentre.com/view.php?id=746>

<http://www.christianlegalcentre.com/view.php?id=729>

<http://www.christianlegalcentre.com/view.php?id=723>

<http://www.christianlegalcentre.com/view.php?id=716>

<http://www.christianlegalcentre.com/index.php?tid=43>

[://www.christianlegalcentre.com/](http://www.christianlegalcentre.com/)

Question R:

What benefits could the proposed provision have for you or your organisation?

There are no benefits for any organisation to the introduction of an intersectional multiple discrimination provision in the Equality Bill as the whole idea is far too complex.

Question S:

Do you think the provision we are proposing would fill the gap we have described?

No, it would just make matters far too complex. The article in Personnel Today stated that:

One of the key objectives of the Bill is to make discrimination legislation easier to understand, thereby improving equality. However, only half of those surveyed believe the Bill will be very, or fairly effective in achieving this. Strikingly, just 4% of respondents thought the new law would be very effective in achieving this aim, while more than a third reckon the Bill will have little or no effect.

[://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html](http://www.personneltoday.com/articles/2008/11/21/48452/equality-bill-all-things-being-equal.html)

The failure of this consultation to clearly and properly advise on intersectional multiple discrimination is due to the extreme difficulty of doing so due to the incomprehensible and unworkable nature of the concept.

The type of examples given of multiple discrimination also clearly illustrates how difficult the concept is. It should be abandoned and not added to the Equality Bill.

In summary, we strongly urge the Government not introduce a multiple discrimination concept as this will not simplify the law which is the aim of the Equality Bill. Indeed, it may well make it more complex, unworkable and confusing. These and the other reasons specified in response to this consultation evidence the dangers of a multiple discrimination provision. It is for these reasons, therefore, that we urge that it never be introduced.