

Orders of the Day
Equality Bill [Lords]
Order for Second Reading read.
3.32 pm

The Under-Secretary of State for Trade and Industry (Meg Munn): I beg to move, That the Bill be now read a Second time.

I am pleased to be opening the debate on the Bill on behalf of the Government. I know that my right hon. Friend, the Secretary of State for Trade and Industry, is disappointed not to be in the House, owing to unavoidable commitments connected with the UK's presidency of the European Union.

Mr. Desmond Swayne (New Forest, West) (Con): Will the hon. Lady give way?

Meg Munn: How could I refuse?

Mr. Swayne: Has the hon. Lady spotted the fact that religious equality takes up 36 clauses, whereas sexual equality has merely one? That is a shocking shortfall in a Bill about equality. Is she working on an amendment to put sexual equality on the same footing as religious equality?

John Bercow (Buckingham) (Con): He does not care about either.

Meg Munn: The hon. Gentleman answers for me. I ask the hon. Member for New Forest, West (Mr. Swayne) to be patient, as I will get to those aspects later. If he takes the time to read the one clause, he will find that it is about sexual orientation.

The Bill is a key element in the Government's work on equality and human rights. It puts in place a new Commission for Equality and Human Rights that will support individuals, employers, service providers and public bodies. We are also examining the root causes of inequality and how they can be tackled through a fundamental review of equality in our society. Furthermore, we are reviewing the legislative framework concerning discrimination with a view to how it should be shaped for the future. The Bill and those reviews should be viewed in the wider context of the Government's manifesto commitment to bring forward a single equality Bill later in this Parliament.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Does the Minister share any of my anxieties that the creation of a huge bureaucratic quango is in danger of trampling on many of our much valued freedoms of speech or even—dare one say it—attitude? Is she not concerned that, even if enacted with all the best intentions, a Bill of this size and scope could create more problems that it will solve?

Meg Munn: I do not share the right hon. Gentleman's anxieties on that, or anything else.

Several hon. Members *rose—*

Meg Munn: I hope that hon. Members will permit me to make just a little progress.

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The Government have done more to promote equality and tackle discrimination than any previous Government. We have outlawed discrimination in the workplace on the grounds of sexual orientation, religion and belief, and will do so next year for age. The Government have introduced the groundbreaking duty on public authorities to promote race equality, which has been followed by duties for disability, which are on the statute book, and for gender, which are being introduced by the Bill. We established the Disability Rights Commission. We have continued to extend the rights of gay men and lesbians, with the Civil Partnership Act 2004, in an important addition to which we are introducing powers to protect against discrimination in goods and services.

Kali Mountford (Colne Valley) (Lab): My hon. Friend is right to say how much work has already been done on gender equality and for transgendered people, as with the 1999 regulations. Is she prepared to take another look at that issue to ensure that transgendered people are included in the scope of goods and services, as outlined already?

Meg Munn: I thank my hon. Friend for her intervention. A number of people have raised that issue with me. Of course the Government are entirely committed to equality for transsexual or—as some people prefer to be described—transgendered people. However, there are a number of complexities. We have put in place the discrimination law review, about which I will say a little more shortly, and we think that that is the appropriate place to deal with that issue.

Those achievements add to the record of over four decades of the House tackling discrimination, beginning with the first race legislation in the 1960s, and the Sex Discrimination Act and the Race Relations Act in the 1970s. It is, of course, 30 years this month since the Sex Discrimination Act 1975 was passed.

John Bercow: Having enthusiastically supported the Bill on Second Reading on 5 April this year, I do not feel the need to weary the House with the same contribution all over again.

Mr. Forth: You are on your own.

John Bercow: I may be on my own, but I happen to have the advantage of being in the right, which is not something that my right hon. Friend can boast.

May I simply tell the Minister that, in introducing the regulations to protect gay people from discrimination in the provision of services, facilities and goods, it is important that they be introduced soon, that they be comprehensive and that they do not contain get-out clauses that would provide licences for the continuing practice of prejudice?

Meg Munn: I thank the hon. Gentleman for his intervention. He makes some important points. Of course, it is absolutely right that those regulations should be subject to a good deal of consultation and that we should get those issues right. That is one of the reasons why we want to take our time and why we did not want to proceed with amendments at this point, but have accepted an order-making power in the Bill.

Chris Bryant (Rhondda) (Lab): Contrary to the mumblings among Conservative Back-Benchers, by

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which they seem to suggest that equality does not interest them at all, many Labour Members and a few Opposition Members are very grateful to the Government for giving way on the issue of goods and services for gays and lesbians—in particular, because many people in this country are already sick and tired of the fact that their GPs refuse to look after them because they are homosexual. That must surely be wrong, and we are grateful to the Minister for giving way on that issue.

Meg Munn: I thank my hon. Friend for his comments. Of course such things are wrong, and they are precisely some of the issues that we hope to deal with.

Bob Spink (Castle Point) (Con): Will the Minister give way?

Meg Munn: I should like to make a little progress. I will give way in a short period.

We are also proud of what we have achieved in the area of human rights. The Government passed the Human Rights Act 1998—a historic step in bringing home the rights of the European convention on human rights and making them part of our domestic law.

The things that I am listing should not just be seen as combating unfairness, although that is certainly worth doing. Living in a country that values equality and human rights benefits everyone; it helps us to develop a better society. Equality is not a minority pursuit—although it appears to be among Conservative Members. We all have a stake in a successful society. For instance, if everyone is given the chance to participate in economic success on their own account or in a co-operative environment, wealth is created. Our country and our communities need the talents and the energy that each person has to give. Without those talents and energy, particularly if they are held back by bigotry and hatred, we are all diminished.

Mr. Henry Bellingham (North-West Norfolk) (Con): Does the Minister agree that hard work needs to be fairly rewarded? Will she have a look at the gender pay gap? Am I right in thinking that there is still a 16 per cent. difference between male and female salaries at the Department of Trade and Industry?

Meg Munn: The hon. Gentleman raises a point that I shall address a little later when we deal with the gender duty.

Many people in our society still do not have a fair chance in life. Prejudice and disadvantage continue to blight the prospects of far too many. We live in a world in which there are many identities, cultures and faiths, in which the patterns of family life are changing and in which changing demographic patterns raise important issues about the rights of older people. Those matters are not remote; they touch all our lives.

Simon Hughes (North Southwark and Bermondsey) (LD): As the Minister knows, Liberal Democrats welcome the Bill. Will she address a group of people who have not been mentioned in her speech: couples—one

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man, one woman—who have chosen not to marry, but have remained together for years as a partnership? Will such partnerships be recognised by the Government either through the Bill, or in the near future?

Meg Munn: The Bill does not cover that matter. I understand that there are no plans at present to deal specifically with those circumstances.

Parents want their children to have a fair chance in life, whatever their race and gender, and whether or not they are disabled or gay. We all grow old and want to do so with dignity and respect.

Mr. Paul Burstow (Sutton and Cheam) (LD): I, too, welcome the Bill. The Minister touched on the discrimination that older people can often face in terms not only of their rights to employment, but of their access to goods and services. The Bill will not extend protection on goods and services to older people. Will she give us some sense of the urgency that the Government attach to extending such protection to older people and a timetable for achieving that?

Meg Munn: Issues of age are pervasive. Provisions on age in many aspects of our legislation affect not only older people, but younger people. We are examining the matter as part of the discrimination law review and intend to bring forward a Green Paper early next year. That will enable us to have proper consultation on such matters, which will lead to a single equality Act. I will say a little more about that later.

Tony Baldry (Banbury) (Con): I basically welcome the Bill, but I hope that the Minister can solve a mystery. She referred to the substantial review that the Government are undertaking on equality and discrimination legislation. I do not understand why they are not waiting for the outcome of the review before bringing forward substantive legislation. They seem to be putting the cart before the horse.

Meg Munn: I thought that I was being asked to solve a mystery, but it is a bit simpler than that. The work that is going on to establish the commission will indeed take some time, as will work to examine the range of issues with which we expect the commission to deal. By bringing forward the Bill now, we can begin to move towards having the commission in place near the end of 2007.

Angela Eagle (Wallasey) (Lab): Will the Minister ignore the siren—if majority—voices that are coming, interestingly, from Conservative Back Benchers, although they did not appear when we had this debate just before the general election?

John Bercow: We were very sound then.

Angela Eagle: We were sound all round, so I am sorry that we seem to have regressed, at least in some parts of the House. Will the Minister give us an indication of how quickly the single equality Act, which will put the last pieces of the jigsaw into place, will come before the House? Some of us are anxious for it to appear as quickly as humanly possible.

Meg Munn: I thank my hon. Friend for her intervention. I am very happy to ignore certain sounds

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from certain Benches. Obviously, we want to make as much progress as we can in moving towards the very important single equality Act, which is a manifesto commitment for this Parliament. I am not in a position to give a great deal more detail at the moment, but I will be saying a little more about the processes as I continue; and on that note, Mr. Speaker, I intend to make some progress.

Parents want their children to have a fair chance in life, as I said. Looking to the future, young minority ethnic workers will account for more than half of the increase in the working-age population over the next decade. More than two thirds of additional jobs expected to be created over the same period are likely to be filled by women.

The Government are addressing those profound changes in society in many ways, including through the three elements of our equality and human rights programme. First, the new commission for equality and human rights will be a champion for equality and human rights, using its influence and expertise to deliver real and lasting change. Secondly, there is the equalities review led by Trevor Phillips, who is currently chair of the Commission for Racial Equality. We need better to understand the long term and underlying barriers to opportunity so that we can identify the most effective ways to improve outcomes for individuals. Thirdly, the discrimination law review will develop proposals for a simpler, fairer legal framework while taking full account of the need of employers and service providers.

The two reviews are part of the essential work that is needed to deliver on our manifesto commitment to bring forward a single equality act in this Parliament. It is essential to get the new commission in place quickly.

David T.C. Davies (Monmouth) (Con): Will the hon. Lady give way?

Meg Munn: I need to make some progress.

The commission for equality and human rights will make a difference. It will act as a champion and influencer, putting equality and human rights on the agenda across society, and helping to ensure that fair treatment becomes the norm everywhere.

David T.C. Davies: Will the hon. Lady give way?

Philip Davies (Shipley) (Con): Will the hon. Lady give way?

Meg Munn: I will give way shortly, but I need first to make a little more progress.

The commission will reach out to all sections of society, through a duty to consult on its strategic plan. It will be relevant to all—no more pigeon-holing people by one characteristic—underlining the fact that equality is important for us all, not just for particular groups.

David T.C. Davies: Will the hon. Lady give way?

Philip Davies: Will the hon. Lady give way?

Mr. Andrew Robathan (Blaby) (Con): Will the hon. Lady give way?

Meg Munn: In a moment. The commission will work for individuals, providing advice and support on all

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discrimination issues. It will map Britain's progress towards equality and human rights through a duty to produce a "state of the nation" report. It will look at the hard evidence of what has been achieved and what more needs to be done. It will help make communities better places to live in through its good-relations work, to build trust and reduce tension between different groups.

Mr. Robathan: Will the hon. Lady give way?

Joan Ruddock (Lewisham, Deptford) (Lab): Will my hon. Friend give way?

Meg Munn: I will give way to my hon. Friend.

Joan Ruddock: I very much welcome the Bill, but does my hon. Friend agree that it is important that under clause 10, on good relations, there is no hierarchy of inequality and that, indeed, there is equality of resources going to the different strands? Will she therefore look again at clause 10 (4), where there is a clear indication that particular regard should be given to "race, religion or belief"? That is of great concern to many of the other strands—we understand why there is such a provision, but it looks like a hierarchy and there is concern about the allocation of resources.

Meg Munn: I thank my hon. Friend for her question. The Government believe that it is enormously important to carry forward the innovative work in that area of the Commission for Racial Equality.

David T.C. Davies: Will the hon. Lady give way?

Meg Munn: Will the hon. Gentleman please wait while I answer the previous intervention?

We want to ensure that that work is carried forward, and we believe that it is enormously important that that be given some priority. Nevertheless, the purpose of a new commission that will work across a range of issues is not to identify particular budgets for particular areas. As I said, people do not have just one identity or one characteristic. For example, we know that white working-class boys currently do not do well in education, and that might well be an issue that the commission will want to consider. So in that respect, there is not a hierarchy, although there is provision for the duty to which my hon. Friend referred.

Mr. Robathan: Will the hon. Lady give way?

Meg Munn: I will give way to the hon. Gentleman; he has been very persistent.

Mr. Robathan: I confess that I have not followed the passage of the Bill through the House of Lords as closely as I should have done, so will the Minister help me? She says that the Bill will make things simpler, but will she also explain how much money will be saved for taxpayers and from the lessening of bureaucracy as a result of one body taking in three commissions?

Meg Munn: The hon. Gentleman raises the important issue of the commissions' coming together. Even though there are three existing commissions, some areas

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currently have no institutional support; for example, there is no such support for human rights, sexual orientation, religion and belief, or age. Moreover, and as I just pointed out, white working-class boys do not necessarily figure so far as the existing commissions are concerned. This is a question of equality, which is why we are bringing the commissions together. The overall budget will increase—*[Interruption.]* It will increase because we are taking on additional responsibilities, which we believe is the right thing to do. Our consultations show that this is the correct way to proceed.

Several hon. Members *rose*—

Meg Munn: I shall make a little more progress before taking more interventions. I am very pleased that there is such a lot of interest in this issue.

The new commission will give Britain a body dedicated to supporting and protecting human rights for the first time. It will have specific powers and duties to advance a human rights culture based on respect for individual rights and the worth of each person.

Annette Brooke (Mid-Dorset and North Poole) (LD): Will the Minister give way?

Meg Munn: If the hon. Lady will be patient, I want to make a little more progress.

Bringing equality and human rights together will help us to provide better protection for the most vulnerable in our society, such as elderly people in care homes. The commission will encourage compliance and good practice by public authorities with obligations under the Human Rights Act 1998, thereby helping to make fair and decent treatment the norm.

Mr. Gerald Howarth (Aldershot) (Con): Will the Minister give way?

Meg Munn: I want to make some progress.

Such efforts will help to bring human rights out of the courtroom and into the fabric of public services.

Several hon. Members *rose*—

Meg Munn: I give way to the hon. Member for Mid-Dorset and North Poole (Annette Brooke).

Annette Brooke: I thank the Minister for giving way. Will she consider including in the Bill an explicit reference to children, and does she agree that without such a reference, there is a danger that any such organisation might ignore children's needs and rights, or give them insufficient attention?

Meg Munn: I do not agree. Children are people and this Bill is for all people. It is important that they be considered along with everybody else, so I would resist including a specific reference to children. It is enormously important that clear guidelines and

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procedures be established for the commission's working with the children's commissioners. We expect that to be achieved through memorandums of understanding.

Several hon. Members *rose*—

Meg Munn: I give way to my hon. Friend the Member for Amber Valley (Judy Mallaber).

Judy Mallaber (Amber Valley) (Lab): Given that, to judge by past experience, the commission will put a considerable amount of effort into dealing with employment issues, and given that one concern is dispute resolution, we will need the commission to include people with experience of such issues. Will my hon. Friend therefore consider extending to the new commission the existing commissions' practice of having experienced people from both sides of industry? Such people also have wide experience of discrimination and prejudice issues. I hope that she will continue that practice—an idea for which the Bill does not currently provide.

Meg Munn: My hon. Friend raises an issue of detail, and I should be grateful if she held on to that thought until I come to the relevant part of my speech, as I am about to do. First, I give way to the hon. Member for Aldershot (Mr. Howarth).

Mr. Gerald Howarth: I am extremely grateful to the Minister for giving way. I have to say that, as a white, Anglo-Saxon, Anglo-Scot, middle-class male heterosexual, I feel that we are increasingly becoming the persecuted who might be in need of protection. The Bill is nothing if not the ultimate manifesto in political correctness. She

said that it will apply to public authorities. Can she explain why, for some obscure reason, this place, the other place, the Security Service and the authorities of both Houses are exempt from all this absurdity? Does that not undermine the whole case for this absurd and ridiculous Bill, which should be consigned to the dustbin now?

Meg Munn: I am enjoying this more than I expected to; the Conservatives' arguments are indeed interesting. The Bill's application to public authorities is a matter of detail and if the hon. Gentleman, to whom I was extraordinarily polite, can hold on to his question, we can consider it a little later.

I now turn to the detail of the Bill. It comes to this House following thorough scrutiny in the other place. During that process, the Government showed that they were willing to listen to proposals for improving the Bill, and to amend it accordingly. I have already mentioned a key example—the inclusion of a new part 3, which provides a power to make regulations prohibiting discrimination on grounds of sexual orientation. Other important improvements include strengthening the independence of the new commission; integrating more closely the commission's duties and functions in relation to disabled people with its duties and functions in relation to other groups; and bringing provisions in part 2 on religion and belief more closely into line with existing legislation. Part 1 establishes the Commission for Equality and Human Rights and defines its purposes and functions, including its enforcement powers. It will build on the

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achievements of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission, which have worked tirelessly to keep equality issues high on the policy agenda. Through their work, they have made real and practical differences to people's lives.

Harry Cohen (Leyton and Wanstead) (Lab): Is the Minister aware of the criticism of Lord Ouseley in the other place, who says that it would be possible for the commission to be an all-male, all-white body? That is most unlikely, but the Government should address that structural problem. The Minister said that she wanted to advance existing race equality work, but is that not best done by a race equality committee and a race equality commissioner?

Meg Munn: Again, my hon. Friend has anticipated something that I shall deal with shortly.

The Commission's general duty set out in clause 3 sums up our equality and human rights vision—to encourage and support the development of a society where everyone can achieve their potential unlimited by prejudice and discrimination, where there is respect for the dignity and worth of every individual, and where there is mutual respect between groups based on the understanding and valuing of diversity and on shared respect for equality and human rights.

David T.C. Davies *rose—*

Philip Davies *rose—*

Meg Munn: I will give way to the hon. Member for Shipley (Philip Davies).

Philip Davies: Will the Minister comment on the fact that in the past 10 years the Commission for Racial Equality has faced about 20 claims of racial discrimination from its employees, some of which have been settled out of court with taxpayers' money? Does she think that that record justifies using even more taxpayers' money to bolster that organisation?

Meg Munn: The hon. Gentleman should read the Bill's provisions more closely.

Clauses 1 to 7, together with schedule 1, establish the new commission and set out provisions concerning its constitution, membership, planning, consulting and reporting arrangements, as well as other internal machinery. Schedule 1 provides for at least one commissioner to be a disabled person, and for a disability committee to oversee the commission's disability-specific work. The disability committee, which will be subject to a review under the Bill, will build on the work of the Disability Rights Commission and will reflect the unique aspects of disability law including, for example, the requirement to make reasonable adjustments. The schedule also specifies that there must be commissioners with special knowledge of Scotland and Wales, and committees to steer the commission's work in Scotland and Wales. That is right for modern Britain, where the devolution settlement recognises the different social, cultural and political contexts of those countries. The Government want to allow the

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commission as free a hand as possible in the way in which it structures and organises its activities, which was an issue of concern in the other place.

Turning to the issue raised by my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), the Bill gives the commission complete discretion to establish committees and delegate functions to them as it sees fit. It can establish committees to provide a voice for specific groups, to bring in specific expertise, or for any other purpose. It is better for the commission to make those decisions, rather than impose committees through the Bill. Clauses 8 to 12 set out the commission's duties in relation to equality and diversity, human rights, and good relations between groups, as well as its duty to monitor the law and undertake a regular equality health check for Britain.

Julie Morgan (Cardiff, North) (Lab): Is my hon. Friend aware of the sad death of Charles Smith a week ago? He was a CRE commissioner and a Gypsy who fought endlessly for equality and human rights. Will my hon. Friend ensure that Gypsies have a voice on the new commission?

Meg Munn: My hon. Friend raises an important matter. Indeed, I was aware of the gentleman's sad death and pay tribute to the work that he did.

David T.C. Davies *rose*—

Meg Munn: The appointment of commissioners needs to reflect the whole range of equality issues. Regardless of what some Opposition Members seem to believe, I repeat that equality is an issue for everyone. We need a balance of commissioners who take into account a range of issues, such as trade unions and employers. Specifying individual commissioners in the Bill might prevent the commission from covering the full range of equality issues that we want it to cover.

I will give way to the hon. Member for Monmouth (David T.C. Davies) for his persistence.

David T.C. Davies: I thank the hon. Lady. Whatever else we may say, she has certainly been generous with her time. Will she acknowledge that one of the failings of the Commission for Racial Equality has been its presumption that the only people in our society who are racist are white? Will the successor body to the CRE take action to eradicate the racism and prejudice that are clearly present among the black, Asian and Muslim communities, and also acknowledge that white people are occasionally the victims of that racism?

Meg Munn: Again, the hon. Gentleman takes me away from the specifics of the Bill.

Clause 10 places the commission under a duty to promote good relations, work to eliminate hate crime and encourage participation in society. We recognise the significance of the commission's good relations role with race and faith communities and have ensured that the commission for equality and human rights will be required to consider the particular importance of that. This reflects the need to build on the pioneering work of the Commission for Racial Equality in this area. It also

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enables us to underpin our commitment to support the important local race equality work carried out by the network of racial equality councils and others.

Sir Patrick Cormack (South Staffordshire) (Con): I am grateful to the Minister, who is indeed being generous. I hope she is now being treated equally in the Government and being paid for what she is doing. In the other place, an amendment was moved and carried by some 90 votes to remove religious harassment from the Bill—a very wise move. Can the Minister give the House an assurance that the Government will not seek to re-insert that?

Meg Munn: If the hon. Gentleman is patient, I will come to that shortly.

Clauses 13 to 19 set out the commission's general powers to publish information and give advice and guidance, arrange for research and promote compliance with the law. The commission will be able to issue statutory codes of practice and conduct general inquiries into equality and human rights issues. Clauses 20 to 32 set out the commission's enforcement powers. These are based on those of the existing commissions, with some modernisation and increased flexibility. The remainder of part 1 sets out the provisions for transition from the existing three commissions to the new one.

In part 2, clauses 43 and 44 define religion and belief, and discrimination. Clauses 45 to 54 generally set out the prohibitions on discrimination in the provision of goods, facilities, services, premises, education and public functions. General exceptions are at clauses 55 to 63, and the rest of the part deals with enforcement and other matters.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I am grateful to my hon. Friend, who has been astonishingly understanding. Are we really to understand that public organisations such as our own are to be excluded from the Bill? It is always better to lead by example, rather than by exception.

Meg Munn: My hon. Friend makes an important point. I shall return to it shortly.

At present, case law under the Race Relations Act has seen protection against discrimination in the provision of goods, facilities and services, and in education and the provision of public functions, extended to Jews and Sikhs, but to no other faith or belief groups. This inequality of treatment is not right, and the Bill corrects it.

Part 2 was thoroughly debated in the other place, and a number of significant and helpful amendments were made. For example, in clause 44, the grounds on which discrimination can occur were clarified, and in clause 52 provisions were made against discriminatory practices. The exception for the immigration service in clause 51(f) was narrowed in response to comments from the Joint Committee on Human Rights and others. There was considerable debate, in particular, around issues connected with education. I am sure these important provisions will enjoy both the robust scrutiny and the support of the House.

John Bercow: The Minister has been extremely generous in giving way. A few moments ago, she

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referred to the importance of tackling hate crime. Given that there have been several instances, including a number of relatively well publicised cases, of musical lyrics urging the assassination of gay people, and that in each and every one of those cases no action has been taken, does she think that the existing law is adequate, and if not, what does she propose to do about it?

Meg Munn: The hon. Gentleman has raised an important point. It is important to deal with hate crime, wherever it occurs. Hate crimes from which people with disabilities suffer were debated in the other place, and we must tackle them, too. The Bill does not seek to do everything in relation to equality—it is a further step along the

road. The discrimination law review, on which a Green Paper will be introduced early next year, will enable us to consult much more widely and begin to consider all the issues in detail with a view to introducing a single equality Bill to tackle a range of issues and bring all our discrimination law into one place, which will make it much simpler to access for individuals, organisations, companies and public authorities.

The hon. Member for South Staffordshire (Sir Patrick Cormack) has raised the issue of harassment. Hon. Members know that the one point on which the Government were defeated in the other place involved an amendment that removed harassment on grounds of religion or belief from part 2, the effect of which is that the Bill no longer prohibits harassment on the grounds of religion or belief in the exercise of public functions, housing or education.

We have considered very carefully how to respond to the debates in the other place and that vote. We remain convinced that it is important to act against harassment on the grounds of a person's religion or belief, particularly in the provision of public functions and the other areas that I have mentioned. We are committed to the development of sensible proposals to combat harassment in its different manifestations across the range of equality strands. However, the strength of feeling in the other place, the current work of the discrimination law review in fundamentally examining issues of inequality and discrimination, and the subsequent opportunity to reintroduce the provision before Parliament in a single equality Bill have persuaded us not to seek to re-introduce those provisions in this House at this time. We will continue to consider the detail as part of the discrimination law review before making further proposals. I hope that the House will join me in recognising the principle that it is important to act against harassment on grounds of religion and belief, as many people do not feel that the current arrangements adequately protect them.

Bob Spink: Will the Minister explain why the Protection from Harassment Act 1997 does not provide a sound basis for dealing with those issues?

Meg Munn: The hon. Gentleman has introduced a level of detail to which I am unable to respond at this point, but I will try to obtain a response for him.

Sir Patrick Cormack: As I raised the subject, may I thank the Minister for her response? I urge the Government to consult widely before they tackle the subject in any future Bill.

Meg Munn: I assure the hon. Gentleman that that is our intention through the discrimination law review.

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Mr. Tim Boswell (Daventry) (Con): I echo the remarks of my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) on the wisdom of the course that the Government have taken, which has clearly caused genuine disagreement. In the spirit of the discrimination law review, which is being conducted in-house at this stage, will the Minister confirm that she welcomes representations from, for example, hon. Members on both sides of the House and others, which will allow those representations to be fed into the review at an early stage, because I agree that it is important that the review come up with a series of balanced and defensible findings?

Meg Munn: Of course I am always happy to receive representations that seek to take us to law that effectively does what we want in preventing harassment. The views of hon. Members and many people outside Parliament are important in these matters.

I want to deal with the question of why there are certain exclusions in discrimination law. It is sometimes necessary to ensure that legislative measures are not fettered by public duties to promote equality and that the important work of the security and intelligence agencies can continue effectively.

David T.C. Davies: Will the Minister give way?

Meg Munn: I need to proceed, because many hon. Members want to take part in the debate. I am sure that if the hon. Gentleman stays he will have an attentive audience.

I turn to the new part that was added to the Bill during Third Reading in the other place. The Government have accepted amendments to provide a power by which the Secretary of State may make regulations that prohibit sexual orientation discrimination in the provision of goods, facilities and services or in the execution of public functions. We recognised the widespread support in Parliament and beyond for these measures, and continue to be firmly committed to the provision of comprehensive rights for lesbian, gay and bisexual people. This change in the law is another important move, among many taken by this Government, towards that aim.

Part 4 contains provisions that prohibit public authorities from discriminating on grounds of sex when carrying out their public functions and place on them a duty to promote equality of opportunity between men and women when exercising their functions. That will lead to important changes and may be the biggest advance since the passage of the 1975 Act itself. It complements the duties in respect of race and disability that are already on the statute book.

Although the Bill is not intended to deal comprehensively with all equality issues or all discrimination law, it is another major step towards a society where every person has a chance to achieve their potential, not limited by prejudice and discrimination—a society that is based on the enduring values of respect, dignity and fairness, which we all share and which form the foundations of British society, and where groups and communities are able to live side by side with mutual respect and understanding, not fear, ignorance or hostility.

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These are important issues that we must address if Britain is to face the challenges of the future with confidence. The Bill will help us to do that. The time is right for the Bill. The Government moved swiftly to introduce it following the election because it ran out of time in the last Parliament. There is a great deal of support for the Bill across the House and among the many groups outside the House who have a detailed interest in its provisions. Equality and human rights are important to everyone. I commend the Bill to the House.

4.12 pm

Mrs. Eleanor Laing (Epping Forest) (Con): I welcome the Minister to her first Second Reading debate in her ministerial role. She puts her points eloquently, even where I do not agree with her, and I am grateful to her for doing so. I am also grateful to her for listening patiently to many of my hon. Friends. I think that we are going to have a lively debate.

I pay tribute to the many outside bodies that we and the Government have consulted on these matters. The Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality have worked hard to refine the contents of the Bill, as have the Christian Institute, Stonewall and Age Concern. We have considered their views carefully; I am sure that the Minister has done the same.

The Bill has been considerably refined and improved by many of my noble Friends and other Members in another place, particularly Baroness Miller and Baroness O'Cathain. Lord Alli and Lord Rix also made terrific contributions, all of which will inform and improve our debate.

In general, the Bill has good intentions and we support it. However, as some of my hon. Friends have pointed out, like all good intentions, the Bill must be refined and implemented in a workable fashion. When it goes into Committee—I hope hon. Members will decide that it should—we will have many detailed questions to ask and suggestions for improvements to make, and I hope that the Minister will consider them positively.

Vera Baird (Redcar) (Lab): As the Member who leads the Conservative party's support for the Bill—and who did so historically—is not the hon. Lady as upset as I am by the Neanderthal comments from Conservative Back Benchers? How does she cope with the yobs at the back?

Mr. Speaker: Order. The hon. and learned Lady must withdraw that last remark.

Vera Baird: I am sure that there is not a single yob on the Back Benches of the Conservative party.

Mr. Speaker: Withdraw the remark.

Vera Baird: I have.

Mrs. Laing: I am grateful to the hon. and learned Lady for withdrawing a question that I cannot answer.

I hope that the Minister will consider our reservations positively. Any criticism that Conservative Members make is meant to be constructive because we want the

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proposals to work. To command the widespread support that is necessary for that, the Bill must fulfil four specific conditions.

First, the new body—the commission for equality and human rights—must be cost-effective. I am worried about the Government's estimate of its running costs. The Minister said that they are likely to be £70 million per annum—almost 50 per cent. more than the current cost of the three bodies it would replace.

Meg Munn: Forty-three per cent.

Mrs. Laing: I withdraw the "almost 50 per cent."; let us stick with 43 per cent. The cost will be 43 per cent. greater than the current cost of the three bodies it would replace.

Bob Spink: My hon. Friend makes an excellent point but she forgets the economies of scale of combining those organisations. With economies of scale, the cost almost doubles. Why will that happen?

Mrs. Laing: I thank my hon. Friend, but of course I had not forgotten the economies of scale—I am about to deal with them. Why is there such a significant increase in cost? We all know that when the Government or any other body estimate a cost, it almost always increases in reality. I therefore suspect that when we examine the measure in two or three years, my initial 50 per cent. figure will probably be nearer the mark than 43 per cent.

Sir Patrick Cormack: My hon. Friend's comments are important, but something else is even more important. The new body should be credible and earn respect. If it is to achieve that, is not it important that it does not appear to be meddlesome on the side of those who would remove Bibles from lockers and do silly things that would bring it into disrepute?

Mrs. Laing: My hon. Friend is right—he must have read page 5 of my speech. We will get there in due course. Cost is only my first point; there are many others.

We understand that the new commission will have additional powers and duties and that a balance must therefore be struck between the economies of scale of bringing together the administration of the three bodies under one roof and expanding its remit. I strongly welcome the fact that the new body will deal with discrimination on the ground of age, sexual orientation and religion or belief as well as race, gender and disabilities, which the current bodies cover.

Angela Eagle : I thank the hon. Lady for giving way, and I hope that she will continue to be robust with the reactionary tendencies on the very back of her Back Benches. She is making a case about the increase in funding. In addition to the three strands that have traditionally formed part of the pioneering anti-discrimination legislation of the 1970s, we now have four more. Are not the increases in funding therefore entirely in order, to enable the new protections that are being extended to many of our citizens to become a reality?

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Mrs. Laing: The hon. Lady makes a point about arithmetic, but none of us can prove the arithmetic until we see exactly what the new body will do, and exactly how the economies of scale will work in bringing the three existing bodies under one roof. It makes sense to bring all the aspects under one directing body, especially as many instances of discrimination relate to more than one of the six categories, and I totally support that plan. However, when we do the arithmetic, the necessary increase in funding—taking into consideration economies of scale and the expansion from three aspects to six—will surely not amount to 43 per cent.

Mr. Bellingham : Increasing the commission's remit and bringing in the additional four strands will lead to an initial increase in costs, but the new quango will need only one information technology department, one human resources department and one new public relations department. Surely that is where the savings could be made. Far from making savings, however, the commission's budget will almost double.

Mrs. Laing: Yes, I would have thought that savings could be made in those areas, and that they could be offset against the increases that will be necessary to bring in the other three strands.

John Bercow : My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) raised a perfectly fair point about the need for the commission to establish credibility. Does my hon. Friend the Member for Epping Forest (Mrs. Laing) agree that, in its dealings with individuals and organisations, the commission should be guided by a very simple principle, namely that it should be the friend of the willing but uninitiated, and the foe of the wilfully non-compliant and incorrigibly discriminatory?

Mrs. Laing: Yes, I agree with my hon. Friend. His poetic way of expressing his view is excellent, and I hope that he will forgive me if I steal his words to use in future discussions—*[Interruption.]* The Minister seems to suggest that she might do the same.

Harry Cohen : Notwithstanding the hon. Lady's point about costs, is not there a strong case not only for a London committee, but for the commission's national base to be in London? If we do not want a situation in London similar to the one that we have seen recently in Paris, the commission will surely need to be on hand and active in London, and able to lobby Ministers here.

Mrs. Laing: I understand why the hon. Gentleman is standing up for London, and I am sure that that matter will be discussed at a later stage. If I were the Minister, I might be able to give him an answer on that point, but sadly I am not.

The Government will have to go a lot further to justify the proposed increases in the cost of the new body. This is all taxpayers' money, and it is the Government's duty, when spending it, to consider that, if that pot of money were not spent on the administration of the new commission, it could be spent on education and training, for example, which would give more opportunities to all kinds of people in all parts of the country. I am sure that we shall return to the issue of

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costs in our further consideration of the Bill, and I hope that the Minister and her colleagues in the Treasury will give the matter serious consideration.

The rules and regulations imposed by the Bill must not put too many burdens on business, especially on small businesses that do not have human resources departments to deal with them. I cannot emphasise this point too strongly. As my hon. Friend the Member for South Staffordshire rightly said, it is important that the new body—and all that it stands for—commands respect. If the new provisions are seen to be disproportionately bureaucratic and overbearing, all that will happen is that employers will find an excuse not to employ women, disabled people, people from ethnic minorities or gay people in the first place. Reasonable employers who have an unreasonable fear of expensive litigation will find a way round it. They will not risk having a case brought against them, so the Bill's good intentions will backfire. I do not want that to happen, so the balance must be kept reasonable.

Thirdly, the new provisions must not be seen to interfere in people's lives where such interference is unnecessary. I am pleased that my noble Friends have succeeded in removing the clause relating to harassment on grounds of religion or belief. We all want to see an end to such harassment. No one wants to see harassment on any grounds whatsoever, but the end that the Government rightly sought to achieve will not be achieved by enacting overbearing legislation that would have had unintended consequences.

In all that we do in considering the Bill, it is vital that we preserve the distinctiveness of traditional groups, organisations and institutions of any religion or belief from any part of the country, representing any sector of our society. That distinctiveness is absolutely essential. There was a danger that that might have been lost under the Bill as originally drafted. As my hon. Friend the Member for South Staffordshire said a few moments ago, displaying a subtle and peaceful symbol of a religion, be it a necklace with a cross or a seven-branch candlestick at the back of a room, or playing traditional Indian music at a gathering, must not be allowed to be interpreted as causing offence to someone of another religion. That is going too far and would make the legislation backfire. So I am pleased to hear from the Minister that the Government do not intend to re-introduce the relevant clause to the Bill, but I am also pleased that the matter will be considered at greater length under the review, because it is a complex matter that deserves deeper consideration.

Mr. Swayne : My hon. Friend is right about the complexity and the need for greater reflection, but she will notice that in relation to part 3 the harassment provisions remain within the Bill, and it is within the Minister's power to make regulations. Surely that is not acceptable.

Mrs. Laing: My hon. Friend makes a good point. In principle, it is acceptable to try to enact legislation to stop harassment, but I intend to look at the matter in great detail in Committee, because we must be careful that the provisions relating to preventing harassment do not have unintended consequences.

Will the Minister now give me an assurance that the Government will, in their further deliberations, protect the distinctive ethos of groups, organisations and

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institutions throughout the country? Perhaps when the Minister replies she will give that serious consideration. Every group, society or institution should be allowed to have their distinctive ethos, and we do not want, in the name of equality, to destroy distinctiveness.

Sir Patrick Cormack: Like the Minister, my hon. Friend has been extremely generous in giving way. Is she aware that reputable bodies such as the Christian Institute feel that, if we are not careful—I choose my words carefully—some of the Bill's proposals could create a situation where one has freedom from religion rather than freedom of religion and for religion?

Mrs. Laing: My hon. Friend makes another good point. I mentioned the Christian Institute and its consideration of the Bill at the beginning of my speech. Many of the unintended consequences were dealt with very well by Conservatives and others in the other place. I am sure the Minister will be pleased to hear that we will deal with the issue in more detail in Committee, when I shall bear in mind what my hon. Friend said.

I mentioned the excellent work done in the other place. I am also very pleased that the Government have accepted the amendments relating to discrimination in the provision of goods and services on grounds of sexual orientation. It is only logical to give those who might be discriminated against on such grounds the same rights as other groups, and I commend Stonewall for its reasonable arguments in that regard.

Bob Spink : Does my hon. Friend accept that there should be exceptions for religious groups?

Mrs. Laing: Of course there should always be exceptions. Laws without exceptions are not good laws.

Mr. Swayne : Will my hon. Friend give way?

Mrs. Laing: In the interests of fairness and equality, I will.

Mr. Swayne: When we consider exceptions, what is important is scrutiny of the parliamentary process. However, one clause in part 3 effectively hands over the entire legislative process to a Minister, in the form of regulation-making powers, thus denying the House the opportunity properly to scrutinise a very sensitive and technical issue.

Mrs. Laing: We shall have to look at every word of the regulations if and when the Government attempt to introduce them. We shall have to be very wary. I certainly intend to be.

My fourth point is that the Bill must not be seen a merely another vehicle for political correctness. People are fed up with political correctness. I do not want my hon. Friends the Members for New Forest, West (Mr. Swayne) and for Aldershot (Mr. Howarth), or my right hon. Friend the Member for Bromley and

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Chislehurst (Mr. Forth), to feel persecuted. Political correctness gets a bad name, and law made in the name of political correctness alone is bad law.

Mr. Jim Devine (Livingston) (Lab): Can the hon. Lady give a definition of political correctness?

Mrs. Laing: I possibly could, but I might have to write a book. If the hon. Gentleman will forgive me, I shall use the phrase in its usual sense for the moment.

Several hon. Members *rose*—

Mrs. Laing: I have given way a good deal. If I do not make more progress others will have to make much shorter speeches, and I am looking forward to hearing what Members on both sides of the House have to say.

As well as not being merely for the purposes of political correctness, the Bill must not become merely a charter for lawyers by creating rights and causing more litigation. A litigious society is not a harmonious society. I want the Bill to result in a harmonious society, not a litigious society.

Vera Baird *rose*—

Mrs. Laing: The hon. and learned Lady is a lawyer, and so am I, so I will give way to her.

Vera Baird: Is not the purpose of the commission to take the emphasis away from individual cases? Attempts to achieve equality can be very haphazard. Someone who is wronged must have the money and the courage to keep going—those elements must coincide—and once the case has gone to court, the outcome will not be widely published. Is not the point of the Bill to reduce litigation and generate a culture of equality?

Mrs. Laing: Yes, it is. I was about to make that point. For the sake of brevity, I will not repeat it. The hon. and learned Lady has made it well. That is the whole point. This Bill is not about creating more work for the courts. It is not merely about being politically correct, but about creating a different framework where disagreements between employer and employee or any other parties can be sorted out without resort to litigation and without going so far on the political correctness agenda that we take rights from people to whom we want to give rights. The Bill does not deserve to be interpreted as being merely politically correct, but we must fight to protect it to an extent from itself and from those who would push its provisions too far.

It is 30 years since the Sex Discrimination Act was passed and it is very disappointing that we still need to introduce more legislation to try to enforce it. I appreciate that today we are talking not only about sex

discrimination but about five other strands and indeed the general issue of discrimination. I welcome that, but one would have thought that we might have made more progress than we have in 30 years. However, I do not support the campaign for equality only because it is altruistically correct, which it undoubtedly is. It is also economically imperative.

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I was struck by something that the Minister said last week. I do not think that she repeated it this afternoon, so let me repeat it for her. Unusually, I am quoting her and agreeing with her. She made an extremely important point: "Maximising women's skills in the economy could bring economic benefits worth up to 3 per cent. of GDP, which equates to the total value of UK exports to Germany"—[*Official Report, Westminster Hall, 10 November 2005; Vol. 439, c. 192WH.*]

That is an enormous amount. At the moment, our GDP is failing by that 3 per cent. because women are not working to the full extent of their abilities. If that is the case as far as women are concerned, there can be no doubt that a similar proportion of people from ethnic minorities, gay people, older people, younger people and disabled people are contributing far less to the economy and to society than they might if only we protected them and gave them the opportunities they need.

We as a country are missing out economically as well as socially because we do not encourage all our citizens to contribute to their highest potential. That is shameful. Therefore, we should support the Bill today not just because it is altruistically correct and equality is a good thing, but because it is an economic imperative. The suffragists would not have succeeded had it not been for the changing economic circumstances after the first world war.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Suffragettes.

Mrs. Laing: No, I do not mean suffragettes; I mean the suffragists. They would not have succeeded had it not been for the changing economic circumstances after the first world war. Equality legislation will not succeed now unless it is recognised that there is a good economic case for its success, which there is.

I hope that today's debate will open a few eyes and that the Minister will seriously consider those four concerns as the Bill progresses: costs, burdens on business, unwarranted interference in everyday lives and overplayed and unnecessary political correctness. I will raise them again in Committee.

Equality is a bit of a misnomer for what we are considering today, or at least it is shorthand for a much wider issue. We all want to see equality of opportunity for everyone, but the essence of a free society is that people are not equal because each individual is different from every other individual, and we much respect that diversity. Sir Patrick Cormack rose—

Mrs. Laing: I want to finish, if my hon. Friend will forgive me.

I want to see every person in Britain today being encouraged, first, to use his or her talents and abilities to the very limit of their potential; and, secondly, being allowed to live their own lives as they wish, while respecting the right of every other citizen so to do. In trying to achieve equality, we have no wish to make everyone the same, but simply to allow everyone to be different and to encourage, understand and support that diversity. I would say that that is not much to ask of a decent and civilised society.

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4.40 pm

Angela Eagle (Wallasey) (Lab): I welcome the support of the hon. Member for Epping Forest (Mrs. Laing), who spoke from the Conservative Front Bench, and, as I often do in such debates, I wish her well in dealing with her recalcitrant Back-Bench colleagues. It is good to know that at least some parts of the Conservative party understand the importance of the anti-discrimination agenda. Unfortunately, not all Conservative Members believe that discrimination is wrong and their behaviour at the start of the debate was extraordinary. That saddened me, as I had thought that progress had been made when we last debated the Second Reading of this very Bill in the dying days of the previous Parliament. On that occasion, the chorus of, how shall I call it, antediluvian chuntering and reactionary chatter on the Conservative Back Benches was absent, and it is a great pity that that element has turned up today.

Conservative Front Benchers should be supported in their attempts to change the views of their Back-Bench colleagues, but on the basis of today's evidence, the hon. Member for Epping Forest has a long way to go. I wish her well—[*Interruption.*] She supports the Bill and Labour Members welcome that. That said, she wants to starve the new commission for equality and human rights of the funds necessary for it to do its job properly, especially in respect of establishing new strands of work to enshrine equality in terms of human rights, age, sexual orientation and religious belief. That task would be a challenge for any new body and I certainly believe that the suggested funding allocation is the minimum necessary to ensure that the single commission gets off to a good start.

The Bill is most welcome and it has improved since its introduction in the dying days of the last Parliament—not only as a result of events in the other place, but when the Government realised that they could extend the scope of the Bill in certain necessary respects. The Bill sets up a new commission for equality and human rights to take forward equality work and enforce those new rights.

It is argued that extending equality protection to the majority of citizens in this country somehow sets the scene for us all to be the same, but the Bill is about protecting people from the adverse effects of overt discrimination

and extending those rights from the three strands covered by the previous Labour Government to include two new strands. That is to be welcomed. It is not about uniformity or creating some false equality. It is about giving positive protection to sections of our citizenry who have never been afforded it and who have faced overt discrimination day-in, day-out of a type that has been outlawed in terms of other groups of people. Two obvious examples of that is, first, the extension of protection against discrimination in the supply of goods and services to people on grounds of their religious belief and, secondly, in respect of sexual orientation. The latter category was included as a result of the Government's decision in the other place.

In reality, that means something very simple: once this legislation is enacted, it will be illegal for people to be denied a hotel room, or access to a service such as hiring a car, simply on the grounds of their religious

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belief or sexual orientation. That has surely got to be right, and I do not see how any Member of this House could possibly object to it.

Mr. Swayne: Will the hon. Lady give way?

Angela Eagle: Well, an objection might be about to be made.

Mr. Swayne: I entirely agree with the provision, as the hon. Lady has just enunciated it. What I do not understand is why it is included in the Bill in respect of religion, but is to be achieved by order-making power in respect of sexual orientation. I regard that as wholly unacceptable.

Angela Eagle: This legislation is a welcome patch job, which will be put right by the single equality Bill, which I hope will be introduced soon and will add goods and services protection across legislation more coherently than at present.

The hon. Gentleman will know if he reads his history that current equality legislation is a patchwork of provisions that has been created in piecemeal fashion over the years. That is why we need the process of consolidation and entrenchment that the single equality Bill will give us when it is finally enacted. Protections will then be enshrined in legislation, as they should be. However, I welcome the decision to protect immediately against discrimination access to goods and services on the grounds of sexual orientation, as otherwise it could take two years or more for such protection to be offered. This measure is entirely appropriate in the circumstances.

Mr. Sadiq Khan (Tooting) (Lab): Is not one of the reasons for urgency in this regard the outrageous behaviour of Tory Bromley borough council, which is depriving its citizens of the right to celebrate civil partnerships? Is that not one reason why the Government have done the right thing by bringing this provision forward now, rather than by waiting for the single equality Bill?

Angela Eagle: I agree, and there are many other examples of gay people being blatantly denied access to goods and services that others take for granted. It is right that this House takes a stand, and puts a stop to that.

John Bercow: The hon. Member for Tooting (Mr. Khan) has made a perfectly fair point about Bromley borough council and I agree that its attitude is to be deplored. However, to ensure that we maximise cross-party agreement, can I make the fair point that, by contrast, Kensington and Chelsea borough council has done the decent thing?

In respect of taking this matter forward, does the hon. Lady agree that, in terms of exemptions, people should not be able to use the possession of religious belief as a cloak behind which to continue their practice of prejudice?

Angela Eagle: I certainly agree, and I am more than happy to have cross-party consensus, at least with the

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hon. Gentleman, on this issue. However, perhaps he should talk to the hon. Member for Epping Forest. In what was otherwise a good speech, she said something that worried me a bit; when she was talking about political correctness, she said that she supported goods and services protection on the grounds of sexual orientation, but with exemptions. She did not specify the circumstances in which she thought that exemptions from that protection would be acceptable. That is clearly an issue for debate in Committee, but I would be interested to know what she thinks they are.

Mrs. Laing: I am sure that we will consider this matter at length in Committee. However, let me explain the exemption I have in mind: a small hotel with two or three rooms should not be treated in the same way in legislation as a large central London hotel with 100 rooms that is part of a hotel group. In forming legislation, we must respect those upon whom a duty lies, as well as those to whom rights are given.

Angela Eagle: I am sorry to hear the hon. Lady say that. I do not see why there should be an exemption in that case. It is hard when people are refused a hotel room simply for being a gay couple, when it is currently illegal for an ethnic minority couple to be refused a hotel room. I am sad to hear the hon. Lady's comments and I do not agree with her.

Today, Labour Members should celebrate our record on equality, not only in this Government but going back many years. On a day such as this, I think of our women pioneers.

Sir Patrick Cormack: Will the hon. Lady give way?

Angela Eagle: Quickly.

Sir Patrick Cormack: Following the point made earlier, if one forces somebody to do something that is entirely against his or her principles is not that making another victim? Is not outlawing victimisation what we are really about today?

Angela Eagle: That is an issue for Committee, but it is currently not legal to deny somebody a hotel room because they are black. We have just commemorated with sadness the passing of Rosa Parks who demonstrated that principle powerfully. I do not see why similar provisions should not apply on the grounds of sexual orientation. It is a simple matter of human rights.

I wanted to recall the Labour pioneers who did so much to bring us to this point. In political life, we rise on the shoulders of our pioneers. I think of women such as Ellen Wilkinson, otherwise known as Red Ellen or the Mighty Atom, who led the Jarrow march and was the first woman trade union official to battle for equal pay in the 1920s. When she came into the House she showed many people what a fantastic Member of Parliament she was. She worked in this sphere long before we were born.

I think of Jo Richardson, our first shadow women's Minister when we were ridiculed for even thinking that there should be such a post. She did much work in

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opposition to prepare the way for the agenda of change that we brought naturally to government. I think of Barbara Castle, whose Sex Discrimination Act 1975 and Equal Pay Act 1970 paved the way and showed the future, bringing us the most enlightened protection against discrimination in Europe in the 1970s.

That legislation has stood the test of time but it needs amending to become more effective so that we can move on. The gender pay gap has been cut from 31 per cent. in the 1970s to 18 per cent. That is still too high, but it is nevertheless an improvement. We need to remould our anti-discrimination and protection laws, and the Bill paves the way for us so to do by introducing preventive measures in the duty to promote gender equality. I should like those provisions extended to the private sector where the problem is much worse than in the public sector.

When we look at the pay gap on a sectoral basis we find that it is 60 per cent. in the financial services industry, but less than 10 per cent. in the national health service. We need to consider how to address the problem of both the gender pay gap and the race pay gap, so that we can prevent discrimination rather than compensating people after they have suffered discrimination. My hon. Friend the Minister with responsibility for women and equality is engaged on that work and she follows a long line of doughty, famous women whom Labour hold in great respect. Many of us attended Mo Mowlam's memorial last night. She put women and equality at the centre of achieving and solving the problems of that difficult place, Northern Ireland. We can learn many lessons from the way that anti-discrimination legislation was developed in Northern Ireland, which have resonance in this country. I think of all those women as I congratulate the Government on making the progress that we see today.

David T.C. Davies: In the hon. Lady's list of female pioneers in Parliament, has not she forgotten the outstanding achievement of Britain's first female Prime Minister, Margaret Thatcher? She did a far better job than any of the men could have done at the time.

Angela Eagle: I have a great deal of respect for Lady Thatcher, but I fear I cannot include her in my list as she did little for women's equality, except for leading by example—I give her that. In the 18 years that the Conservatives were in power, our anti-discrimination legislation was weakened and ignored and no progress was made. A Labour Government set up anti-discrimination legislation in the 1970s and we had to wait for the return of a Labour Government to take it forward.

As we see, the hon. Member for Epping Forest, who sits on the Conservative Front Bench, has a difficult job persuading some of her recalcitrant Back Benchers that they should even support the Bill. However, she does have a handbag and I wish her luck. Perhaps she needs to put a couple of bricks in it to persuade them of the way forward.

The Bill includes a public duty to promote gender equality, which will help to tackle the issues today, the 30th anniversary year of the Sex Discrimination Act 1975. That duty will help us to deal with the pay gap problem. Women working full-time still earn, on

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average, 18 per cent. less than men, so a woman earns 82p for every £1 that a man earns. That is considerably better than in the 1970s; but, clearly, we need to reform and remould our protective legislation to go the extra mile and close that gap still further.

The position of women who work part-time is particularly difficult because, on average, they earn 41 per cent. less than full-time male workers. As many Labour Members who have been campaigning on pensions know, only 15 per cent. of women currently qualify for the basic state pension in their own right, essentially because of the way that the pension system has been moulded—by Beveridge, originally—on a single-male-earner model, which simply does not reflect the shape of society or the working lives of many women.

The pay gap for ethnic minorities is extremely similar. It is clear that we are dealing with institutionalised discrimination. I do not mean, however, that loads of people want deliberately to discriminate against different groups in our society, although there are some such people, and they need to be dealt with harshly.

Philip Davies (Shipley) (Con): Will the hon. Lady give way?

Angela Eagle: No. I am sorry, but there is a time limit, and I have very little time left. The hon. Gentleman will have to make his own speech.

The important thing is that we can close the pay gap by providing protection for those who are discriminated against. The positive duty to promote gender equality is extremely important, and it is obvious that that

requirement will need to be extended. I am looking forward to the outcome of the findings of the Women and Work Commission because I want to see what it says about pay audits and to find out how we can close the pay gap. We need compulsory pay audits and pay plans to ensure that we can end pay discrimination systematically over a period.

The Low Pay Commission should be given a specific remit to narrow the gender pay gap as part of its deliberations on the national minimum wage. I would support more training and development opportunities, particularly for women who work part-time. We should simplify our equal pay legislation so that it is more user-friendly. I welcome the Bill as the starter to the main course that will put the final legal structure in place—the single equality Act that is yet to come. Such an Act would deal with some of the problems of our existing anti-discrimination law, which is complex, piecemeal, sometimes mutually inconsistent, under-inclusive and needs updating.

In total, 30 Acts of Parliament, 11 codes of practice, 38 statutory instruments and 12 EU directives have a bearing on our anti-discrimination legislation. With the best will in the world and with the best employers and employees in the world, it is difficult to untangle the plate of spaghetti that that leaves. We need to ensure that we simplify, so that those who want to ensure that they do not discriminate can follow the law more easily.

I look forward to the single equality Bill and to my hon. Friend the Minister publishing the results of discrimination law review. I should like all strands of our anti-discrimination legislation to be consolidated to

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make it more proactive, more preventive, more effective and simpler for everyone to understand. I look forward to speaking on the Second Reading of the yet to be announced single equality Bill, which is a manifesto commitment, and welcoming it as the final piece in the jigsaw that will ensure that everyone has the right to protection from discrimination simply on the grounds of skin colour, religious beliefs, sexual orientation, age or disability. We can then be proud of what the Labour Government have done, following in the footsteps of our great pioneers, such as Barbara Castle. I look forward to that time. I congratulate my hon. Friend the Minister on introducing the Bill. I wish it a safe and speedy passage.

5 pm

Sandra Gidley (Romsey) (LD): Liberal Democrat Members welcome the Bill, although that is not to say that it is perfect by any stretch of the imagination. It was improved during its passage through the other place, and we will work together in Committee to improve it further.

A strengthened human rights remit is probably the way to tackle the problems of prejudice and discrimination generally. We have the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission, but with the three new strands, it is important that the approach to the problem becomes unified. We need a bottom-up approach, rather than a which-bit-of-legislation-can-we-use-now approach, because that will be the only way of tackling the common problem of multiple, or cross-strand, discrimination.

The Fawcett Society produced a report in January called "Powerless, poor and passed over", which examined the experiences of black and minority ethnic women. It shows that the experiences of those women are often overlooked because studies focus on either race or gender, but not both. It highlighted the lack of data on gender and ethnicity combined.

The report also found that women experiencing domestic violence often had to contact agencies 11 times before they received the help that they needed, but black and minority ethnic women had to contact agencies an average of 17 times. If we are talking about the pay gap, women of Pakistani and Bangladeshi origin earned 56 per cent. of the average salary of a white man. There are clearly many problems that must be tackled.

Mr. Brooks Newmark (Braintree) (Con): The hon. Member for Wallasey (Angela Eagle) made some excellent points by referencing statistics from the Fawcett Society. It is important to examine the pace of change of the disparity between what women and men are paid. The pay gap between full-time workers has moved by just 0.6 per cent. over the past year to 17.2 per cent.—I think that my figures are slightly more updated—and the gap between female and male part-time workers has moved by just 1.1 per cent. to 38.5 per cent. Given that rate of change, it will take 80 years, or even a century, for women to catch up with men. The point that I would like to make is—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman has made his point.

Sandra Gidley: Those of us who are regular attendees at questions to the Minister for Women are well aware

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of the statistics cited by the hon. Gentleman. Although the full-time pay gap has narrowed since the introduction of the Equal Pay Act 1970, the big problem that must be addressed is the fact that the part-time pay gap has narrowed little.

I welcome the Government's attitude towards the Bill and the spirit in which they have worked with all the stakeholders and agencies involved. Talking to people in preparation for the debate has been illuminating because most of the organisations seem fairly happy with what has been achieved so far. That makes it a challenge for Opposition Members to come up with major points of difference—*[Interruption.]* There are always some luddites in the House who do not want any change, but the Front Benches of all three parties are as one on the Bill. I hope that that spirit is allowed to prevail in Committee.

It is worth paying tribute to some of the changes that the Government allowed during the passage of the Bill through the other place. They accepted an amendment to outlaw discrimination in goods, facilities and services on the grounds of sexual orientation, and that is very welcome. However, the issue of transgender people has been raised today, and it seems inappropriate to kick that into the long grass. It would be more useful to address that during the passage of the Bill.

The Lords also improved the Bill so that the elimination of harassment is included in the gender duty. However, the Equal Opportunities Commission has raised concern that the interpretation of harassment is worryingly narrow and will leave some without protection under the law. An example of a woman working in a local authority leisure centre who is harassed by a customer has been cited. Her employer clearly has a role to play in doing all it can to prevent and deal with such a problem, but even under the proposed harassment provisions the woman would have no grounds to challenge her employer if she felt that it could have done more to prevent or deal with harassment unless she could prove that the employer would have treated a similar complaint from a male member of staff more favourably or show that it would have taken different action in similar circumstances. It seems an unintended consequence of the Bill that an employer could therefore fail in equal measure to protect its male and female staff but not be held to account for doing so. That clearly needs to be addressed further in Committee.

Provisions in section 73 of the Sex Discrimination Act 1975 were missing from the draft Bill, but that has been partially addressed. That power allowed the Equal Opportunities Commission to tackle persistent discrimination, but there is still some way to go, because the Bill has been amended to give the commission for equality and human rights the power to apply for an injunction if it thinks that discrimination is likely to take place. That sounds positive, but in previous cases an early court or tribunal ruling would have been made. The tribunals in particular have built up great expertise in such cases, so by limiting the power to the courts, expertise and familiarity with discrimination law currently found in tribunals could be lost. Will the Minister confirm when she sums up that additional support and training will be provided to the courts that

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might have to become involved in such decisions? There are also some concerns—I am not sure whether we can be reassured on this today—that discrimination cases could be less successful in the courts.

I very much welcome the fact that the Secretary of State's direction-making powers have been removed, because many stakeholders feel that that has reasserted the independence of the CEHR from Government interference, and that can only be welcome. However, all is not rosy. Some concerns have been raised and it is worth running through them, because they will form the basis of discussion in Committee.

John Bercow: Just before the hon. Lady goes on to those important budgetary issues, she will doubtless agree with me that two of the main contributory factors to the pay gap are straightforward discrimination on the one hand and occupational segregation on the other. Given the growth of market testing and competitive tendering—a phenomenon which I warmly welcome—does she agree that it is important for the Government to ensure not only that their own house is in order but that they have satisfied themselves that contractors with which they deal adopt such practices?

Sandra Gidley: The hon. Gentleman raises a very good point to which I will return. There is an educational element to gender segregation which is not covered in the Bill.

I turn to the budgetary implications. The existing budget is approximately £50 million and the new one is estimated to be £70 million. It is very difficult for us in this place to comment on whether that is the right amount. It has been interesting to hear the comments of Conservatives; every single agency that I spoke to insisted that a lot more money was needed.

David T.C. Davies: Will the hon. Lady give way?

Sandra Gidley: I want to finish my point. It would be helpful if the Government published a breakdown of how the costs were arrived at, so that Members who want to deal with the arguments made by organisations such as the Commission for Racial Equality can reach an informed opinion about, and decision on, what is a realistic level. Concern has also been expressed about the existing agencies' input into the new body. A particular worry is how the CRE's input will be managed, bearing in mind that it will come on board later on. While researching for this debate I discovered the alarming fact that the three main equality bodies have different pay rates. Indeed, I was somewhat horrified to find out that the EOC has the lowest pay rate, which seems somewhat perverse. It would be helpful if the Minister gave guidance on how that issue will be resolved.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Is not that difference down to the location of the different commissions' offices? Does not the hon. Lady accept that most London workers receive a London premium?

Sandra Gidley: That point can be taken into account only to an extent. The EOC is in Manchester, but so, I

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believe, is the Disability Rights Commission. The CRE is based in London, but that does not account for the entire anomaly.

There are also concerns—they have been hinted at today—about the location of the new commission. The current commissions are split between Manchester and London, with some small regional variations. Because

London has the highest ethnic minority population, much of the expertise that has been built up is London-based, and the CRE is concerned that people will not necessarily want to relocate. It would be helpful if the Minister gave some hint as to whether that problem will be dealt with.

Simon Hughes: The CRE is based in my constituency, which is very welcome, but it is very important that the new commission is not seen as a metropolitan organisation that is close only to those close to the levers of power. Of course there should be a London presence, but the commission should be equally accessible to the rest of the country.

Sandra Gidley: My hon. Friend makes an excellent point, as always. The key is achieving a balance between retaining existing expertise, and ensuring that other areas of the country are not disadvantaged.

Julie Morgan: Is the hon. Lady aware that there is an EOC, a DRC and a CRE in Cardiff, in Wales? She omitted to mention that point.

Sandra Gidley: I am aware of that, but given that such responsibilities are partially devolved, and that I have limited time, I did not want to go too far down the road of considering the complete geographical picture of the United Kingdom.

Vera Baird: Will the hon. Lady give way?

Sandra Gidley: I want to make a little progress.

Another idea, which has been discussed by a number of people, is having a decision-making committee for each equality. I am not greatly supportive of that idea. As I said earlier, many discrimination cases have multiple strands. I would almost prefer the opposite to that idea, and that some reassurance be given that we will not move to a bureaucratic, council-type structure with sub-committees for each speciality. The real way to tackle the problem is a rights-based approach, as I said earlier. The Mayor of London is a keen supporter of the proposals, but they run counter to that approach, so I do not agree with him. The CRE has expressed concern about grants for local race equality work, so it would be helpful if the Minister explained how that provision will be managed during and after the transition. Understandably, the CBI has said that it does not want further enforcement powers.

Age discrimination has received less attention than other strands in the Bill. Three deficiencies in particular give rise to concern. First, we have missed the opportunity to impose a ban on age discrimination in the provision of goods, facilities and services. It would be useful to harmonise practice across the strands, as older people face discrimination in the provision of goods and services in insurance, social care, housing and

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hospital treatment. We need to level up protection for all groups rather than leave a hierarchy of discrimination in the Bill. Secondly, we should impose a positive duty on public bodies to promote age equality. Thirdly, a loophole in the legislation means that older people who receive care from private or voluntary sector organisations are not protected by the Human Rights Act 1998. The Government committed themselves to seek a test case to overturn the Leonard Cheshire judgment, but such a case has not yet been brought. I am not sure whether that is due to lack of opportunity or to lack of will, but the Government have undertaken to consider the issue as part of the discrimination law review. One of our overriding concerns is that positive proposals to even out inequalities across the strands appear to be kicked into the long grass with the promise of a further review or further legislation. We welcome what the Government have done, but sometimes they could do more.

The Office of the Deputy Prime Minister has expressed concern about local authority contracts and their basis in human rights. However, older people who make their own private arrangements with a care home will not be covered by the legislation. That needs to be addressed if we are to protect all the vulnerable people in our society. Discrimination against older people is much more hidden than discrimination against other groups.

However, there are numerous cases in which the treatment of older people demonstrates a complete disregard for their human rights, which is another strong argument for the rights-based approach. Those cases include residents of a home being fed breakfast while seated on the toilet; the death of older women from dehydration; and care home residents not being given their weekly personal expenses. The list is endless, and my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) may seek to develop that argument.

Will the Government make a commitment to act so that we can ensure that today's recipients of social care, both in care homes and in their own homes, have the rights to which they are entitled? Older and disabled people whose right to life, dignity and freedom from degrading treatment are most at risk are in reality the least protected.

We also have concerns about gender duty. The Bill places a general duty on public bodies to pay due regard to the need to eliminate unlawful discrimination and to promote equality between women and men. Can the Minister confirm that that will require public sector bodies, including councils, to take action to address the causes of the gender pay gap, which has been mentioned by a number of hon. Members? To what extent will public bodies be able to take appropriate action when contracting with the private sector? There is an increasing tendency under the Government to contract out to the private sector, to which I do not necessarily object, but there must be the same safeguards in place and the same level playing field as when only the public sector is involved.

The present proposals mean that education institutions are not covered by gender equality-specific duties, which is inconsistent with the way in which disability and race equality has been promoted in the sector. Concern has been expressed that as the measure is currently worded, there is a risk that the private functions of public bodies also may not be covered by

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the duty. That raises the question whether the Bill will have the desired impact. Such matters can usefully be raised in Committee.

The Commission for Racial Equality has expressed concern that the CEHR will not be under a duty to consider applications for assistance as currently provided for in section 66 of the Race Relations Act 1976. The removal of that duty represents the removal of a right, and no replacement arrangements have been made. The CRE is the primary source of funding for race discrimination cases, particularly tribunals, but funding is not the only issue. The CRE argues strongly that the knowledge and expertise that it builds up through its pre-litigation advice work gives it a greater awareness of the problems of discrimination and helps it come up with solutions.

The Minister mentioned earlier that she did not consider it useful to include explicit provision for children. On Second Reading in the other place Baroness Ashton, the Under-Secretary of State, Department for Constitutional Affairs, suggested that the Minister responsible for the Bill in the Commons should meet various Baronesses to consider how children might be explicitly included. Have such meetings occurred? Is it as a result of those meetings that the Minister has decided that there will be no explicit mention of children? When the Minister sums up, will she elaborate on the point?

In conclusion, the Bill is welcome. It is a shame that we have not had a single equality Act sooner. We on the Liberal Democrat Benches have long campaigned for that, and we welcome the possibility of building a culture of human rights across public services. I have urged that we should not kick too much into the long grass of the equalities review and the discrimination law review. Those must not be allowed to be used as a cop-out.

Ultimately, if we can complete the passage of the Bill with few anomalies between the various strands and less of a hierarchy of discrimination, we will have achieved a worthwhile outcome.

5.23 pm

Liz Blackman (Erewash) (Lab): Like every other speaker, I welcome the Bill. I echo the sentiments expressed by some of my hon. Friends about the proud record of Labour in government on anti-discrimination legislation. The Bill is a logical progression. It offers a point of reference and a facility to challenge multi-strand discrimination. The commission will become a champion of people's rights. I welcome the fact that the commission's remit is significantly extended. I am always loth to repeat what other Members have said in the Chamber. The fact that their comments on the Bill have been so positive is sufficient. Obviously, I want to see the introduction of the single equality Bill sooner rather than later, because it makes sense to tie all the anti-discrimination legislation into a legal framework.

I am interested in all aspects of the Bill, but this afternoon I shall discuss the provisions relating to disability in general and autistic spectrum disorder or autism in particular. I chair the all-party group on autism, so I take a particular interest in the matter, and I seek an assurance from the Minister that disability

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discrimination will not be overshadowed by the other strands. I am also concerned that autism is not lost within the concept of disability.

I followed the Bill's passage through the other place with interest and was extremely pleased that their lordships made some amendments on disability. In the Bill as drafted, disability discrimination and the disabled group were excluded from a general provision on good community relations, which was amended in another place. In the first instance, the disability group was not seen as a community, which was an interesting take on that particular group, but the issue has been resolved.

The Bill initially proposed that the transition disability commissioner should have a shorter term of office than either the commissioner for equal opportunities or the commissioner for racial equality, but it has now been agreed that parity will be the order of the day.

Lord Rix raised the absence of a simplified version of the Bill, which should have been produced. I understand that a simplified version of the White Paper was produced, but it was published much later than the full version. I accept that the matter is probably due to an oversight on the part of the Government, but it is extremely important, given that disability is one of the major strands. People with disabilities should have access to the legislation that we are considering on their behalf.

The disability strand is unique, because the disability committee will be retained for at least five years with delegated powers and a sufficient share of resources to exercise those powers, which is vital to disabled people's confidence.

The noble Lords also raised the importance of retaining both the learning disabilities action group and the mental health group within the current Disability Rights Commission. Although that is not possible, Baroness Ashton of Upholland suggested that the disability commissioner should pay particular attention to those groups.

As far as I can see, no Member of the House of Lords mentioned the disability of autism. The DRC has just set up a neurodiversity autistic spectrum advice and action group—a mouthful. It has been set up very late, but is nevertheless welcome. Nobody argued for it to be included in, or at least listened to by, the new commission. People with ASDs are not physically disabled and often do not look as though they have a disability. The condition is a developmental disability characterised by an inability or impairment in communication, socialisation and imagination. There is no cure. Some of those affected have learning disabilities and some have mental health problems, but they often fall into the gap between the two in relation to support services. Given that an estimated

0.5 million people have an ASD, it must be treated as a significant and common disability with clear implications for mainstream policy and practice. It is now an exemplar in the disabled children's national service framework. Diagnosis in the young is better than it was, and support for children in pre-school and statutory education is improving.

However, we have an awfully long way to go to catch up in terms of the transition stage, supported living, employment, and support for carers. Seventy per cent.

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of carers of children with autism said that they were prevented from returning to work by a lack of appropriate care facilities. Seventy-two per cent. of schools are not satisfied with their teachers' training in autism, and only 6 per cent. of people with an ASD and 12 per cent. of those with high-functioning autism and Asperger's syndrome have full-time paid jobs. According to a report by the National Autistic Society, 40 per cent. of carers were dissatisfied with the support that the person whom they care for received from social services.

The strand of disability must have recognised within it the specific strand of ASD—a significant and prevalent disability. On Second Reading in the other place, Lord Rix said:

"I have an overriding concern that the lives of disabled people . . . will be made better by the creation of a Commission for Equality and Human Rights. The new Commission must be even more effective than the Disability Rights Commission is now, transforming the current inequalities into improved life chances".—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1246.]

He was specifically concerned about those with learning disabilities and mental and physical disabilities. So am I. I need reassurance that people with disabilities will not be marginalised in a much bigger commission, and that those with ASDs will not be marginalised either.

5.33 pm

Mr. Desmond Swayne (New Forest, West) (Con): It is always an enormous pleasure to follow the hon. Member for Erewash (Liz Blackman), who brings a particular expertise and a great deal of passion to the debate. I wish to confine myself in the main to part 2 of the Bill. The definition of religion in clause 43 states that "a reference to religion includes a reference to a lack of religion, and . . . a reference to belief includes a reference to lack of belief."

So all those who thought that they had no religion, or had explicitly decided to have no religion, are caught by the provisions of the Bill—they count as though they have a religion and will be treated as such. That might lend some scope to mischief-makers. Indeed, it might give some offence to those who take a position of believing in no God. Religion is different from the other strands in the Bill. It differs from disability, race and sex because, by and large, in a free society, we still choose to adhere to a particular religion.

Although some people might find it profoundly shocking, most adherents of a religion believe it to be true. By and large, they do not treat life as a supermarket where one can choose any number of breakfast cereals from the shelves and find that they amount to the same thing. Most—not all—adherents of a religion believe passionately that their religion is true and that, of necessity, casts an aspersion on other religions. Indeed, the first commandment is:

"Thou shalt have no other gods before me."

Our Lord said that he would be followed by false prophets and that we were not to treat them with respect or tolerance but to judge them. That does not lend itself to the general principle that is set out in clause 44.

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Clause 44(1) states:

"A person ("A") discriminates against another ("B") for the purposes of this Part if on grounds of the religion or belief of B . . . A treats B less favourably than he treats or would treat others".

That is a wide and dangerous principle to apply to religion. Religions rub together pretty well in this country, but introducing such a wide-ranging principle is dangerous. The danger relates to the zealot or the mischief maker and the provision could cause more harm than good.

Angela Eagle: Where does the hon. Gentleman's rather Old Testament view of religion leave the scope for ecumenical co-operation, of which the Pope and the Archbishop of Canterbury are great exponents?

Mr. Swayne: The hon. Lady puts her finger exactly on the point. Religions are working together and rubbing along well without the Bill. Intruding with legislation provides scope for mischief and for zealots.

The Bill's principle is so broad that the remaining clauses of part 2 properly take every aspect of what one would normally understand to be religious practice and experience out of the measure's scope. So despite its size, clause 44 applies only to a narrow provision of goods and services. That is proper, but I am worried about the structure of the Bill because so many of the exemptions are only potentially temporary.

For example, clause 49 properly removes educational establishments from the scope of the Bill. Otherwise, it would be permissible for an evangelical Christian to demand access to a madrassa. I suggest that that would be done only to make mischief. Nevertheless, why is that proper exemption fatally weakened by clause 49(3)(a), which gives the Secretary of State the power to "amend or repeal" the provision? I do not believe that it is acceptable for a self-respecting legislature to give the Secretary of State the power to undermine a provision. That is nonsense and I hope that those who serve on the Committee will strike out the paragraph.

Clause 63 is a Henry VIII clause, which gives the Secretary of State the power to amend any exemption in part 2. Again, that is unacceptable given the sensitivity of the matter and the need for the exemptions.

I have several questions which I hope will be tackled in the winding-up speech or at least in subsequent correspondence. Clause 44(3)(b) states:

"A person . . . discriminates against another . . . for the purposes of this Part if A applies to B a provision, criterion or practice . . . which puts persons of B's religion or belief at a disadvantage compared to some or all others".

Has the Minister taken any constitutional advice, given that clause 77 binds the Crown, on whether such a general principle is compatible with the coronation oath?

What is the meaning of clause 45(5), which states:

"For the purposes of subsection (1) it is immaterial whether or not a person charges for the provision of goods, facilities or services"?

I am sure that it cannot be the case, but the provision appears to suggest that, if I, as the provider of gardening services, for example, were to mow the lawns of the church of my own denomination for free, I would also

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be required to provide the same service to the local mosque. I hope that the Minister will be able to explain whether that is the case.

John Bercow: I appreciate that clause 44(3)(b) might be incompatible with the coronation oath. I am not certain about that, as I am not a lawyer—I say that with some pride—but if it were, may I suggest to my hon. Friend that a constructive way forward would be for him to join me in a campaign for the disestablishment of the Church of England?

Mr. Swayne: I shall have to disappoint my hon. Friend; I shall not be following him down that route. As in so many other areas of public policy, I disagree with him profoundly on that issue.

Clauses 46 and 47 deal with premises, and I would like the Minister to explain the difference in principle between taking a lodger and running a bed and breakfast. My reading of the provisions and the exemptions is that those who take in lodgers would be exempt from the provisions of the Bill—that is, they could discriminate on the ground of religion—while those who run bed-and-breakfast establishments would not be exempt. That might not be the case; these provisions are certainly ambiguous. Religious organisations have made representations to me on that basis, however, complaining that they would not want Satanists in their bed-and-breakfast establishments. For my own part, I should have thought that taking an adherent of another religion into one's house would present an opportunity for evangelisation. That would now be entirely appropriate given that the Minister has said that the provisions on harassment are not to be reintroduced in the Bill, which is most welcome.

Clause 59 deals with religious charities. Will the Minister tell me the significance of 18 May 2005?

Sir Patrick Cormack: It is my birthday.

Mr. Swayne: I congratulate my hon. Friend; he is looking very well on it.

Why is it that, prior to that date, membership of a religious charity can be confined lawfully on the basis of adherence to a particular religion, whereas that is not the case thereafter? What is the Minister saying about religious charities? Why should no such charities be able to discriminate in respect of their membership on the ground of religion in the future, if they were able to do so in the past?

We are already aware of the politically correct march towards an increasingly barmy Britain. Every day we see in the papers examples of organisations refusing to use the term "BC", or "before Christ", and substituting "BP", meaning "before the present". We see examples of Christmas lights having to be called "celebrity lights", of councils wanting to refer to Christmas as "the workers' winter festival", and of libraries refusing to advertise the local nativity play. The most worrying example relates to social partnerships. We hear of religious organisations that undertake a social function and are paid accordingly to provide services such as a hostel or a soup run, being bullied with regard to the religious

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aspects of their organisations. We have the absurdity of an organisation providing a hostel being told that if it continues to say grace before meals, its public funding will be withdrawn. The perfectly proper concern of those of us who are worried about such developments is that part 2 of the Bill, in designating such organisations as public bodies, will provide an increasingly whip hand to the zealots who wish to see these developments march forward, or indeed just to the timid in local authorities who want to avoid litigation of any kind. My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) was right when he said earlier in our proceedings that there is a very great danger that we will become free from religion rather than free to practise religion.

Sir Patrick Cormack: The absurd examples quoted by my hon. Friend are already happening. Could we not express the hope that during the Bill's passage the Minister will make it plain that she thinks that they are absurd, and that if the commission should be so stupid as to seek to endorse such bizarre practices, it would be acting unconstitutionally? I hope that by raising these matters and giving the Minister the opportunity to say how silly they are, we might have a rather better state of things in the future than we have at the moment.

Mr. Swayne: My hon. Friend is quite right. One of the advantages of *Pepper v. Hart* is that the Minister will be able to reassure the Committee on any number of such issues, and I hope that she will take the opportunity to do so. I notice that the Government sought to amend the harassment provisions that were originally in the Bill and

achieved an amendment that prevented religious symbols from being taken out of hospitals and other such institutions. That was a positive development, albeit that it was obviated by the removal of the entire clause.

Barbara Keeley (Worsley) (Lab): We seem to have strayed again into the territory of political correctness. Labour Members are interested to know whether the hon. Gentleman has a definition of political correctness, which the hon. Member for Epping Forest (Mrs. Laing) was unable to give us earlier.

Mr. Swayne: The examples that I have given are eloquent testimony to what I mean and what is commonly understood by political correctness.

Part 3 of the Bill is completely unacceptable, although I accept entirely the thrust of its intention. I do not believe that people should be discriminated against at all in the provision of goods and services in respect of their sexual orientation. But to achieve that by an order-making power is quite unacceptable. There are some 36 clauses dealing with and constraining that power with respect to religious discrimination. To provide one clause and say that the Minister shall have power by regulation to make all those measures available on the basis of sexual orientation is for us, as a self-respecting legislature, simply to abandon our proper responsibility for the legislative process.

This will be a controversial issue, not least because, for so many religions, sexual orientation itself provides some difficulty. It is therefore nonsense simply to hand over the power to the Minister to make the law, without

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parliamentary scrutiny, the importance of which we have seen in regard to religious matters. It is also nonsense because the Minister quite rightly came to the Dispatch Box and explained why she would not seek to return the Bill to the status quo ante in respect of religious harassment. She properly set out the reasons for which it was judged to be too sensitive to proceed, explaining that more consultation was required. All those arguments apply to harassment and discrimination on grounds of sexual orientation. Yet, owing to a single phrase in clause 80—with all its implications for sexual orientation—the issue will be dealt with entirely by the Secretary of State, without the benefit of parliamentary scrutiny. That is unacceptable in any institution that continues to call itself a Parliament.

5.50 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I take a slightly different view from the hon. Member for New Forest, West (Mr. Swayne). He is right to say that it is unfortunate that protection against discrimination in terms of goods and services was introduced as an enabling power rather than being set out fully, as is religious and faith discrimination in part 2. Part 3 should have been equally comprehensive. Nevertheless, it is better to have a provision to deal with discrimination in regard to goods and services on grounds of sexual orientation than to have no such provision, which is what was on offer.

I congratulate the Government on having listened to what was said in the House of Lords, which is where the Bill started out with no reference to discrimination on grounds of sexual orientation. In an equality Bill, that was a grave omission, and I am very glad that that vital correction has been made. It will be appreciated by thousands of my constituents, and it represents almost the last step taken over the past eight years towards fulfilling the political agenda of the lesbian, gay, bisexual and transgender community—the removal of elements of discrimination from our law. That began with the repeal of section 28—an example of pure homophobia left to us by the last Government—and continued with equalisation of the age of consent, access to the armed forces for gays and lesbians and the Civil Partnership Act 2004. Now the Government have dealt with goods and services, the one outstanding area of discrimination and prejudice.

One issue is still to be dealt with, but the Bill is not the right vehicle. We need to deal with homophobia, and incitement to hatred on the basis of sexual orientation. I am glad that we are not faced with that complication, because it is difficult enough for us to deal with incitement to religious hatred. We need to get that straight before we approach the subject of homophobia.

Let me return to what was said by the hon. Member for New Forest, West. I agree with him that we must be careful to avoid an internal inequality. I hope that the Minister will be able to assure us that the orders for which part 3 provides will be no less rigorous than part 3 itself, and that they will be implemented at the same time as part 2. Otherwise, there would be discrimination. It worries me slightly that the Bill contains no commencement date, and I hope that the Minister will give us some idea of the Government's thinking. The Bill is, after all, an interim measure

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pending a single equalities Bill that will have all the bells and whistles and will represent legislative perfection. Until that Bill is before us, we need protection on the statute book, and we need it as quickly as possible.

Having listened to the hon. Member for New Forest, West, I am sure that there will be a desire for many exceptions in some quarters, especially faith-based organisations. That is to be expected. I agree with Stonewall, however, that there is no case for any exemptions under part 3.

Philip Davies : Does the hon. Gentleman accept that it sticks in the throat of some Conservative Members when the hon. Gentleman and his hon. Friends say that there should be no exceptions in measures such as this? His party made a clear exception when it excluded one sex from shortlists for parliamentary seats. It strikes some

of us that the Labour party is very keen to allow exceptions from gender discrimination provisions in the selection of candidates, but does not want to allow anyone else any exceptions.

Dr. Turner: The hon. Gentleman knows full well that the Labour party's practice in regard to all-women shortlists is a measure of positive discrimination. It is not discrimination against men. We still have far more men than women in the parliamentary Labour party, and our ideal is equal numbers. I am sorry, but I do not buy that objection.

Mr. Devine : Nor do the electorate.

Dr. Turner: Indeed.

Ms Dawn Butler (Brent, South) (Lab): Is it not a well-known fact that the public would like Parliament to be more representative of society as a whole? Surely the Labour party is to be congratulated on trying to ensure, through all-women shortlists, that we have more equality on this side of the House.

Dr. Turner: My hon. Friend is right—but, as a Labour Member, I would say that.

I see no justification for any significant exemptions under part 3. I hope the Minister will assure us that, if there are any, they will be extremely limited. There is a risk that if we allow too many, protection against discrimination will be undermined.

The Bill performs a useful function. We have seen a sea change, a cultural change, since the war, especially in regard to sexual orientation. It has been refreshing to see, over the past year or so, a similar change on the green Benches opposite—at least on the front four; I cannot speak for the back row. Legislation has gone hand in hand with the change in public attitudes over the past 50 years, but it is important to underpin this cultural change with legislation.

John Bercow : I thank the hon. Gentleman for his remarks. In my case, it dates back five years, nine months and 11 days.

Dr. Turner: I can only congratulate the hon. Gentleman.

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I welcome the Government's acceptance of the need to legislate in respect of sexual orientation. I reiterate the three main areas of concern: the provisions in part 3 should be as firm as those in part 2; exceptions under part 3 should be minimal; and the provisions should be implemented on the same date. Equality should be consistent throughout the Bill.

6 pm

Mr. Gregory Campbell (East Londonderry) (DUP): I wish to confine my remarks to a small number of issues relating to the Bill. The first is cost, to which several hon. Members alluded. I am concerned that, despite the fact that this measure should have been cost-effective, the overall cost will be about 42 per cent. greater than the combined cost of the three existing organisations.

I caution Ministers about the escalating costs of non-departmental public bodies, from which we in Northern Ireland suffer to a mega-degree. Only last week, I uncovered the fact that last year the total cost of all the non-departmental public bodies in Northern Ireland was more than £2 billion. That is one issue to which the Minister responded when she indicated the extent of the increase.

I want to dwell on part 2, which deals with religion and belief. I ask the Minister to clarify the matter beyond any doubt. Let us take the example a small bed and breakfast or guest house run by a husband and wife, the name of which clearly indicates that it is a Christian establishment—for example, the Bethany Christian guest house. I know of many such establishments in Northern Ireland, Scotland and the north of England. A confirmed, avowed homosexual activist might deliberately want to book a night there in order to be refused accommodation and take the case to court. What would be the position of such a guest house? We are talking about not a Marriott or Hilton but a small, family-run establishment with a Christian ethos.

Let us suppose that someone arrives at a guest house and sees either a New Testament on the desk or a small text above the check-in area that says, "This is God's house"—a clear sign that it is a Christian establishment. Under the Bill, who would be pursued? Would it be the person who makes the booking in the knowledge that the establishment is of a particular religious disposition, or would it be the husband and wife who have firmly held religious views that they believe preclude them from offering accommodation to someone who is deliberately trying to ensure that they fall foul of the legislation? I would be pleased if the Minister explained exactly what would happen in such a circumstance, because I have read in the press of at least two similar examples.

Mrs. Laing: I hope that the hon. Gentleman agrees that that matter should be considered in great detail in Committee and must not be forgotten.

Mr. Campbell: I thank the hon. Lady for that intervention. I hope that it will indeed be considered.

Emily Thornberry (Islington, South and Finsbury) (Lab): Does not the hon. Gentleman agree that a proper Christian will understand that one can be gay and be

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Christian as well? If someone is to close their doors to a gay couple coming to their bed and breakfast, should not the answer simply be that they should be prosecuted, as we should not discriminate against people on the basis of their sexuality?

Mr. Campbell: I thank the hon. Lady for that intervention, but I indicated in my analogy that the person may arrive at the establishment and see a New Testament on the desk, and the person working there may be reading the part of the New Testament that precludes some of the activities to which she alludes. That is the person's view and they are entitled to hold it, but do they thereby fall foul of the legislation?

Mr. Khan : Is not there a difference between having an attitude and a view and practising that by one's behaviour? Is not this a classic example of a Bill that will lead to legislation that outlaws behaviour? I hope that, over time, it may change attitudes, but even if it does not the impact will be that people will not be treated differently because of their sexual orientation or religion.

Mr. Campbell: I think that the hon. Gentleman has to think the situation through. Let us say that the position is as I have outlined—a couple who are Christian have a sincerely held view about sexual orientation, particularly about homosexuals. Are they to be told, courtesy of the Bill, that they cannot run their guest house and hold those views, which would preclude them from giving a room to persons who are openly homosexual and who appear to want to make the booking in order that they fall foul of the legislation?

Judy Mallaber (Amber Valley) (Lab): Does the hon. Gentleman think that someone who has a sincerely held view of repugnance towards people who are gay should be allowed to flout existing Northern Ireland employment legislation preventing discrimination on grounds of sexual orientation? Does he support that legislation? Would he support people who wished to flout the law in Northern Ireland?

Mr. Campbell: The short answer is that I do support the law in Northern Ireland, but deliberately flouting the law takes us into a different realm. I am still unclear as to who would be more likely to fall foul of this legislation.

Mr. Swayne: The answer to my hon. Friend's question is that the Bill does nothing in that respect but gives the Minister the power to make regulations, which we would be denied the opportunity of discussing in a debate such as this. The Bill attempts to deal with one difficulty by properly drawing a distinction in respect of a lodger—someone living in your own house, sleeping in your own bed between your sheets—but does not make the same distinction in respect of bed and breakfasts.

Mr. Campbell: That is part of the difficulty. The issue remains unclear, and I agree that we need a definitive response.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): The hon. Gentleman mentioned sincerely held beliefs. The whole House respects

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sincerely held beliefs. Does he accept that, in the recent past, people sincerely believed that black people were inferior and based their beliefs on biblical text, but this House says that it is wrong to discriminate on grounds of race. However sincerely people believe that homosexuality is repugnant, the House, through the Bill, is saying that it is wrong to discriminate on grounds of sexuality.

Mr. Campbell: It is clearly wrong to discriminate against someone because of their sexual outlook, their race or their religion, but the legislative process must prevent people from being put out of business because of their sincerely held views.

I wish to move on to the unintended consequences of the Bill. An earlier contribution lauded Northern Ireland legislation on religious and gender discrimination. There is absolutely no question but that we require such legislation in Northern Ireland and that it was intended to address a particular problem. It has addressed that problem for 20 years, but a problem has now emerged that it was never intended to address. The Human Rights Commission and the Equality Commission are now responsible for ensuring that all sections of the community can avail themselves of the relevant legislation, but they are finding it very difficult to ensure that the intent of legislation is observed. I hope that the Bill will not lead to such unintended consequences in 12 months or 10 years from now. I welcome the Bill as a whole, but I have very serious reservations about the aspects that I have outlined this evening.

6.12 pm

Julie Morgan (Cardiff, North) (Lab): I am grateful to be called to speak in this important Second Reading debate. I also took part in the Second Reading debate on 5 April in the dying days of the last Parliament before the general election and I recall that the atmosphere was different then. Then, a much more consensual approach was taken by those on the Conservative Back Benches. I have been surprised by the antagonism shown by them today, but I welcome the support of the Conservative Front Benchers.

I am proud that, after the last Second Reading debate, Labour went into the general election with a commitment to equality and human rights. Changing the law to ensure that everyone has an equal opportunity to fulfil their potential is a slow process and it is obvious that there is still a long way to go. However, I agree with other hon. Members that we have made tremendous progress since Labour came to office in 1997. My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) rightly referred to the abolition of the notorious section 28, to which we could add the introduction of civil partnerships, the equalising of the age of consent, new laws on adoption, bans on discrimination in the workplace based on sexuality and the ending of the ban on gay men serving in the armed forces. They all show what progress has been made for lesbians and gay men since 1997. I am very proud that the Labour Government led the way in making those changes.

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In Wales, the Assembly works closely with and funds the Stonewall Forum as part of the duty placed on the National Assembly for Wales in the Government of Wales Act 1998. Under that legislation, the Assembly has to "make appropriate arrangements to secure that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people".

I recall that when that legislation was passed in this Parliament, we were very proud that that duty was placed on the Assembly—and it has made a tremendous difference. The setting up of Stonewall Cymru was a big step in attempting to reduce discrimination and it has achieved a great deal, including working with employers to tackle workplace discrimination. "Counted Out" was the first ever survey of lesbian, gay and bisexual people in Wales. I am very pleased that Wales has been able to lead the way in tackling some of these equality issues.

Since 1997, the position of women has certainly improved, with greater recognition by all political parties of the need for women to be involved in decision making. All the parties now recognise the need to have more women candidates, although we sometimes disagree on the best way to achieve that. I was pleased to participate in debates on equality and sex discrimination legislation, which was not opposed by any of the Opposition parties. The Welsh Assembly has equal numbers of women and men—the only legislature in the world where that applies, which is something to be very proud of. In some of the professions, women are now overtaking men—there are more women in the medical profession, for example, and more women medical students—but there is still a long way to go.

Some hon. Members have already referred to the pay gap and even with the Government's best efforts, we have not managed to close it. I too welcome the work of the Women and Work Commission, and I am coming to believe that we shall have to move towards compulsory pay audits if we are to ascertain the exact position, not least because we will need that knowledge in order to reduce the pay gap. Women also continue to suffer from pregnancy discrimination—about 43 per cent. of calls to the Equal Opportunities Commission helpline in Wales are pregnancy and maternity-related. The Government have introduced more maternity rights for women, but pregnancy discrimination continues to exist. It is shocking in this day and age to read articles about how pregnant women still suffer in that respect and I hope that the Bill will help to improve their position.

I welcome the Bill, which has improved considerably during its passage through the other place. I welcome the fact that there will now be an end to discrimination in the provision of goods and services for lesbians and gay men. As Ben Summerskill, the director of Stonewall, has said:

"Thankfully, signs saying 'No blacks' or 'No Irish' have become a thing of the past. It's shocking that hotels can still put up signs in 2005 saying 'No gays' and we look forward to the early implementation of the new law".

The sooner those laws are implemented, the better. One of the most shocking instances of discrimination that I know of was when a woman in Wales was refused a smear test on the basis that she was a lesbian. There was widespread publicity about that—a shocking example of the persistence of discrimination. As hon. Members have already mentioned, councillors in Bromley wanted

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to use the law as it stands to deny gay couples the chance to celebrate their civil partnerships in the same way that heterosexual couples celebrate their weddings. That must be wrong, and I am glad that the Government are moving to outlaw that.

I also welcome the two reviews—the equality review and the discrimination law review—that will lead to a new single equality Act. In debates before the election, many of us called for that Act to be introduced before the new commission for equality and human rights was set up. I am glad, however, that the current process has started, and we should now have a good look into the fundamental causes of inequality. I accept the need to set up the commission quickly because of the new anti-discrimination strands—age, sexual orientation and religion—that are being introduced, but it is essential that we move towards a single equality Act as quickly as we can and get rid of all the existing legal anomalies. I understand why the commission is to be set up, but it would have been preferable if the single equality Act had been introduced first. In the circumstances, I hope that we will move towards that as soon as we can.

I want to make some particular comments about how the Bill will affect Wales. I am glad that there will be a Welsh commissioner and a Welsh committee, and that that committee will be a decision-making committee. I hope that it will have grant-giving, as well as decision-making powers. It is also important that those decisions about grant-giving powers are made at a local level—on the basis of real knowledge about local circumstances. As my noble Friend, Baroness Gale said in the other place:

"Everything in Wales runs from east to west. There are difficulties when one travels from north to south. If the commission in Wales is to be effective there will need to be a presence not just in Cardiff but also in north Wales and possibly west Wales."—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1282.]

I hope that my hon. Friend the Minister will comment on the possibility of having regional offices in Wales.

I also hope that the Welsh Assembly will be involved in the appointment of the commissioner and the commissioner, and I urge there to be an early appointment of the Welsh commissioner. It is important to recognise the low level of capacity for advice-giving that there is in Wales; there is only one law centre in Wales, so the commissioner must get into post soon to address such issues.

It is also important that the use of the Welsh language is recognised, and that it is understood to be a cause of discrimination. Welsh-speaking elderly people can go into hospital and be unable to receive services in Welsh.

That happened to a relative of mine in Carmarthen. He was suffering from mental health problems, and he was unable to receive a service in his first language.

The particular geography of Wales needs to be recognised. As Baroness Gale said, it is important that there is a presence in north Wales. The Commission for Racial Equality has an office in north Wales, and it is important that the new commission's representation there is as strong as it is in south Wales.

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The Minister mentioned the relationship between the new commission and the Children's Commissioner for Wales, and there has been some debate about whether children should be specifically mentioned as a separate group. The Children's Commissioner for Wales has now been in post for five years. One of his most important findings is that children do not think that anyone listens to them, and that they do not expect to be heard. I hope that the legislation will address discrimination against children—discrimination on the grounds of age should cover children—and that the new commission will work closely with the Children's Commissioner for Wales.

I know that the Children's Commissioner is also very concerned about the language we use when we talk about children and young people, and particularly when we talk about antisocial behaviour. He has expressed concern about how the debate on that is conducted, especially here in Westminster. I hope that a code will be worked out for how the commission relates to the Children's Commissioner for Wales.

The House of Lords is considering a Bill that will establish a commissioner for older people in Wales. That is a new post, and we are told that it is one of the first of its kind in the world. I do not know if that is true, but it is essential that a way is worked out for the commission to relate to the older person's commissioner for Wales, who is likely to be appointed next year.

The older person's commissioner will have a key role to play in addressing the issue of access to services for older people. We all know that older people are often denied the access to health services that they should have. The commissioner will be important, as that person will speak up for older people, but it is also essential that that person's activities are linked to those of the commission.

Some staff of existing bodies have expressed concern about what will happen to pay rates when the various bodies are brought together. The hon. Member for Romsey (Sandra Gidley) pointed out that the Equal Opportunities Commission rates of pay are lower than those of the other two commissions. I hope that that issue will be addressed.

I also support the call for a commissioner to represent the trade unions, because there is a tradition in the existing commission bodies of having a trade union commissioner. The trade unions probably deal with many more cases of inequality than any of the existing commissions.

I congratulate the Government on introducing the Bill. We have a long way to go to achieve what we would all call an equal society, but this is a step in the right direction. The Bill has been improved enormously in the House of Lords, and I am sure that it will continue to be improved in the House of Commons and that, in the end, we will set up a commission that we are very proud of, and which will work for those people who suffer most from discrimination in this country.

6.25 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): It is a pleasure to follow the contribution of the hon. Member for Cardiff, North (Julie Morgan), who speaks on this subject with a lot of passion. I should also declare my interests, which are stated in the Register of Members' Interests.

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I had the privilege of leading for the Opposition on this Bill before the general election. On 5 April, I made the Opposition opening speech, in response to the speech of the then Secretary of State for Trade and Industry, the right hon. Member for Leicester, West (Ms Hewitt). Since then, she has been awarded a remarkable promotion—she is now the Secretary of State for Health—whereas I have moved into the obscurity of the Whips Office. That might be something to do with the speech I made at that time. It received the support of my hon. Friend the Member for Buckingham (John Bercow), but I do not know if it was read by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), and my hon. Friends the Members for Aldershot (Mr. Howarth), for New Forest, West (Mr. Swayne), for South Staffordshire (Sir Patrick Cormack), for Monmouth (David T.C. Davies), and for Blaby (Mr. Robathan)

I support the broad principles of the Bill. It must make sense to bring the different commissions together into one body, and to add the additional strands of sexual orientation, religion or belief, and age. My party has had grave reservations about the legislation on human rights, but given that no body is charged with the promotion of human rights, it must make sense for that to go to this new commission.

I would like the Minister to address clause 13 on monitoring progress. I understand that the commission will be required to publish a report within three years of the Bill coming into force, and every three years thereafter. That will be approximately once in the lifetime of a Parliament. Is that sufficient scrutiny, or does the Minister feel that the report should be produced more regularly?

John Bercow: Does my hon. Friend agree that the best forum for the exercise of scrutiny is this House? Therefore, would it be a helpful indication of the Government's good intent if the Minister were to suggest a willingness to consider an annual parliamentary debate on the progress made by the commission?

Mr. Bellingham: As always, my hon. Friend comes up with an extremely intelligent and sensible suggestion, but surely the debate in Parliament would have more impact if it were to debate a report by the commission. That is something that we can discuss in Committee, although that is not an offer to serve at this stage.

Clause 28 refers to legal assistance, and subsection (1) enables the commission to give assistance to an individual who is the victim of discrimination or "who is or may become party to legal proceedings".

Will the cost of that assistance come from the commission's budget, or could it be funded by the Legal Services Commission, and what will be the relationship between the two?

Clauses 36 to 38 refer to dissolution, the transfer of property, rights and liabilities, and to the Transfer of Undertakings (Protection of Employment) Regulations 1981. What about the existing commissions' ongoing cases? It is important during the transition period that the three commissions are not deterred from launching new actions, and it is equally important that existing legal actions are pursued with the usual professionalism,

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resources and commitment. What is the Minister's view on that, and can she perhaps suggest that at least those particular points will be taken care of?

The then Secretary of State for Trade and Industry wrote to several MPs in February, announcing the Government's equalities review, which will run in tandem with the Department of Trade and Industry's discrimination law review. The equalities review will be chaired by Trevor Phillips and will report in 2006 at the earliest. It will review all equality legislation, so is it sensible—a point made well by my hon. Friend the Member for Banbury (Tony Baldry)—to go ahead with the Bill before we see the findings of those reviews? I and my Front-Bench colleagues support the broad outlines of the Bill, but it is vital to get it right in every respect, so it would be sensible to await the findings of the review.

John Bercow: My hon. Friend is being exceedingly generous in giving way, so may I gently remind him that on 5 April he was so kind and gracious from the Front Bench as to seek my advice on that point? I was not expecting him to do so but he did. He asked: should we or should we not wait? I advised him that as the decision to bring forward the Bill setting up the commission was based on substantial existing evidence acquired before the decision to initiate the inquiries, it would indeed make sense to proceed. At that point, although *Hansard* will not record it, I think that my hon. Friend nodded.

Mr. Bellingham: I certainly did: I remember the exchange very well. However, I am concerned that we shall have to come back with further legislation at some point in the future. DTI Ministers will have to look at that point extremely carefully.

I recently held a useful meeting on disability rights and the work of the Disability Rights Commission with the West Norfolk disability information service—WNDIS—and its representatives, Mr. Jonathan Toye and Mr. Brian Reed. They expressed concern that the new commission would not have the same focus, bite and detailed expert knowledge as the existing DRC. We discussed at some length how the disability rights functions of the new commission will work. They do much important work in my constituency and, like me, feel strongly that the new commission must reflect the unique and complex nature of disability, as well as the distinctive legislative provisions on disability. I congratulate them on their work in my constituency, representing individuals and explaining to local businesses exactly what the law says, and helping people with problems in a way that is constructive and invariably sensitive to the needs of business and wealth creation while supporting people with legitimate concerns. Will the Minister comment on that?

I support the concept of a one-stop shop and the idea of bringing together the different bodies so that not only individuals but business organisations know exactly whom to approach. The CBI said:

"The current approach is often confusing, time-consuming and does not offer adequate support for issues crossing over different equality strands. A single commission would have the advantage of being a simple 'one-stop shop' for advice on all equality issues, presenting a joined-up approach that could help rationalise support."

I support that point of view, but like the CBI I am concerned about a point that has been made eloquently from our Front-Bench colleagues and by several of my

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hon. Friends. Yes, there will be substantial start-up costs for the new body; I understand that Ministers are looking at a figure of £24 million. Obviously, the transfer of undertakings—TUPE—will be expensive. New IT systems will need to be set up. Whenever a new organisation is created and various commissions and bodies are moved into a new quango, there will be requirements for updating facilities, such as moving into a new building and so on. Those are the one-off costs, but even bearing in mind the fact that, as the Minister argued, we shall be bringing into the commission additional strands and human rights responsibilities, it should not be necessary for the existing budget of £43 million a year for the combined commissions almost to double to £70 million. Some changes will be needed, but will there really be a need for so many extra staff? A large organisation need have only one IT department, rather than the existing IT departments of the various commissions. It will need only one public relations department and one human resources department. Consolidating all those facilities and departments should bring substantial savings and economies of scale. The DTI can do better than simply saying

that the new body will cost more, that there will be many more staff and the budget will be almost twice as big as the combined budgets. The Minister shakes her head, but perhaps she could focus on that question in her reply. The Minister should look at other examples of the Government creating new consolidated regulatory bodies. The Financial Services Authority's handbook now runs to more than 8,000 pages. Can it really be said that the FSA is better run and more user-friendly than its predecessor bodies such as the Investment Management Regulatory Organisation, the Life Assurance and Unit Trust Regulatory Organisation and the many other bodies that formed the FSA? The DTI can set a better example; it is after all the Department of wealth creation and of business. If the Department really wants to show business that it is serious about offering the taxpayer value for money, it should look at the costs of the new organisation and the number of staff to be employed in it.

Philip Davies : My hon. Friend is making a good point. Although the organisation may need only one HR department, does he agree that given the history of the existing bodies trying to regulate against discrimination and the number of discrimination cases brought against them by their own employees, it will probably need to be a large one?

Mr. Bellingham: My hon. Friend gives a good reason why the new body will have to be a first-class example of how to treat employees.

On the subject of the DTI setting a good example, the Minister did not really reply to my question about the gender gap in the Department. Why is there still a 16 per cent. difference between male and female salaries at the DTI? That figure is only marginally better than the national average. That is a disgrace. Why do a significant majority of DTI officials—60 per cent. in a recent survey—not agree with the statement:

"I believe that DTI recognises the diversity of its customers and adapts its policies to reach them."?

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Sixty per cent. did not agree with that statement, so as my hon. Friend suggested, the DTI and organisations that come under its remit should set the best possible example of any Department.

I want to look in more detail at the provisions relating to religious discrimination and legal aid. There is no provision either in the Bill or in existing legal aid legislation for individuals or organisations to be given legal aid if they are being investigated by the commission or being sued by, or with the backing of, the commission. Nor is there any provision for a person or organisation to recover legal costs in defending themselves from investigation, or in fighting a legal claim backed by the commission. In another place, Lady O'Cathain made the point more eloquently than I could when she said that

"in a legal action over a controversial issue of religious liberties, the enormous financial and legal resources of the commission could be ranged on one side of the legal dispute, leaving a defendant on the other side with limited financial resources at a considerable disadvantage. A church or religious charity being sued would then be left passing round the offering plate to raise money to pay lawyers. In these circumstances, even a bad case could make a lot of progress. It could even succeed. The inequality of resources could result in a miscarriage of justice."—[*Official Report, House of Lords*, 9 November 2005; Vol. 675, c. 641.]

That sums up the point very well indeed, and I hope that the Minister will consider it when she replies to the debate.

We have heard several good speeches this afternoon that referred to religious discrimination. My hon. Friend the Member for New Forest, West talked about political correctness, although I shall not go down that route.

However, religious groups by their very nature discriminate on religious grounds the whole time. Several colleagues have given examples of over-zealous interpretation of the existing law and the removal of public references to Christianity. Recently, the Home Office threatened to stop the funding for a carol service for the victims of crime because it was too Christian. Waveney council in East Anglia is planning to scrap grants for Christmas lights because they conflict with its core values of equality and diversity—total nonsense.

Ms Abbott : Will the hon. Gentleman give way?

Mr. Bellingham: I will not give way. I have only three and a half minutes to go before I must conclude. Earlier this year, the University Hospitals of Leicester NHS trust considered banning Bibles from bedside lockers to avoid offending other faiths. Torbay council removed a wooden cross from the wall of a crematorium chapel to cater for everyone in our diverse, multi-faith society. Yes, of course those organisations are acting in good faith, but what concerns me very simply is that, very soon in my judgment, any Christian organisation that receives public money could be told to drop all its religious content or lose public funding. That would be extremely unfortunate and regrettable.

Certainly, the vast majority of my colleagues in the Conservative party feel very strongly that everyone should be given fair treatment. I feel very strongly that discrimination of any kind is morally wrong. It destroys lives. It can break up families and ruin health. It can destroy wealth, because the most valuable asset of any business is obviously its employees. If they are

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undervalued, undermined or discriminated against, how can they give of their best? If their lives are falling apart because their home life is a misery, how can they go to work with motivation and commitment?

We want everyone to be given every possible opportunity to reach maximum fulfilment of their lives, free of any kind of discrimination. We would not necessarily have introduced legislation in the exact form of the Bill if we had won the last election, but I believe that it has many good points, and some weaknesses. If we can address those weaknesses, we might at least have legislation that will meet not only the objectives that the Government have set for it, but the aspirations of the people who will be affected and, very importantly, of those wealth creators without whose wealth and the taxes that they pay we would not have public services in this country.

6.42 pm

Mr. Sadiq Khan (Tooting) (Lab): I thank Back-Bench Members of Her Majesty's official Opposition for the honesty and candour that they have shown in the debate today. I am grateful to them for their honesty and candour because there is a danger, when watching the two Conservative party leadership contenders, that we may believe that their party is modern and pragmatic. At least we now know where they stand.

We have heard from colleagues who took part in the debate five months ago. We have heard about a calm consensus one month before a general election, and now, five months after that election, we see the Conservative party showing its true colours. I am sure that the honesty and candour exhibited by Conservative Members will be shown in Liberal Democrat "Focus" leaflets and Labour rose leaflets throughout the country over the next three or four years.

I am also grateful to the Minister with responsibility for women and equality for the way that she began the debate. I congratulate her and the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire) on their stewardship of the Bill in recent weeks and months and on the way that they have genuinely listened to the concerns sincerely raised by stakeholders who are keen to try to improve the Bill even more. I declare an interest: in my previous life, I played a small role, along with many others, in trying to get to the stage we have reached today. Frankly, it is quite exciting to be speaking as a parliamentarian in the debate on the Bill's Second Reading. I have no doubt that the Bill will lead to real improvements in the lives of ordinary residents in Tooting and all parts of the UK.

I also pay tribute to the previous Minister for Women and Equality—now the Secretary of State for Health—and her deputy, who is now the Minister for Schools, both of whom persevered over the past couple of years to get where we are today. Over that period, many solicitors, non-governmental organisations, voluntary groups and other experts have been involved along the path, and friendships have been made, broken and remade to get to this stage. Many people deserve credit for the fact that we are debating the Bill on Second Reading.

I hope that the Bill will attract support from all parts of the House, for it is not just about what Labour Governments have been doing for their citizens over the

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past 40 years. The first legislative example of that is the Race Relations Act 1965, which was passed 40 years ago this month. It is worth reminding ourselves that the objections now being made by Back-Bench Members of the official Opposition are not dissimilar to those made in 1965, 1968, 1970, 1971, 1976 and 2001, when Labour Governments have passed legislation to try to fight inequality and discrimination.

The Bill shows what a modern Parliament should be doing for its citizens in the 21st century: passing legislation that will improve the quality of life of the most vulnerable in our society—the elderly, the disabled and minority communities—and ending the inconsistency in anti-discrimination legislation that leads to a hierarchy of protection in equality legislation. I hope that the hierarchy of rights that we have in the UK will be ended by the single equality Act, which the new commission will help to draft. That comprehensive Act will protect all, replacing the patchwork, piecemeal approach that we have had until now.

One commission will represent all—rather than the two, three, four, five, six or seven bodies that we could have if it were not for the Bill—thus ending the ridiculous situation whereby someone who suffers from discrimination on a number of levels is forced to go to two or three commissions for help, using several Acts to get protection and being shunted from pillar to post. It will end the situation where it is lawful for a hospital or council to discriminate against a user of the services provided on the grounds of his or her religion or beliefs, or where it is apparently lawful for Conservative-run Bromley council to deny couples, citizens of the borough, the chance to celebrate civil partnerships.

I could go on to give more examples of the sort of indignities our fellow citizens face because of their age, religion, beliefs, or sexual orientation that will be made unlawful. I hope that that will lead to a change in attitudes and behaviour in this country.

Philip Davies: The hon. Gentleman talks about sexual orientation. Does he think that if a gay couple wish to get married in a church, the Church should be allowed to refuse to marry them?

Mr. Khan: I am grateful to the hon. Gentleman for that intervention because it is a good example of the scaremongering in which official Opposition Back Benchers are engaged. He refers to the Civil Partnership Act 2004, which is not about marriage. I suggest that he reads that Act. I should be happy to pass to him correspondence and the Library research paper that explains what that Act is about and what the Bill is about. For the first time, the Bill will give our citizens who face discrimination on the grounds of age, sexuality or religion a single body to champion their rights—a single body better placed to tackle double discrimination than its predecessors and better placed to provide businesses and public bodies with a single point of reference for advice and support.

The hon. Member for Epping Forest (Mrs. Laing), who led for the Opposition, gave four conditions that must be met before she could support the Bill. The first point was the body's cost-effectiveness, but she gave evidence that the body was a good idea. According to

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her figures, GDP would increase by 3 per cent. if women were allowed to work to the full extent of their abilities. She also made the point that GDP would increase if other minorities contributed to the full. Clearly, this is a classic example of the cost-benefit analysis being satisfied, thus showing that the body makes good sense.

Meg Hillier: My hon. Friend rightly highlights a very important point. Does he agree that the 250,000 people over 50 in London who are willing, able and qualified to work, but who are not in the workplace would contribute in that respect?

Mr. Khan: Absolutely. We should consider not just people of that age, but the 1.4 million disabled people in London who will benefit from the new commission.

As is evident, I hope, from my contribution so far, I believe that the Bill is a key building block in constructing a society where all our citizens have an equal chance to achieve their potential. It is noteworthy that those Opposition Members who have intervened in the debate have been one dimensional and of one type—some would say that they are middle-aged, white Members of Parliament—while those Labour Members who have contributed represent the diverse and fantastic society in which we live.

Ms Abbott: My hon. Friend will be aware that everyone in the House—on both sides, really—supports the aims of the Bill. However, is he also aware that although there is obviously support within the black community for dealing with the hierarchy of discrimination, there is great concern about the need to ensure that the Bill and the establishment of a single commission do not mean that there will be a reduction in the ability to fight racial discrimination, which is as bitter and savage now as it was in the 1960s, when the very first race relations Act came about?

Mr. Khan: Anyone who has read press reports on the criminal case surrounding the murder of Anthony Walker will need no further evidence that there are problems in the UK regarding race. My hon. Friend makes an important point, but the Minister has given reassurances in public and private discussions that there will be no levelling down of the gains made by the Commission for Racial Equality and others over the past 30 years. We must emphasise the importance of those assurances and the fact that a concession was made to allow the CRE to carry on until 2009. The commission for equality and human rights will run in parallel with the CRE from 2007, so best practice will hopefully be taken across to the CEHR.

I hope that during her winding-up speech, or in Committee if that is more appropriate, my hon. Friend the Under-Secretary will address several of the small points that I wish to make. My hon. Friend the Minister with responsibility for women and equality mentioned the removal of the harassment protection from the Bill in the House of Lords, although civil servants, stakeholders and other experts thought the provision was necessary. Although I do not want to go into detail about technicalities now, I thank her for confirming that the discrimination law review will examine the matter

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again to try to determine whether there are sensible ways of reinserting the provision into legislation. She will be aware of the anomalies that exist. For example, it is possible for victims of harassment on the grounds of race to receive the protection of the law, but people who are harassed because of their religion, belief or sexual orientation will not receive protection, even after the Bill is passed.

I know that the Minister is aware of the concern that has been articulated to me by stakeholders about the narrow definition of "public authority". They are worried that that could lead to a protection gap for vulnerable people, such as elderly citizens in private care homes. In Committee, if not today, I hope that we can consider how we can close that loophole so that such discrimination does not continue even after the Bill is passed. My third point relates to the period between 2007 and 2009, when the CRE will still be in existence and the CEHR will begin its life. I want to ensure that the CRE's expertise will not be lost while those commissions are running in parallel. Clearly, all the jobs in the CEHR might be taken up by the time that the CRE is abolished, so all the people in the CRE who have gained experience might have no job to go to. We must ensure that best practice is carried over.

I know that the Minister is aware of my fourth point from the discussions that we have had. It relates to the argument about the commission having a race committee, as there is a disability committee, and a London committee, as there is a Scotland committee and a Wales committee. I hope that she will confirm that the commission will be able to set up a London committee and a race committee at an early stage if it and the experts deem it fit. Other points that I wished to raise have been made by other hon. Members, so I will be interested to hear the response to them.

Finally, I come to arguably the most controversial part of my speech. Hon. Members might be aware that a decision on the location of the headquarters of the commission for equality and human rights is imminent—*[Interruption.]* The London mafia has arrived to give me the moral support that I need. I will not suggest at this stage that the commission should be in Tooting, although I could make a good case for that and hope that the location study will take evidence from me about where the commission should be. There are strong grounds for

arguing that the commission's headquarters should be in London because of the city's unique composition, size, demographics, diversity and experience in developing and delivering equality policies.

Barbara Keeley: Will my hon. Friend give way?

Mr. Khan: I will, even though my hon. Friend does not have a London accent.

Barbara Keeley: Surely all the experience in equality has been gained in Manchester and the commission should thus be based in Manchester, or even Salford.

Mr. Khan: My hon. Friend makes a good argument for why one of the regional offices should be in Manchester—I will certainly support her if she lobbies for that.

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If the commission is to be powerful and influential, I believe, as do my London colleagues and the Mayor of London—he would, would he not?—that it should be located where the majority of our decision makers are. Our diversity means that more than 300 different languages are spoken in our capital and more than 14 faiths are practised. More than 50 per cent. of Londoners are women and more than 1.4 million Londoners are disabled.

Meg Hillier: My hon. Friend makes important points. Does he agree that as 80 per cent. of black Africans in the UK live in London, the city is a centre that understands those people's needs and the discrimination from which many of those highly-qualified individuals suffer in the workplace?

Mr. Khan: I am grateful for my hon. Friend's point about the high percentage of people with African heritage in London. People from ethnic minorities make up one third of the population of the city, and 39 per cent. of all Muslims in the UK are based in London. Some 48 per cent. of all people throughout the country from ethnic minorities are in London. I could go on and on about why London should be chosen.

Emily Thornberry: Is my hon. Friend aware that the highest percentage of gay couples live in Islington, which is another reason why the commission should be in London?

Mr. Khan: I know that the Minister is being persuaded by the strength of the argument made by London Members. As I am sure that the case has been made, and because I fear a lynching from my friends in the north, I shall stop. I thank you, Mr. Speaker, for allowing me to speak in the debate.

6.57 pm

Bob Spink (Castle Point) (Con): It is a pleasure to follow the hon. Member for Tooting (Mr. Khan). I congratulate him on his bid for the commission to be based in Tooting. However, I hope that he will carry out his threat and distribute copies of what I have to say in Castle Point because I honestly believe that I speak for the people. British people believe in fair play. We instinctively support measures that prevent people from being treated unfairly, and an equality Bill thus seems perfectly reasonable.

I accept that the Bill has good intentions. I can support many of its aims, but that said, I wish to make several important points. We are still a Christian country. More than three quarters of people declared in the 2001 census that they considered themselves to be Christians. Our strong Christian heritage is a key part of our charm and strength as a nation. It has engendered our tolerance and our fight for human rights, freedom and democracy that have helped to shape a better world.

We are not multicultural. Our culture and traditions are British with a Christian basis. That has served us and the rest of the world well over the centuries. Our Christian traditions guide how we relate to fellow men and give us a strong belief in the dignity and worth of every individual human being, regardless of background, race, sex, or who they are. Those values

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and traditions are sadly missing in some of the cultures that we are being driven to assimilate into our society. I need make no apology for stating that people who come to this country to live should respect our culture and our time-honoured standards.

John Bercow: Will my hon. Friend give way?

Bob Spink: My hon. Friend has intervened 10 or 12 times. We will have a detailed debate in Committee, and I hope that he will hold his interventions until that time. Many hon. Members wish to speak in the debate, some of whom will be disappointed.

The House should protect our British interests. It should not destroy our traditions of decency, but that is what the Bill could do, in the extreme, if it is not tidied up and improved.

The Bill creates a commission to enforce all laws on discrimination, including those on race, sex and disability, taking over from the existing commissions. It will also cover sexual orientation, age, and religion or belief. Part 2 creates free-standing religious discrimination rights for the first time. I hope that combining all those areas in one commission will work, but it could result in a very large and possibly oppressive bureaucratic body that has unprecedented powers and that costs a lot more than the existing arrangements.

The other place, with characteristic wisdom, expressed great concern about the original clause 3, which charged the commission with the "creation of a society" in which there is no discrimination. Who will define and interpret discrimination, and who in this unelected and unaccountable quango will make the complex and controversial decisions between the groups? Let us take the case of Travellers, for instance. Some claim that it is discriminating for a community to expect Travellers to respect the same laws and regulations that the rest of society has to

respect. I disagree with that, but I will not be asked to join the commission, because I am much too un-PC, as the House will by now have gathered.

If experience is anything to go by, the commission will comprise some very PC people who push their marginal agendas on society. One has just to look at another quango—the Human Fertilisation and Embryology Authority. Its gatekeepers are drawn in a very biased manner from the pro-choice side, neglecting the pro-life stance. Thus the HFEA is grossly out of step with society, but it thinks that it knows better than ordinary people and is pushing its agenda, fast and furious, against the stream of public opinion.

John Bercow: Will my hon. Friend give way?

Bob Spink: I have explained; no.

Do we really want to hand over to an unrepresentative and unaccountable body the job of changing our society, putting our traditions and tolerant British way of life at risk? I believe that this Bill could create a backlash that will boost extremist groups in this country. We must stop that. Like so many Government initiatives, the Bill has good intentions behind it but falls foul of the law of unintended consequences. What business is it of unelected, possibly biased and PC bureaucrats to decide what sort of society

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we should live in? Why are the Government promoting that? Is it a mistake? Do they not understand the dangers, or do they have designs on our British traditions, as they have on the destruction of the other place, our police forces, our counties, our sovereignty, and now, it seems, society itself?

Mr. Newmark: Does my hon. Friend not understand that our society has changed over the years? Does he not agree that there is indeed discrimination against blacks, against Muslims and against people of all sort of races, and that we need a body to keep an eye on such bigotry in our country?

Bob Spink: I agree, of course, that we must tackle discrimination in all its evil forms. I want to do that and I think that we can do that without creating a single body made up of unelected, unaccountable bureaucrats who push their biased agendas on society. Society has changed over the years and will continue to do so, but it must change organically. It is not for some bureaucratic body to force that change through against the wishes of the people.

Meg Hillier: Will the hon. Gentleman give way?

Ms Abbott: Will the hon. Gentleman give way?

Bob Spink: No, I will not.

The other place amended clause 3 so that it reads:

"encouraging and supporting the development of a society"

but those weasel words do not resolve the problem. The Bill still tells this band of commissioners that changing our society is their responsibility. That is dangerous and it is wrong. Legislation should be about limiting the powers of state bodies. I believe that, and that is why I am on the Conservative Benches. We need smaller, less intrusive government. The clause is about giving the commission unprecedented powers over society, and my theory is that in time the commissioners will take even more powers for themselves, just as the HFEA has done and is still doing. People who already fear the nanny state will find this abhorrent. Good souls such as Littlejohn, Hitchens and other celebrity defenders of our way of life must stop the country sleepwalking into this one.

How can the commissioners reconcile the competing and conflicting interests of different groups?

Judy Mallaber: Will the hon. Gentleman give way?

Ms Abbott: Will the hon. Gentleman give way?

Ms Butler: Will the hon. Gentleman give way?

Bob Spink: Evangelical Christian groups want the freedom to proclaim the gospel wherever they go, and I have no problem with that. Secularist groups cannot bear to be preached at; they find all religion abhorrent—so be it—but how will the commission decide which interests come first? I give way. *[Interruption.]*

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The hon. Member for Amber Valley (Judy Mallaber) has obviously decided that she does not want to intervene—*[Laughter.]*

Judy Mallaber: I assume that the hon. Gentleman would accept that one English tradition that he would think very good would be that of morris men. I can guarantee that if I went to see Ripley morris men, with whom I am very friendly, I would get 100 per cent. support for a desire to end bigotry, discrimination, and so on. I am interested to hear how the hon. Gentleman intends to end bigotry, discrimination and prejudice in Castle Point, or does it not exist there?

Bob Spink: The hon. Lady makes a very fair point. We have got bigotry, we have got discrimination, and we have to tackle that. My thesis is that, given some of the problems with some of the clauses, this Bill will boost the emergence of more fundamentalism and more extremist groups and parties, which will engender a backlash in society that could be counter-productive.

Philip Davies: Will my hon. Friend give way?

Bob Spink: No, not at the moment, thank you.

Then there is the clash between homosexual rights and religion. The six main faiths still believe that homosexual practice is sinful. Homosexual rights advocates deny that there is any moral component to homosexuality, and that clash of views is irreconcilable.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Will my hon. Friend give way?

Bob Spink: Action by the commission would be deeply controversial. If an actively homosexual person wanted to be a youth worker in a mosque, a temple, a synagogue or a church—

John Bercow: Will my hon. Friend allow me to intervene in what is supposed to be a debate?

Mrs. Dorries: Will my hon. Friend give way?

Bob Spink *indicated assent.*

John Bercow: I am very grateful to my hon. Friend for giving way. [Hon. Members: "Ladies first?"] My hon. Friend said that the United Kingdom is a Christian country. May I simply put to him in all courtesy that neither the enjoyment of religious belief nor the status of that belief in society depends in any way on discriminating against, repressing or vilifying someone of a different religious faith or a different sexual orientation? If my hon. Friend cannot grasp that, he has a bit of learning to do.

Bob Spink: The hon. Member makes his point eloquently, of course. He should wait until we are in Committee to bring forward all those points and to argue his case. His views and mine are as reconcilable as those of homosexual rights activists and the six major religions.

Chris Bryant: Will the hon. Gentleman give way?

Bob Spink: No. The hon. Gentleman has just walked back into the Chamber, so I will desist. [Hon. Members: "Give way."] Other Members wish to speak.

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Under the Bill, the commission may help to take away the right of religions to insist that their teaching staff can uphold basic ethical teachings of their faith. Surely those religions should retain that right. The commission must enforce regulation 33 of the Employment Equality (Sexual Orientation) Regulations 2003. Those regulations contain exceptions for religious groups, but gay rights groups loathe those exceptions and will litigate for the narrowest possible interpretation of them.

Ms Butler *rose—*

Ms Abbott *rose—*

Bob Spink: Clause 28 empowers the proposed new commission to provide legal assistance for an individual case. That will be paid for by our constituents who, frankly, can think of better uses for their hard-earned money than promoting gay rights at the expense of our Christian traditions. Let me make it absolutely clear: this Government Bill will be a recruiting sergeant for nasty fundamentalism and extremist groups.

Several hon. Members *rose—*

Bob Spink: Clause 80 empowers the Secretary of State to legislate by statutory instrument for sexual orientation discrimination outside the workplace—for instance, in goods and services. The result will be laws that mirror the religious discrimination provisions in part 2, but what protection will there be? Will the Government allow exceptions for religious groups? There is no surprise, as the line taken by Stonewall is that exceptions will not be allowed. Of course, Angela Mason, the former director of Stonewall, which is a homosexual pressure group, now leads on this issue in the Department of Trade and Industry. I shall wait to see what the Government do on that one.

The Christian Institute said:

"To legislate in a way which effectively forces religious believers to go against their ethical teaching would be grossly offensive."

It calls for

"wide-ranging and robust exemptions".

Several hon. Members *rose—*

Bob Spink: If they are not included, a church could be sued over its stance on sexual morality, and a Catholic newspaper could be sued for refusing to carry a gay rights advert attacking the Vatican's teaching on homosexuality.

Several hon. Members *rose—*

Bob Spink: The Bill outlaws harassment by public authorities— *[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman has indicated on several occasions that he is not going to give way, and that he wishes to continue with his speech.

Bob Spink: Thank you, Mr. Speaker. Many Members want to speak in this debate. Some of them may be disappointed, which is the main reason why I am not giving way.

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I am delighted that the Government will not press for the creation of a religious harassment offence, which represented a threat to free speech comparable to that contained in the Racial and Religious Hatred Bill. The Equality Bill outlaws harassment by public authorities. Such harassment is defined as violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person. None of this sounds very nice and I would not advocate it, but to try to make it illegal is quite another thing. A person may feel that a council has created a hostile environment for him merely by using a church as a polling station. Indeed, this example was suggested by a Minister—Lady Scotland.

Many local authority-owned places are used for street preaching and the free expression of contentious views on religion, as Lord Lyell, the former Attorney-General, pointed out. He took the view that we need to fear not just court cases, but

"the much wider risk of what public officials will believe it is their duty to do to restrict free speech and free activity."

He surely has a point. We all know of stories—we have heard them again today—of politically correct officials banning Christmas and Christmas lights, and withdrawing support for Christian charities. Local authorities may refuse to fund Christian hostels that say grace at meal times because of the threat posed by the harassment clause. Earlier this year, I raised in this House one such case on behalf of the very good people of Thundersley congregational church, in my constituency.

The simple fact is that there is too much legislation in this place. Few, if any, MPs were asked for this Bill during the last election, and there was a good reason why. We have better things to do with our time in this House—things that people actually want and need, and which will help to develop a better and more tolerant society that respects human rights and individual freedoms. The Bill as drafted could boost extremist groups. It could drive society against sensible and good human rights, and against the respect for the individual and the tolerance that we broadly enjoy now by common consent, as a result of our traditions and Christian heritage. Let us not put all that at risk through the badly thought-out clauses in this rambling and patchwork Bill, which is steeped in "PC" and will become a charter for lawyers, even though it is based on some good intentions and has some good parts.

7.13 pm

Judy Mallaber (Amber Valley) (Lab): *[Interruption.]* Follow that indeed. As I recall, it was Conservative Members who, in arguing that there was too much legislation, managed to prevent us for a long time from getting legislation to ban some of the worst excesses of those using large fireworks and bangers. I find it hard to know how to respond to the last contribution; it is tempting to do so, but it would be much too entertaining.

One point that does need challenging, however, is the continual repetition of the phrase "political correctness". My favourite phrase of the afternoon was, "The politically correct march of an increasingly barmy Britain." As a student I was taught that one needs to be able to define one's terms before scattering them all over

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the place. Opposition Members should define the phrase "politically correct" before scattering it around like a swearword. To do so is ridiculous and is the refuge of the ignorant and unthinking.

The very estimable hon. Member for Epping Forest (Mrs. Laing) made an excellent speech, but I was disappointed when she, too, fell into using such language. Members who do so should be very sure of their ground. After a good start and a not bad ending, the hon. Member for North-West Norfolk (Mr. Bellingham) hit a purple patch that included a large number of examples of "political correctness". I remember vividly that when I lived in Haringey, black bin liners and children singing "Baa, Baa, Black Sheep" were banned. That seemed very odd, because I still had black bin liners and I knew of many children who were still singing that nursery rhyme in nurseries. So before people start scattering such terms around, they should be sure of their ground.

Meg Hillier: My hon. Friend talks about defining terms. What would she say to a lady in my constituency who told me,

"I am being brought inside the protection of the law. It's good to know that the protection is there and that we are considered to be part of human society"?

Is that political correctness or human rights?

Judy Mallaber: It is hard to say, but that is a good point. It is important to raise and to counter such arguments, because they are being used by those who seek to undermine the Bill's good intentions.

Given that the hon. Member for Castle Point (Bob Spink) was clearly unhappy with some of the Bill's terms, it is worth reading out its intentions. The commission's functions are to support

"the development of a society in which . . . people's ability to achieve their potential is not limited by prejudice or discrimination";

a society where

"there is respect for and protection of each individual's human rights . . . respect for the dignity and worth of each individual";

a society where

"each individual has an equal opportunity to participate in society, and . . . there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights."

Philip Davies: No Member in any part of the House questions the good intentions behind the Bill. Many of us, however, are nervous about whether bodies such as those in the Bill are the most effective way of bringing about the changes that the hon. Lady would like to see. Given that in the past 10 years, approximately 20 racial discrimination cases have been brought against the CRE by its own staff, does she think that it is setting a good example in curbing racial discrimination, particularly given that taxpayers' money is being used to settle these cases out of court?

Judy Mallaber: The last Member who made a speech opposed precisely those intentions. He referred specifically to not wanting to develop a society with those goals, so one must challenge these points.

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Let me give one reason why I read out part of the Bill earlier. In 1998, as a new and inexperienced MP, I nervously put my name to, and argued for, a number of amendments to the Northern Ireland Bill relating to equality and human rights. We argued that such improvements needed to be made to ensure that we implemented the radical agenda in the Good Friday agreement, and that that agenda got into the Bill. We argued about using impact assessments of the effects of particular policies, to ensure that they did not discriminate. We argued for a statutory duty on public bodies to promote equality.

Ms Abbott : Will my hon. Friend give way?

Judy Mallaber: May I make some progress first?

As I said in my speech during that debate, we argued for those things because

"promoting the equality agenda has helped to build bridges across community divides."

That radical agenda was put forward in the Good Friday agreement because the communities in Northern Ireland realised that it could tackle division, discrimination and prejudice. As I also said then:

"These issues are not the stuff of drama; they are about social inclusion, the consent of the excluded and putting justice and fairness at the heart of government."—[*Official Report*, 27 July 1998; Vol. 317, c.103–4.]

Interestingly, we in this country are only just beginning to catch up with the radical legislation that was introduced in Northern Ireland at a time when many things were going on there, and people were seeking to reach agreement. The Northern Ireland Act 1998 placed a statutory obligation on public authorities to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without. That was at a time when Northern Ireland was trying to deal with huge political problems, but people thought that it was important to tackle equality and discrimination issues to help to heal the divisions in that society. We are only just catching up with some of those things.

As has been said, it is the 30th anniversary of the Sex Discrimination Act 1975. We have made the greatest advance in gender equality and achieved the biggest change in sex equality laws in the 30 years since by introducing the duty to promote gender equality. The hon. Member for Epping Forest asked how far we have advanced in those 30 years, and I agree that in many ways it is frustrating that little has changed but, on the other hand, a great deal has happened. Thirty years ago, someone who argued for a minimum wage for the lowest paid, particularly women, and for a family-and-work balance so that people could combine employment responsibilities with their home life was regarded not as barmy—it was not just a matter of political correctness—but as completely mad. Society has changed, and we now realise the importance of such policies. We understand the importance of child care, which was difficult to argue for 30 years ago.

Ms Abbott: Opposition Members have argued, as they have done for 40 years, against the use of the law

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and institutions to fight discrimination. I beg them to look across the channel at France, which has doggedly refused to use the law and institutions, or to recognise multiculturalism, and has just experienced 12 days of rioting. The Bill is not perfect—the old CRE was not perfect—but the alternative is too frightening to contemplate.

Judy Mallaber: I agree with my hon. Friend, who puts the case very well.

The measure affects and helps everyone—it is not a Bill for just one particular group. Division, jealousies, inequalities and prejudice lead to tensions and conflict in society, prevent us from harnessing the talents and potential of all those living in our communities, and mean that we do not use their skills in society or in the economy. Hon. Members have already mentioned last week's excellent debate, which demonstrated that the maximising of women's skills is essential to the health and expansion of the UK economy.

When I tentatively and nervously tabled amendments to a sensitive Northern Ireland Bill that was enacted some years ago, I did so because my own union, Unison, had taken the lead as the first organisation to support the Good Friday agreement. It drew membership from both sides of the sectarian divide, and I saw from how it dealt with those members on a daily basis how important it was to promote equality if we were to try to heal the divisions in society.

To develop my intervention on my hon. Friend the Under-Secretary of State for Trade and Industry, the way in which my union operated in those circumstances leads me to argue strongly for continued representation on the new commission by the TUC and the employers' side. The TUC has two representatives on the Equal Opportunities Commission: one on the CRE and another on the Disability Rights Commission. There is automatic union representation on similar commissions in Ireland and South Africa, and it is important that we maintain such representation here.

One reason for doing so came home to me vividly when the hon. Member for Epping Forest said that employers must not be subject to legislation that was too onerous or expensive. My hon. and learned Friend the Member for Redcar (Vera Baird) pointed out that the Bill is designed specifically to limit recourse to the law, and lays strong emphasis on conciliation and the provision of advice and information. The whole aim is to try to avoid recourse to the law. A large range of employment relations cases will arise, and the experience that both sides of industry have gained in dealing with employees and union members in their home and work life will be invaluable in mediation and conciliation. We should seek to use that experience to meet the legitimate concerns of the hon.

Member for Epping Forest and other Opposition Members. I hope that the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), will consider seriously the proposal to continue the tradition of representation from both sides of industry on the commission.

I would like to highlight a couple of concerns expressed by the Equal Opportunities Commission. First, will the gender duty allow public sector bodies to take the action that we hope they will take? There is a

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fear, as has been said, that private functions of public bodies—namely, employment—are not covered by that duty. Public bodies will not necessarily be able to take action to encourage private contractors to tackle discrimination, but it is important that they should do so. Last year, the Select Committee on Trade and Industry, of which I am a member, produced a report entitled "Jobs for the girls: The effect of occupational segregation on the gender pay gap". It highlighted the tendency of men and women to work in different occupations, which is a major factor in the gender pay gap, as the evidence that we received demonstrated. I am sure that that will be confirmed by the Women and Work Commission. We need to tackle that problem.

The lack of skills that results from our failure to harness people's abilities so that they do not undertake different kinds of work has a damaging and limiting effect on the economy. It is important that public sector bodies with a duty to promote equality should be able to do so in their own work force, in other bodies with which they work and in the contracts for which they are responsible. The lack of clarity may not be intentional, but the Equal Opportunities Commission is uncertain about exactly what is covered. I am not a lawyer, so I am not sure about the exact terms that are causing concern, but I hope that the problem can be addressed.

Secondly, as has been said, we need to make sure that educational institutions are covered. They are not covered by the gender equality-specific duties on public bodies, so they do not have the full range of duties to take the action that we hope they will take. Last year, the Select Committee took evidence from the Equal Opportunities Commission for its report. The commission's surveys of year 10 pupils—14 to 15-year-olds, for people who cannot remember which year group is which—showed that

"girls were more likely than boys to think that jobs such as plumbing could be done equally well by both sexes; 80 per cent. of girls were willing to consider a non-traditional job".

Many boys, too, are prepared to consider a non-traditional job, but that open-mindedness disappears as children grow older. Witnesses from the Learning and Skills Council suggested that

"while younger pupils were willing to consider new ideas, by the age of 16 they were 'thinking about relationships, thinking about [their] own identity, thinking about the views of [their] peers, thinking about the views of [their] parents'".

That was brought home to me very strongly when I visited a local secondary school that is doing excellent work to promote vocational education. It makes sure that the academic kids do the vocational education and that students on the vocational pathway have the basic academic skills that employers need. The school is doing some imaginative work—perhaps I should not say so, but students are even doing repairs for the school as part of their vocational work. They are also learning brick laying and many other skills. The headmaster told me that one girl was keen to take the construction course because her dad was a builder. She had been around construction and building, but her father did not think they were appropriate for her. The pressures on girls to leave vocations that they would like to follow and the pressure that push boys away from vocations that they would like to pursue are the starting point of the occupational segregation that limits opportunities and leads to the equal pay gap. We have already heard how

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much the British economy could benefit if we harnessed the skills and opportunities of all those people. Our learning institutions must tackle that problem.

Ms Butler: Will my hon. Friend join me in congratulating North West London college, which has ensured that the skills gap for plumbers is filled by advertising those jobs to females?

Judy Mallaber: Indeed. Such positive examples are greatly to be welcomed. It is part of the responsibility of educational institutions to assist in redressing that gap.

The Bill is extremely important and could make a dramatic difference. I am disappointed that it does not refer specifically to Parliament, but I hope nevertheless that we will take the opportunity of examining the other scandal of our under-representation in this country. According to the Hansard Society report "Women at the Top", Britain is 51st in the worldwide table of political representation. Less than 20 per cent. of our MPs are female. In Rwanda, the figure is more than 48 per cent.; in Sweden 45 per cent. of the Government are female; and in Iraq 32 per cent. of MPs are women. The Opposition have managed to achieve only 9 per cent. Labour is keeping the percentages up, although we wish to go further. I hope the matter will be taken up. Perhaps the Conservative leadership candidates should duck the issue of boxers or briefs, and consider more seriously the representation of women.

I welcome the Bill and hope it will encourage all of us to do more and to promote greater equality in the future.

Mr. Deputy Speaker: Order. Before I call the next hon. Member to speak, a considerable number of hon. Members are still seeking to catch my eye. We have a 15-minute time limit on all speeches, but hon. Members do

not have to take the full 15 minutes. If one or two were prepared to take a little less, I could call more hon. Members to speak. I think everyone would appreciate that greatly.

7.31 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): Thank you, Mr. Deputy Speaker. I shall endeavour to assist colleagues, to ensure that as many as possible get the opportunity to contribute to this important debate. One of the striking features of this debate compared to the one on the earlier version of the Bill—I read that debate—is the slight change in tone. The sounds off during this debate have been somewhat different from the debate before the election. That is interesting for what it says about where parties stand.

I make no criticism of the speech from the official Opposition Front Bench. That was a sound position, but a number of speeches from Back-Bench Conservative Members suggested that legislation and a commission were not the answer. My question to those who hold that view is, what is the alternative that ought to be proposed and argued for? I did not hear, particularly from the hon. Member for Castle Point (Bob Spink), a cogent argument for an alternative way forward, other than some description of organic change.

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We have perhaps been experimenting in real time with organic change on a range of equality issues that the Bill will address, and we have seen that discrimination has continued to be corrosive and to harm the interests of many in this country. That is why I strongly support the Bill.

Chris Bryant : Was the hon. Gentleman as saddened as I was by the speech from the hon. Member for Castle Point (Bob Spink), not least because many of us who know him know that he is much nicer than some of his views? He said that the Churches are unanimously opposed to homosexuality. Is not the truth that they are pretty ambiguous about homosexuality? They are much clearer about equality and their support for it.

Mr. Burstow: Absolutely, and much clearer about being tolerant. That was omitted on this occasion. I very much agree with the hon. Gentleman's comments about the normal character and demeanour of the hon. Member for Castle Point. I am sorry he is not in his place to hear me—[hon. members: "He is."] Ah! He moved. He will have heard the point made by the hon. Member for Rhondda (Chris Bryant), and I echo much of what he said.

Much in the Bill is long overdue. There are three aspects that I shall touch on, all of which relate to age equality and age discrimination issues. First, the commission will be charged with promoting age equality and tackling age discrimination. Older people can face multiple discrimination. For example, evidence shows that older women are considerably poorer than older men, and the oldest are the poorest of all. On average, women's income in retirement is just 57 per cent. of men's, due in part to their greater caring responsibilities for children and other family members throughout their adult lives. As others have observed, this pensions gap is the product of a mid-20th century set of assumptions about family structures that no longer apply. No wonder that, as a consequence of those assumptions, a quarter of older single women live in poverty.

The recent recommendation by the National Institute for Health and Clinical Excellence—NICE—concerning the availability of disease-modifying drugs, such as Arecept for the treatment of dementia, points to ageist assumptions in the appraisal of drugs. Another example is the way in which benefit system discriminates against older disabled people. At the age of 64, a disabled person can claim disability living allowance, which, with its mobility component, is worth up to £43 a week. However, once the person turns 65, they can no longer claim DLA if they become disabled, and are entitled only to attendance allowance, which is a less generous benefit with no mobility component.

For those who are old and disabled, the message that seems to be sent by the benefit rules is that an active life ends at 65. That is not the message that the Government want to send, and I hope that through the Bill we can explore ways of ensuring that such a message is no longer sent by the apparent divide in our benefits system when a person reaches the age of 65.

Age discrimination compounds other forms of discrimination. The challenge for the new commission will be to work across the various equality strands, tackling real-life discrimination in the round, rather

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than trying to shoe-horn people into one category or another. I was heartened by what the Minister said in opening the debate. I agree with my hon. Friend the Member for Romsey (Sandra Gidley) that a committee-based structure that maintains the existing silo approach to equality is not the right way forward. Although I understand the concerns expressed by some about a possible loss of focus on some of the work of the existing commissions, I strongly believe that a single commission will bring benefits to everyone.

That brings me to my second point. The commission will realise its full potential only if all equality strands enjoy parity under the law. I very much agree with the hon. Member for Tooting (Mr. Khan) about the need not to level down, but to level up in that respect. Although the Government have updated and developed the protection in law for every other strand of discrimination, they have left age discrimination behind. The best they can do is the minimum they must do: implement the EU equal rights directive in respect of employment. Even there the protection against age discrimination in employment is weaker than for any other form of discrimination in the workplace.

The law should protect older people against discrimination in the provision of goods, facilities and services. The Lords have already extended the law to include sexual orientation, albeit through regulations, as we heard. The

positive duty on public authorities should apply to all strands. It has already been widened in the Lords to include gender. It should be widened to include age as well, as it does in Northern Ireland. Such a positive duty also exists in Scotland and Wales, so why are older people in England treated less favourably?

The impression given is that in England the elderly are second-class citizens, compared with their neighbours. Why must we wait for the conclusions of the law review? Why can we not find ways through the Bill to provide the means—the paving stones—to give older people equivalent rights in this regard? The danger must surely be that we will end up with a single commission hamstrung by the need to discriminate between the different strands, working within a confusing and complex set of legal protections that result in unequal quality—a hierarchy of equality, as was said earlier, which is enshrined in the Bill in clause 10(4).

My third and final point relates to the human rights dimension, which is such an important part of the Bill. The Human Rights Act 1998 asserts the equal dignity and worth of each and every one of us, but does that really apply to all of us? The answer is clearly no. Thanks to the way the courts have interpreted the meaning of "public authorities" under section 6 of the Act, when one crosses the threshold of a privately run care home, one enters a twilight zone, where an out of sight, out of mind culture of abuse can become the accepted norm. Care homes are places where human rights can be denied. There is what the British Institute of Human Rights calls a "protection gap", into which older vulnerable people can fall.

Mr. Boswell: Does the hon. Gentleman agree that that situation is all the more offensive given that many residents of those homes are present by virtue of public money and public support?

Mr. Burstow: I am coming on to that point and agree with the hon. Gentleman that the situation is more offensive in those respects.

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When older people are neglected or mistreated in a care home, when medication is used as a chemical straitjacket, when relatives are told that they cannot visit because they ask awkward questions, when a married couple are separated and sent to different care homes against their wishes and when an older person is evicted from a care home, they are rarely seen as human rights issues. Such matters are often seen as poor practice or poor standards—yes; standards matter—but first and foremost, they are violations of a person's human rights, which relates to the rights-based approach discussed by my hon. Friend the Member for Romsey. Twice yearly inspections by the Commission for Social Care Inspection are not the answer to violations of older people's rights and dignity. Plans are afoot to introduce an even lighter-touch inspection regime in the future, so the inspection regime will not deliver the protection of human rights.

If one crosses the threshold of a private care home, the Human Rights Act 1998 does not apply, and a person receiving services from a private body does not benefit from the protection of the 1998 Act, which was a point established in the Leonard Cheshire Foundation case.

Meg Hillier : The hon. Gentleman has made some interesting points about care in institutions. On a slightly wider point, if a worker registers with a private agency, performs badly and is asked to leave, they can register with another agency and, provided that they do not have a disciplinary record, continue to work with people. Does the hon. Gentleman agree that the issue goes wider than rights in care homes?

Mr. Burstow: I could not agree more with the hon. Lady. Another Bill is coming before the House to widen the protection of vulnerable adults list in order properly to safeguard others within the system. I think that that change is a result of the recommendations of the Bichard inquiry, and I hope that the legislation goes on to the statute book at the earliest opportunity.

Returning to the Leonard Cheshire Foundation case, we must deal with the restrictive interpretation of the 1998 Act. On Second Reading of Human Rights Bill, the Lord Chancellor described the Government's intention:

"We also decided that we should apply the Bill to a wide rather than a narrow range of public authorities, so as to provide as much protection as possible to those who claim that their rights have been infringed."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1232.]

The problem is that that is not happening in practice. In the care homes sector, which particularly concerns me, nine out of 10 care homes are operated in the private sector, but two thirds of the people who live in those homes are paid for by local councils. Despite the legal duty on public authorities under the National Assistance Act 1948, the 1998 Act does not apply because privately run care homes are not public authorities for the purposes of the legislation. Self-funders pay for themselves and are never assessed by the local authority. They face an even greater potential risk because there is not even the possibility of a vigilant local authority using its contracting muscle to safeguard their dignity and welfare.

Two years ago, the Joint Committee on Human Rights concluded that the courts should interpret the 1998 Act more widely and agreed with the proposition

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that that could be done by intervening as a third party in a test case. The problem is that we are still waiting for an appropriate case to come along in order to make the Government correct the law. How much longer must older people in care homes in the private sector wait before that action is taken? It is not acceptable that some of the most vulnerable in our community are waiting for the Government to step in. I therefore hope that during the passage of the Bill some way can be found to enable legislation to be amended so that that anomaly, which the

courts have brought into being, can be put right and older people can be given the protection that they deserve, whether they are in a council-run or a private sector care home. I hope that the Minister will provide reassurance on those points.

The Bill is long overdue and rightly brings together all the strands of discrimination, because discrimination does not occur in a silo. Discrimination does not often occur purely on the basis of gender, sexual orientation or any other matter, and many of us have experienced multiple discrimination, which is why we need an agency that can examine such matters together. I hope that the existence of such an organisation is not too far in the future and that the right legislation will provide a comprehensive equality framework, too.

7.44 pm

Mr. David Kidney (Stafford) (Lab): The hon. Member for Sutton and Cheam (Mr. Burstow) consistently speaks up for older people, and I join him in pressing for strong laws to stop discrimination against older people and for a strong commission to enforce those laws.

I congratulate the Under-Secretary, my hon. Friend the Member for Sheffield, Heeley (Meg Munn), on her fine first performance in charge of a Bill at the Dispatch Box and my hon. Friend the Member for Wallasey (Angela Eagle), who has spent a very long time campaigning tirelessly and skilfully for a single equality Bill, which draws ever closer.

Since the Human Rights Act 1998 was enacted, I have been convinced of the need for a single commission, which I envisage bringing to bear great expertise, a wide range of powers and, crucially, an influence that will help us to eradicate discrimination in our society. The Bill brings about that single commission for equality and human rights, and the two reviews will lead to a single equality law. I was also pleased when the Joint Committee on Human Rights recommended in 2003 that the Government create an integrated commission for equality and human rights.

To my mind, fairness, equal opportunities and dignity are essential values for a successful society, and in those terms measures of success include social cohesion, enterprise, co-operation and wealth creation. We have seen groundbreaking steps in the past: the UK set up the Equal Opportunities Commission in 1975, the Commission for Racial Equality in 1976 and the Disability Rights Commission in 1999—all those achievements occurred under Labour Governments. However, that approach means that some areas of discrimination and some groups of citizens receive attention, while others do not. It has also led to great complexity—reams of Acts of Parliament, statutory instruments, codes of practice, codes of guidance and, more recently, European legislation.

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It is better to have one commission that adopts a holistic approach to equality and human rights issues and one equality law, which will come next, to provide a coherent and understandable single reference point. A commission for equality and human rights will go beyond individual casework. Crucially, it will act strategically to provide advice and information, and it will be capable of conducting inquiries and investigations. It will support test cases, but it will also seek to work by non-judicial means, such as establishing agreements to enforce compliance without going to court. It should stop unlawful behaviour and promote good relations between individual groups. To take one obvious area that requires a new, stronger approach, we have had legislation on equal pay since 1970, but the pay gap persists—we heard the figures earlier in the debate. We must take new powers and adopt new approaches to eradicate the pay gap between men and women. The approach is not anti-business, and, indeed, most businesses will welcome a single commission and a single equality law. Earlier, we heard a quote from the CBI, which welcomes the establishment of the single commission. The single commission can help businesses to adopt fair practices in the workplace, avoid tribunal cases and, hopefully, recognise the benefits of a diverse work force.

The European employment directive requires the introduction of national legislation to eradicate ageism by the end of 2006. It seems that such legislation will be introduced next year, and the powers under the legislation will be given to the commission to enforce the rights of older people to a place at work. Too few companies act like B&Q in volunteering to employ a diverse work force and accepting older people as valuable members of it. The commission will ensure that more employers behave responsibly and experience greater economic success as a result. It will also take responsibility for enforcing the new rights for older people in employment and training, which is why Age Concern warmly welcomes the Bill.

Age discrimination does not relate only to older people, because, as the Minister said earlier, children, too, may be subject to age discrimination. Children do not have votes or political organisations such as political parties, trade unions and the CBI to represent them, so it is particularly important that Parliament has regard to their rights and needs—for example, the need for protection. It is arguable that the Bill provides implicit coverage of issues relating to children and young persons, but the coverage is certainly not explicit. For example, clause 9(2)(a) defines human rights as specifically including rights under the European convention on human rights, but only in subsection (b) does it say that the commission can also exercise its functions in respect of "other human rights". On Third Reading in the other place, Baroness Ashton said that the phrase "other human rights" would include rights under the UN convention on the rights of the child, which this country signed up to in 1991. Clause 10 defines groups or classes of persons who share a common attribute. The definition could include a group defined by age such as children and young persons under the age of 18. That could be used to challenge measures that are having a particularly adverse effect on children and young persons, thus arguably discriminating against them because they are children.

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Perhaps children's and young persons' rights will be covered by the Bill and the commission will help our country to become more child-friendly, tolerant and inclusive. However, children do not get a fair deal out of the existing laws and commissions. According to the Children's Rights Alliance for England, an examination of the most recent annual reports of the existing equality bodies shows that babies, children and young persons feature very little in their work as people in their own right, despite comprising one fifth of the population. The Minister could argue that children are implicitly covered in the legislation for each of those bodies, yet in practice their work shows that children's and young persons' equality issues are largely overlooked.

Is it not therefore better to make it clear in the Bill that children and young persons will have their rights under the UN convention on the rights of the child enforced and that they will be a group having the benefits of the commission's work? An additional benefit of that approach is that we can clarify in law the respective roles of the commission and the various children's commissioners around the United Kingdom. Some of those commissioners, like the commission, have rights and abilities to give information and advice, to carry out research, to carry out education and training, to take up individual cases, to make assessments and to carry out investigations. There is clearly some overlap between their rights and those of the commission. The Minister says that a memorandum of understanding will sort out how they relate to each other, but those rights and that interaction can be resolved in an Act of Parliament.

We have already had great successes in children's issues during my time in Parliament, with the Children (Leaving Care) Act 2000, the "Every child matters" agenda, and the Children Act 2004. There has been good progress so far; now, let us get the Bill right to augment the good work that has been done. We have made progress from the Human Rights Act 1998 through consultation, the White Paper and now this Bill, with more to come—the two reviews and the single equality law. We are promoting a fairer, more inclusive Britain. A strong, independent commission will challenge discrimination across society and for the first time promote human rights. It will be a champion of diversity, and as such a welcome addition to the architecture of a modern nation determined to harness the talents of all our citizens.

7.53 pm

Mr. David Burrowes (Enfield, Southgate) (Con): I am grateful to follow the hon. Member for Stafford (Mr. Kidney), who made some considered and detailed remarks.

The Bill is no doubt very well intentioned. I certainly wish to sign up to the aspirations of clause 3 in the respect for human rights, dignity and worth of individuals and equal opportunities and mutual respect that it seeks to uphold and promote. I am pleased that the Government have said that they do not intend to put the original religious harassment provisions back into the Bill.

I pay tribute to the work of those in the other place, particularly Baroness O'Cathain, whose efforts exposed the loose drafting of the original Bill, which could have been used to try to outlaw all kinds of expressions of legitimate religious faith.

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Other issues of religious liberty are at stake in the Bill and need to be considered. I wish particularly to deal with the detail of its implementation. Part 3 is entitled, "Discrimination on grounds of sexual orientation". One would certainly wish to sign up to the general principle of wanting to avoid discrimination on grounds of sexual orientation. However, I am concerned that proper protections should be in place as regards the implementation of that part of the Bill. The amendments that the Government accepted in the other place at least countenanced the possibility of religious protections. Clause 80(3)(e) provides for the possibility of regulations under part 2 but does not require them. I respectfully suggest that that requires careful consideration, and indeed amendment, in Committee.

Without clauses 56 to 59, the religious discrimination provisions of the Bill would outlaw many ordinary legitimate activities of religious groups. In the same way, without specific religious protections the provisions on sexual orientation discrimination could have the same effect. I am concerned that those groups should be free to uphold their doctrinal beliefs and to retain the integrity of their religious ethos and their freedom of association.

Meg Hillier: I think that all Members of this House believe in religious freedom, but we also believe in fairness and equality. Why should the hon. Gentleman be treated differently from someone of a different orientation from himself, or any of us, for that matter? There is no reason in religion to treat people differently.

Mr. Burrowes: I do not seek to distinguish between people's beliefs, nor between the views of the hon. Lady and another hon. Member. Nevertheless, it is a fact that many churches will not allow into membership a person who, for example, is sexually active outside marriage.

Without proper protections, any new laws on sexual orientation could lead to a church being taken to court for refusing membership and associated activities to, for example, a practising homosexual. Some hon. Members may well feel that that is unacceptable and have no sympathy at all with such churches, but it is a fact that many would adopt that practice. They should not have a view imposed on them that would compromise their beliefs. They do many good things in our communities. They are heavily involved in voluntary activities, providing help and support to many of those who are excluded by statutory agencies. They assist many of the most vulnerable people. They help all within our communities regardless of religion, sexual morality or anything else. There is one such centre

in my constituency—the Trinity-at-Bowes centre in the Bowes area. It has opened its doors to all people of different religions and cultures, regardless of views but providing help for the most vulnerable. We need to be careful to allow those churches to carry on their legitimate activities and practices and to give them the proper protections. Many of them do more to fulfil the principles of clause 3—mutual respect to others, providing equal opportunity, dignity and worth to each individual—than any commission will ever do. Hon. Members may talk about diversity, but why must those groups face sanction for their non-conformity with a certain view of sexual morality? When they

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choose their own members, we should protect their freedom of association and not allow them to be at risk of legal action from undue complaints.

Angela Eagle: I am having some difficulty in following the hon. Gentleman's argument. Is he equating sexual orientation with sexual morality?

Mr. Burrowes: No, I am not. I am grateful to the hon. Lady for allowing me to clarify the point. The ethos and religious belief of some churches may be involved with morality or a view on sexual orientation, with the practical effect that in terms of membership and associated activities they take a view on sexual activity outside marriage and homosexuality. However one defines that, it is the reality for some religious groups.

I respectfully ask for that point to be considered, because several churches will worry that there will be a proscription of their activities and practice that could properly be dealt with in a sensitive and appropriate way similar to that in part 2, which gives appropriate protections.

Angela Eagle: Is the hon. Gentleman telling us that he does not conflate sexual orientation and sexual morality, but that it is okay for others to do so?

Mr. Burrowes: I am putting the case for some churches. My view is immaterial. Some churches properly practise in all good faith the approach that I outlined.

Meg Hillier: I spoke recently to a middle-aged lesbian couple in my constituency. One of them said to a roomful of people, "I'm a good woman. I just want a simple life. People care too much about sex. What does it matter what I do in the privacy of my bedroom." What would the hon. Gentleman say to her?

Mr. Burrowes: With respect, that is not greatly relevant to the Bill. The issue is not what one individual thinks of another but the activities of some churches, which are defined by a statement of faith and their ethos. They legitimately carry out their activities and determine membership on the basis of their statement of faith and ethos. They are concerned that, without proper protections, the Bill could proscribe their activities.

Let me move on to a separate point that my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) helpfully raised—Baroness O'Cathain raised it in another place—about the commission's power to back a legal action brought by an individual, and the use of its powers in judicial review, investigation and enforcement. It is important that we have a proper approach and that we recognise that legal action over, for example, religious liberty may mean that, on one side, we have the substantial financial and legal resources of the commission and, on the other, a defendant with limited resources who may be disadvantaged. There could be proceedings against a church or religious charity that would be left struggling to find the money to pay for lawyers. That inequality of resources could result in a miscarriage of justice.

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In the other place, the Under-Secretary of State for Constitutional Affairs responded by effectively saying that bad cases could never succeed. She shows a great deal of faith in the system—I suppose that she would, given that she is an Under-Secretary in the Department for Constitutional Affairs—but perhaps, after 11 years as a solicitor, I can be a little more sceptical about the system and its practical effects. Without proper resources and proper advice, many a litigant's claim would be less likely to succeed.

The commission's intervention in an individual legal action could turn it into a David-and-Goliath battle. Ironically, the human rights legislation needs to be carefully examined to ascertain whether the equality-of-arms principle is fulfilled in the instance that we are considering. I hope that the Government will reconsider, especially about some form of assistance for those on the receiving end of legal actions that the commission back. Perhaps assistance should be strictly limited to non-profit-making organisations or, indeed, means-tested.

The Under-Secretary in the other place sought to allay fears about proper assistance for representation by relying on the Access to Justice Act 1999, which provides scope for assistance when public funding is not normally available. However, in practice, that is an exceptional route to follow. It is not often allowed by the Legal Services Commission. I respectfully suggest that the Government should consider explicit provision for legal assistance and funding for those who are on the receiving end of legal action by the commission.

John Bercow: It is a truism that a small organisation that is up against a large organisation will always, relatively speaking, be at a disadvantage, not least financially. However, we normally accept that organisations have to operate within the law as decreed by Parliament. Does not my hon. Friend accept that it would be perfectly proper for a small organisation of the sort that he describes to opt to purchase legal insurance against the eventuality that he envisages?

Mr. Burrowes: That is only one option and we should ask whether it is appropriate always to burden those charities or organisations with the obligation to obtain insurance and whether there should be an option of public

funding assistance, given that the commission would receive such assistance for presenting the case. I accept that legal insurance is one option to consider, but I am worried about whether charities, which are already bound under several regulations, burdens and expenses, should be obliged to follow the legal insurance route. I ask the Government to consider especially the point about representation and assistance.

8.4 pm

Vera Baird (Redcar) (Lab): If I may partially exclude the previous speaker, some extraordinarily reactionary speeches have been made from the deep, dark backwoods of the Tory Benches. Sometimes, I felt like Captain Kirk looking out from the Starship Enterprise at a newly discovered planet and saying, "There's life there, Scotty, but not as we know it."

I welcome the advent of the commission and the vision that underpins the Bill. Clearly, the commission's purpose is to drive forward all equalities and human

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rights so that they are embedded in our culture, the concrete of our society and the matrix of our lives. All sensible people should welcome that and the Government are to be commended. If there are any excessive notes of bureaucracy, as some have suggested, they will be tackled in Committee.

Apart from decency, there is an important business case for the quest for equality, especially in the workplace. Without equality, we will not be as productive as we could be. Productivity requires everybody's talents to be harnessed to the full. That requires no discrimination against any sector or individual to limit that universal potential.

Some Conservative Members have described the Bill as dealing with a marginal issue or marginal people. By 2010, 80 per cent. of the work force will be in one or other of the strands that the commission covers. That means that only 20 per cent. of the work force will be white, male, able bodied and under 45—and they will not be under 45 for long. It is extraordinary that such a huge chunk of the population has had no protection until today. We are considering a big issue, not one about margins.

The subject is not only large and important but complex. Inequality is not as simple as we believed in the first place. Women who are single pensioners, Pakistani, Bangladeshi, disabled or lone parents are far more likely to be poor and excluded than men in those categories, whereas women in some industries, for example, the law, probably have equality with men these days. That shows the need for a much more complex approach to overcoming discrimination. It is not simply about gender.

From another angle, a black older woman often would not know why she had not got a job, simply that she had been discriminated against. She would not know whether the reason was race, age or gender and she should be able to get support from one organisation that understands those complexities and also takes on human rights, which are integral to all the issues.

Let us consider domestic abuse. It is mainly against women, so there is a gender element, but it is a deep violation of an individual's human rights. Children's rights and forced marriage also show that there is a big overlap between equalities and human rights generally. It is therefore key that the commission is united and key that human rights are involved. Again, I congratulate the Government on the Bill.

I have some medium-sized criticisms of the otherwise pearlescent perfection of the commission but I can deal with them quickly because others have mentioned them. Before I discuss them, let me make one point for the Opposition and the media who talk about the Government as if they were perpetually leading an onslaught against human rights, civil liberties, equalities and freedoms. I ask them to examine the advance that the Bill will make. The Human Rights Act 1998 made the initial change so that human rights could be enforced here without having to go through our multi-tiered court system and off to Strasbourg. That means that human rights more deeply imbue our law and awareness than they would have done if the only way to enforce them continued to be a wildly expensive, long-term process with an occasional case reaching a remote court in Strasbourg. The Government accepted that they

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should surround themselves with those value-based guidelines in a strong form while they struggled—with terrorism today and who knows what tomorrow. They wrestle now with their duty simultaneously to protect the article 2 right to life of their citizens, free from threat, and the article 5 rights of the people who appear to pose the threat. The Government brought those rights home and made those values part of our law.

Today the Government go much further in tasking the commission to drive forward those values and equalities through our society and culture. These are not the actions of an oppressive Government.

There remain among the excellent proposals in the Bill some causes for real concern, however. The hierarchy of equality has been referred to already, so let me merely nod and pass that matter by. Discrimination in regard to the provision of goods and services will not be outlawed for people of age, nor will there be a public duty to promote age equality. So age is already two points down; it has already suffered twice, and it will suffer again in relation to the matter raised by the hon. Member for Sutton and Cheam (Mr. Burstow). The definition of a public authority is over-narrow, and only public authorities are obliged to comply with human rights legislation directly. Only public authorities will be subject to the duties that the commission can impose on people.

Public authorities are very narrowly defined, and that will damage the position of many people. The case mentioned by the hon. Member for Sutton and Cheam involved a Leonard Cheshire home, and it was decided as long ago as 2002. It was the intention under the Human Rights Act 1998 that an organisation should be regarded a public authority if it was carrying out public functions. That is very straightforward, and a Leonard Cheshire home clearly carries out the functions that a council would otherwise have to provide. However, the court allocated the status of public authority on a very different, rather esoteric and much narrower basis. Ninety per cent. of care homes and 70 per cent. of the domiciliary services in old people's homes are run by private suppliers, and they will not be covered by the Bill because they will be excluded by that definition.

I know that the Government are aware of this matter, and I know that there is a three-pronged approach to putting it right. The first involves looking for a suitable case, presumably so that the Attorney-General can intervene to advocate going back to the original definition. It is not the Government's fault that there has been no such case, as the hon. Member for Sutton and Cheam seemed to suggest, but we do not know when such a case will arise. The second possibility involves local authorities entering into contracts to protect old people's human rights. That was suggested in the course of the case in 2002, but there is still no guidance to that effect for local authorities. The problem with that solution is that it would be enforceable only by the local authority against the home, and not by an individual against the home. The third possibility would be to include the issue in the discrimination law review.

This issue will bite harshly on people of age, but, because we are committed to using private suppliers to supply innumerable public services—I make no criticism of that—it will also affect a far wider group of recipients. Examples include the increased use of private finance initiatives, the large-scale voluntary transfer of

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council houses, the private provision of services by diagnostic and treatment centres, and the privatisation of back-office services in local authorities and of highway maintenance. Many other aspects of our public services are also delivered by private sector organisations, and it is debatable which of them, if any, would qualify as a public authority under that very narrow definition.

So the Bill will give rights with one hand, and take them away with the other—as a result of transfers from the public sector to the private sector—so long as that narrow definition of a public authority subsists. What, I ask—rhetorically, of course—is there to prevent the inclusion in the Bill of a clause stating that we reaffirm the public functions basis of the definition of a public authority, and that we declare the case of *Heather v. Leonard Cheshire Homes* to be of no effect? There seems to be no reason why that could not be done. It is a fourth possible solution, and it has the advantage that it could be done now. I invite the Minister to comment on that when she replies to the debate.

Clause 10, which was mentioned earlier by the hon. Member for Lewisham, Deptford (Joan Ruddock), will require the commission for equality and human rights to work towards community cohesion and to promote good relations across all seven of the equality strands. However, subsection (4) states:

"In determining what action to take in pursuance of this section the Commission shall have particular regard to the importance of exercising the powers conferred by this Part in relation to groups defined by reference to race, religion or belief."

My hon. Friend the Member for Wallasey (Angela Eagle) said that the Bill was a taster, and that she relished the prospect of the main course of a single equalities Act in which all equalities will be equal, but I believe that the Bill will entrench a hierarchy of equalities now.

The inequality contained in clause 10(4) would give a premium to groups defined by reference to race, religion or belief, and it would affect the allocation of differential resources. There has never been a satisfactory explanation for the rationale behind the Equal Opportunities Commission working on only half the budget of the Commission for Racial Equality. As drafted, clause 10(4) is bound to disadvantage all the equality strands that are not defined by reference to race, religion or belief, in the allocation of resources.

The Bill requires the commission to set its priorities in consultation with the community, but clause 10(4) would effectively remove that right completely and undermine the commission's independence by setting in stone in the Bill something that might be a current political priority but which would remove the commission's freedom of movement. I recognise that the rationale behind clause 10 is that the potential for interracial or inter-faith conflict that exists at the moment is a problem, and I do not want to minimise the need for the commission to promote good relations in those areas. However, I do not believe that they should be singled out and given permanent priority in law, when there are also significant levels of conflict in other areas. People are made very unhappy, they are harassed and even killed by racial and religious strife, but two women a week are killed by a violent partner or former

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partner. Just under half of all women experience domestic violence, sexual assault or stalking. Forty-eight per cent. of east London gay people suffer from homophobic crime, and 23 per cent. of adults with learning disabilities have experienced physical abuse.

Let me say gently that there has sometimes been conflict between the sexual orientation and women's rights sectors and some religions and beliefs. Of course, doctrines are a matter for them, but when it comes to the

impact of the Bill on the wider community, why should women's equality have a lower priority than the protection of faith? It should not. It should have equal priority, and I suggest that it should be expressed as equal in the Bill. I suggest further that human rights are a useful tool for mediating in situations in which there is a conflict between equal equalities.

To give priority to a particular strand would be to undermine part of the purpose of the commission. I suggest therefore that clause 10(4) should be amended to provide that the commission should have due regard to the importance of exercising the powers conferred in this part of the Bill in relation to all seven communities defined in subsection (2). That would be fairer, and it would be equal. That is what the Bill is about.

8.17 pm

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): I should like to begin by expressing my support for the Bill. The words of the Minister were right and the time is right. However, I have some issues with the detail of the Bill, which I shall come to in a moment. First, I want to discuss some of the comments that have been made—mainly by Conservative Members, I have to say—on the religious aspects of the provisions. As a practising Christian, I have to say that the vast majority of Christians attach no stigma to sexual orientation.

My hon. Friend the Member for Castle Point (Bob Spink) talked about this British society—I cannot remember his exact words—and I would refer him to the Old Testament, which talks about sojourners in foreign lands. The sojourners we have had in our land have given us a multi-ethnic, multicultural, rich and diverse society, and it is they who need the protection of the Bill, because sometimes, as a result of malice or ignorance, situations have arisen that require more robust legislation.

Kitty Ussher (Burnley) (Lab): I welcome the hon. Lady's comments, but will she explain why, throughout the entire 18 years in which her party was in power, no progress whatever was made on this agenda? Indeed, things almost went backwards with the introduction of section 28.

Mrs. Dorries: I am sure that Labour Members had plenty of opportunities to ask those questions while my party was in power. As a new Member who has been here only since May, I cannot comment on what happened before, but I am sure that the Labour party provided very effective opposition to challenge the Government of the time.

Mr. David Evennett (Bexleyheath and Crayford) (Con): The Disability Discrimination Act 1995 was enacted during that period of Conservative Government.

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Mrs. Dorries: I thank my hon. Friend for informing me of that point.

I support the Bill's holistic approach in establishing an overarching commission that takes in the functions of the three independent commissions. However, perhaps because I am a northerner, or was a business woman, I am concerned about the finances. The new commission will cost £24 million to establish and a further £70 million a year to run. The hon. Member for Wallasey (Angela Eagle) said that the Opposition want to starve the commission of funds, but that is not the case. As a business woman, if one of my managers had come to me and said that they had a new process that would take in three existing processes, I would have expected a cost-saving justification for that. Given that taxpayers' money is involved here, it is amazing that this will cost 43 per cent. more to run, and I have not yet seen the justification for that. We know that extra strands will be taken in, but there should also be economy of scale. I take on board the points made about human resources and various other functions within the costings, but it still does not make sense. If one overarching commission is to take on the responsibility of three, with a few additional strands, an additional 43 per cent. cost cannot be justified. I look forward to the Minister's comments on that. I understand the extended scope, but it is hard to make sense of the figures that have been forward. A sensible approach would be for the Minister to look again at the costs and perhaps use that additional funding for additional strands, or put it towards the cost of the single equality Bill, about which the hon. Member for Wallasey also spoke.

I shall try to be brief so that other hon. Members may speak. I want to draw attention to a parallel between the education White Paper and the Bill. Anyone who has studied the White Paper will, like me, be concerned about over-centralisation. However, the White Paper has the safety net of common sense, which is provided by the involvement of a host of professionals in its delivery, in conjunction with parents, teachers, children and governors. That will result in a natural erring towards common sense, and a natural moving away from bureaucracy. However, as my hon. Friend the Member for New Forest, West (Mr. Swayne) said, in the Bill much is centralised in the Minister. One hon. Member referred to the guest house, which may be Christian guest house, the people who might be staying there and the issues that arise from that. I want the Bill to work because it is needed and it needs credibility to do so, but when it is over-centralised, and when such issues arise, they will be given priority.

Vera Baird: I had not understood that the commission would be over-centralised. I shall be disappointed if the Minister does not tell me that it will have regional offices. We are certainly hoping for one for the north-east. I would not say that we expect it in Redcar, but we have put a bid in.

Mrs. Dorries: Perhaps the Minister will say whether there will be regional offices.

Angela Eagle: There are.

Mrs. Dorries: That does not actually mean that the legislation will not be over-centralised in its administration throughout those regional offices.

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Some who called for the Bill do not have the same agenda as the House or Opposition Members. They will want to use it for their own means and ends. I hope that the Minister will ensure that such people will not be able to do so. If the Bill is too rigid and too politicised it could be exploited by such people. I urge the Government to be wary of over-centralisation.

I have a genuine query for the Minister. Part 4 of the Bill places a duty on public authorities to promote equality of opportunity between men and women. How will that impact upon political candidate selection for all political parties? I should genuinely like to know whether the legislation affects what is already in place.

Discrimination is in itself abhorrent. It is unjust, unfair and it should be unlawful. It destroys confidence, blights lives and denies people opportunity. In a civilised society, discrimination in whatever form should simply not exist. I am opposed to legislation for the sake of it, but the Bill is necessary and well-intentioned in today's society. We must hope that the Government will ensure that their good intentions are not abused by those who will try to use the Bill to meet their own ends.

8.25 pm

Barbara Keeley (Worsley) (Lab): I welcome the Bill. I, too, am proud of the work of Labour Governments over 30 years and, as we heard, of even earlier decades, in bringing forward legislation to promote and ensure equality and diversity. I also welcome the establishment of the commission for equality and human rights, which I naturally hope will be based in Manchester, or even nearby Salford. *[Interruption.]* Worsley would be good. We have heard arguments for London, so it is worth making a few points about Manchester's case.

The Equal Opportunities Commission has obviously long flourished in Manchester. I hope that we can get away from believing that we can work on policy only here in the metropolis. For our party conferences and policy making we move around the country, and, of course, all the groups that need to be consulted on issues also live in Greater Manchester, so I hope that people will not be too swayed or diverted by arguments in favour of London as a location.

The Equal Opportunities Commission tells us that achieving equality for men and women requires taking account of more than gender, and my hon. and learned Friend the Member for Redcar (Vera Baird) said earlier that among older people, people with a disability and Pakistani and Bangladeshi ethnic groups, the women are more likely to be poor and excluded than men, and that is a key fact. But we also know that white working-class boys perform less well in their standard assessment tests and GCSEs than white working-class girls, and boys from other ethnic backgrounds. When I was responsible for an education service in local government I was concerned about such statistics. I felt that too little was known and too little work was being done on such issues. That is why it is welcome that the Bill introduces the equalities review and the discrimination law review.

Mr. Stewart Jackson (Peterborough) (Con): How does the hon. Lady account for the figures in my constituency where I have the largest Muslim community of any Conservative Member where the

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highest educational attainment is among Pakistani Muslim, mainly Kashmiri, girls at all levels from 11 to 18?

Barbara Keeley: That is what I was talking about. I was saying that in many cases now, some of the ethnic minority groupings are doing better than white working-class boys. When we investigate discrimination, we need to look across the piece and try to find reasons for that. That is why the equalities review is such a good move. It will be able to investigate all the social, cultural and economic factors that limit or deny people the opportunities to make the best of their abilities. It is important that we gain that understanding of the long-term cases of disadvantage that need to be addressed in public policy. When I was responsible for education in local government, I was never clear what specifically we could do for those white working-class boys to improve things for them.

I want to touch on three aspects of the new commission. I want to talk briefly about women and then move on to carers and human rights. The new provisions to prohibit discrimination and to create a general duty to promote gender equality are welcome. The public sector is a major employer of women. Of public sector workers, 64 per cent. are women. In my constituency, the largest employers are the two local authorities, Salford and Wigan, and the NHS.

We know that the gender gap has closed considerably over the past 30 years. As some of my hon. Friends mentioned earlier, women now earn 83p for every £1 earned by men, compared to only 70p 30 years ago. However, there is still more to be done. I want the pay gap between women and men to be closed even more. Apart from that being the right thing to do, it makes sense for the economy. My hon. Friend the Minister cited figures demonstrating that raising women's skills to the level of men's would add 3 per cent. to our gross domestic product. Although the gender pay gap is only 10 per cent. among full-time staff in the public sector, it is 21 per cent. in the private sector, so there is still much to be done.

I believe that there are still too few women in senior management positions in the public sector, in which there is a concentration of women in such roles as teaching and social work. When I was a councillor, we appointed our first woman chief executive, but she was one of very few to attain that senior post in the north-west. One of my two local authorities, Wigan, has just appointed a woman chief executive, Joyce Redfearn. That constitutes a step forward in that part of the north-west, but it is still the case that only a fifth of local authorities employ women in such senior positions. The health service is doing a little better: 28 per cent. of its chief executives are women. I

hope that the public-sector duty to promote gender equality will help authorities to take steps, in their role as employers, to improve the current position.

Mrs. Dorries: As was pointed out to me, the Government have been in power for eight and half years. They have had that time in which to try to improve the position.

Barbara Keeley: I think the hon. Lady would agree that it probably takes more than eight and a half years

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to work one's way up to becoming chief executive of a local authority. It takes most people a few years to reach the top of an organisation—probably more than just eight years. I think that more responsibility falls on a party that was in government for 18 years.

As my hon. Friend the Member for Amber Valley (Judy Mallaber) pointed out, welcome work is already being done on occupational segregation to find out why men and women are concentrated in different jobs. Work is also being done on female access to what has historically been seen as male jobs. It is important for us to understand concepts such as that of the glass ceiling, of which we have heard so much and which prevents women from making progress, and that of the sticky floor—a new one on me—which stops women from moving up from the jobs that pay least. It is equally important to understand both those concepts.

I want to say something about how caring affects ability to work. Employers should recognise that their employees are juggling caring responsibilities with work. Having such responsibilities, especially for a child or an adult with a disability—or indeed an elderly relative—affects the ability of both men and women to work.

Employment rates for men and, in particular, women carers are likely to be lower than those for other people of the same working age. Seventy per cent. of men between 30 and 44 caring for a disabled son or daughter are in work, while fewer than 50 per cent. of women carers in the same age group are in work. The peak age for caring is between 45 and 64—women may return to caring even if they have been working—and one adult in four in that age group has caring responsibilities. Again, that applies more to women: 27 per cent. will be caring for someone with a long-term health condition between the ages of 45 and 64, compared to 19 per cent. of men. For many carers, overall employment rates are lower. The greater the caring commitment, the more likely it is that carers will have to work part time. Given the wider pay gap among part-time workers, that means that carers juggling caring and work suffer double discrimination, and most of them are women.

Alison Seabeck (Plymouth, Devonport) (Lab): May I say something about the support given to carers and others who are discriminated against by employers, because of their caring duties or for other reasons? Perhaps my hon. Friend, like me, has been lobbied by the Equal Opportunities Commission, which fears that its powers under section 73 of the Sex Discrimination Act 1975 are not being transferred to the Bill—specifically, its power to represent people confronted by discrimination of this nature. If so, no doubt she will ask the Minister to respond later.

Barbara Keeley: My hon. Friend must be clairvoyant. I was coming to that point.

Issues involving parenting, caring and work are complex. They affect many of our constituents, so they should concern us all. A question that is still being asked is whether the duty to promote equality between women and men will ensure that caring responsibilities are recognised by public bodies with duties applying to their employment practices and the way in which they design their services. I understand that the Equality

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Commission for Northern Ireland deals with caring as a separate strand, and has a positive duty relating to public bodies, including the promotion of equality

"between persons with dependants and those without".

Caring is often not even visible to employers. Many carers do not like to ask for time off, or indeed for flexibility, but the Bill will allow them to do so. Many currently feel that caring is not seen as a reason for time off in their workplaces. Like my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck), I hope that the Committee will consider whether the duty to promote equality could be extended, and whether caring responsibilities could become an extra and, perhaps, a particularly important strand of the commission's work.

It is welcome that the new single statutory commission has human rights in its title. We should celebrate that. With that institutional support, the work on equality and human rights can be linked. As we know, discrimination and lack of equality waste the potential of individuals and represent a loss to our nation, which we can now quantify in terms of GDP.

In the past 30 years, we have made steady but at times slow progress on reducing inequality and attacking discrimination, although much more progress has been made under Labour Governments than under Conservative Governments. As Labour Members have said, it has been disturbing to hear the views of what is becoming known as the dinosaur tendency. As my hon. Friend the Member for Amber Valley said, Members should be clear about their terms. I understand that the reason why bibles have been removed from patients' lockers in NHS hospitals is to prevent cross-infection. If a patient in the NHS wants a bible, the idea is that they ask for one. They are then provided with one that has been properly disinfected following use by other patients. Therefore, it has nothing to do with political correctness. That has been quoted twice by Opposition Members. It is rather silly that they do that type of thing. In contrast, my hon. Friend the Member for Wallasey (Angela Eagle) gave an excellent exposition of the work of Labour's women pioneers over the past century.

Since 1997, we have abolished section 28 and introduced civil partnerships. Today, many of my hon. Friends have emphasised the importance of ending discrimination on grounds of sexual orientation in the provision of goods and services. Like them, I welcome the fact that our Government have accepted amendments to the Bill in the other place which allow the Secretary of State to make regulations that prohibit discrimination on the grounds of sexual orientation. We are indeed glad that there is widespread support for these measures in Parliament and beyond and I add my support to that.

Looking forward, measures are proposed to outlaw age discrimination in the workplace, and the Women and Work Commission will report early next year. Like many hon. Members, particularly those on the Labour Benches, I welcome the Bill, which is the biggest step forward for the law on equality for many years and creates a body, wherever it is located—I hope that it will be in the north-west—that will integrate the three pillars of equality, diversity and human rights and work to promote good relations.

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8.37 pm

Mrs. Maria Miller (Basingstoke) (Con): Mr. Deputy Speaker, I thank you for the opportunity to speak in the debate. It is particularly pleasing to follow the hon. Member for Worsley (Barbara Keeley), who has talked about many important issues with regard to working women. The majority of women in my constituency are working women. Indeed, I am one myself. The issues that she raised are also important for my constituents.

The Bill has benefited greatly from extensive debate in the House of Lords both on Second Reading and on Report. That helped to clarify some important issues before the debate today. As my hon. Friend the Member for Epping Forest (Mrs. Laing) said, the Bill has many good intentions but I agree that it is in need of some refinement. The issue of equality touches all our lives. I want to see a society where each individual is given the opportunity to reach their full potential and where no people are left behind as a result of their gender, ethnicity, religious beliefs, sexuality or age. I want to see that not only because it is morally right but because as a country we cannot afford to approach things in any other way.

In the debate in the House of Lords, the Lord Chancellor pointed out that one of the basic foundations of the Bill is ensuring that everyone can participate in this country's economy. We have to do all that we can to enhance the competitiveness of our country, particularly after eight years of this Government, who have done much to undermine Britain's competitiveness.

Streamlining the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission into one commission for equality and human rights will, I hope, provide a framework for a simpler, more easily accessible and consistent approach. Indeed, many businesses have welcomed the Bill, unsurprisingly, as employment has become one of the largest and most litigated bodies of discrimination law. Anything that promises to support the call for a simpler framework will receive the support of business now and in the future. Indeed, the commission for equality and human rights will provide the opportunity to achieve that.

Small and medium-sized firms all too often do not have the capacity to employ special advisers on these matters so they need support and help. A great many businesses in my constituency fall into that category: they want to do the right thing, but do not always have the specialised knowledge to hand to be able to do so. I believe that the commission has the potential to become, as other hon. Members mentioned earlier today, a one-stop shop of advice and support for businesses on all matters of discrimination. The commission for equality and human rights should see itself as promoting good practice in business, offering—to use the Government's term—a joined-up approach to reduce the spiralling amount of litigation and hopefully not add to it. That is the key.

The Government have said that the Bill will not impose more regulatory burdens on employers, so good practice will be the primary route for driving change. I will be listening for an assurance in the Minister's winding-up speech that the Government still adopt that

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position. The commission must not become merely a regulator and an enforcer, as it can do so much more than that. If it does become only that, it will alienate business and set back the causes that we seek to support today, such as reaching out to small businesses as a priority.

As I said earlier, we cannot afford as a country to take any other approach. Ensuring that everyone can participate to their utmost in our country's economy is vital for our future success and nowhere more with respect to older members of our community—a group that has not received much comment in today's debate, although a couple of hon. Members have picked up the point lately. I welcome the fact that the Bill recognises the need to support older people against discrimination. I understand that new regulations are due to come in next year to outlaw age discrimination in the workplace, but more could be done to prepare the way for that legislative change. As I am sure hon. Members will be pleased to note, life expectancy for men in Britain has risen by five years to 76 since 1981 and by 10 years since the 1940s. My grandfather is in his mid-90s. Women regularly live beyond 80 nowadays, yet many remain active and want to continue to work in their communities, but are often stopped in their tracks by the ageism that permeates many aspects of our society.

I would like to look at a couple of examples within the Bill and keep my comments short in order to allow other Members to contribute to the debate. Before I do so, I want to refer to a particular example from my constituency. I was contacted by one of my local parish councils in Basingstoke—Silchester parish council—which

wanted to employ two local residents to collect litter. Both residents had been given a clean bill of health by their doctors: they were able bodied, but in their mid-70s. Employment levels in north Hampshire are, as hon. Members may be aware, very high, making it quite difficult to recruit people, and there were no other applicants for those jobs.

The parish was unable to employ those applicants because, on account of the age of the people concerned, it was unable to obtain the necessary insurance. That left the beautiful parish of Silchester—it certainly is beautiful—without the litter pickers that it needed and left the two constituents without the employment that they wanted, purely as a result of their age.

Legislation alone cannot change attitudes and I applaud the work done by organisations such as Age Concern and Help the Aged, which have championed the rights of older people over many years, but we need to join them in doing all we can to encourage full participation—both in our communities and in the economy—of all who are able and not let advancing years stand in the way of those who want to participate.

Could the Bill do more to support older people? I think that some would argue that it could, as illustrated by my example of Silchester parish council where older members of our community found it difficult to find employment because an insurance company would not provide insurance. The Bill specifically prohibits discrimination in the provision of goods, facilities and services on the grounds of sexual orientation, but it will not provide protection to older residents in my constituency in employment rights. I await the raft of

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letters I am sure to receive if this issue is not addressed. The Minister said earlier that it could be addressed as part of the discrimination law review, but why not address it now in the Bill?

The Bill could be used to better support older people, as well as to harmonise the discrimination law. I am concerned that the Bill will not do all that it could to support older people and, indeed, could create more inconsistencies in equality law. How would that help to ensure that we give everyone the opportunity to realise their potential? Some hon. Members have referred to the hierarchy of equality, but it should perhaps be called the hierarchy of inequality. The legislation is patchwork and fragmented, as the Bill reveals, and that is worthy of more discussion, perhaps in Committee.

It is not difficult to find examples of inconsistency and lack of support for older people in the Bill. It makes provision for public bodies to promote gender equality—which I do support—but the Government have not taken this obvious opportunity to harmonise legislation even further and include a duty to promote age equality. They could even simplify matters for all of us and create a general duty to promote equality across all the strands to be covered by the commission. Again, the losers will be older people. I am deeply concerned by the lack of support in the Bill for those who may have contributed much to our society and wish to contribute more. Legislation lags behind. As in many areas of politics, older people's voices are simply not heard, perhaps—in the case of the Bill—because they are lost in the crowd. I hope that the Minister can reassure me that that is not the case.

Mr. Stewart Jackson: At the last election, our party's manifesto encouraged older people to play a greater role in caring for their younger relations and, in so doing, improve child care. If necessary, we suggested that a fiscal encouragement could be provided. That would get older people involved and improve child care—killing two birds with one stone.

Mrs. Miller: I thank my hon. Friend for that timely intervention. I am certainly grateful to my family for providing the sort of care he mentions, which enables me to do my job. I endorse the party's policy on that issue and we should do all that we can to keep older people involved in the economy and encourage them, wherever possible, to get involved in caring for their grandchildren and other children in the family.

The first regulations on age discrimination, in employment and training, come into force in October 2006 and the new commission will have an important role in enforcing equality in that area. At the moment, older people have no legal protection against ageism and no statutory body to turn to. However, the new Commission will not take up the role of supporting older people until 12 months after the new regulations are in place, if I read the documents correctly. I hope that the Minister will tell us how we can ensure the right advice and support for businesses and those affected by the legislation in the intervening period.

I have said that I welcome the Bill and the support that it could give to business in a difficult and complex area, but it could do much more to support and protect older people. Now is the time to acknowledge that. As I

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said in my opening remarks, I want to see that not only because it is morally right, but because this country cannot afford to take any other approach. To put that in context, I remind the House that the cost of low employment among those aged 50 and over—there may even be some hon. Members in that category in the Chamber tonight—has been put at 2 per cent. of GDP. We should also note that 62 per cent. of men and 45 per cent. of women in that age group are in work—figures significantly below those for younger people.

I look forward to the Minister's response on those issues. I hope that she agrees that the Bill misses an opportunity to support older members of society. I am sure that in future the single discrimination Act, which has been much talked about today, and further regulations for protecting older people in the workplace will have a

great effect, but we can start now by doing more in the Bill to support older people both in my constituency and throughout the country. We need to show that group that we take their problems seriously, too.

8.50 pm

Ms Celia Barlow (Hove) (Lab): May I start by expressing my wholehearted support for the Bill? A single commission for equality and human rights will not only tackle discrimination against a broad range of groups in society but establish a framework for human rights for all our citizens, and should be commended. Laws combating discrimination are covered by 35 Acts of Parliament, 52 statutory instruments, 13 codes of practice, three codes of guidance and 16 European Union directives and recommendations. The commission will unify those measures. It will provide the leadership of a single body to fight discrimination and to seek to guarantee human rights for all the citizens of our country.

The Bill will extend effective protection to people who daily face discrimination, often pervasive and demeaning, of the kind that most of us hear about frequently during our surgeries. Too often, our constituents, in seeking redress, are bombarded by a bewildering maze of regulations and laws. The Bill will not only simplify people's understanding of the protection offered to them, but will support them in seeking effective remedies in the face of discrimination. Furthermore, individuals, companies large and small, authorities and charities will all benefit from a straightforward approach to equality. The Bill paves the way for such measures.

The Bill is being greeted with particular enthusiasm in my constituency of Hove and Portslade. Members who have ventured a seaside trip recently will know just how much the city of Brighton and Hove has become a byword for the kind of progressive tolerance and welcome to individuality that lie at the heart of the Government's vision for Britain, although sadly not on the Opposition Back Benches.

I pay tribute to the many organisations that celebrate diversity and seek to tackle intolerance in my constituency. One such organisation, Pride in Brighton and Hove, hosts the largest celebration of diversity in Europe and works year-round to combat homophobia wherever it exists. Stonewall has also fought tirelessly to combat intolerance and to promote the benefits of a

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diverse society, contributing greatly to the national debate on equality and fighting effectively for inclusion of anti-discrimination legislation for the gay and lesbian community in the Bill.

John Bercow: I entirely endorse what the hon. Lady has just said about the merits and successes of Stonewall. Would she care to take this opportunity to congratulate its distinguished former chief executive, Angela Mason, who went on to serve in government and continues to do so, and to pay tribute to the current chief executive, Ben Summerskill and his able understudy, Alan Wardle? All three are superb campaigners.

Ms Barlow: I thank the hon. Gentleman for bringing those individuals to the attention of the House. They have done a huge amount to promote equality and, indeed, have worked on the Bill with my hon. Friends.

I am also delighted to be able to salute the hard work of Lord Alli. As we know, last week in the other place, the Government accepted an amendment to the proposals that would guarantee the right to non-discrimination for a significant group of my constituents. Lord Alli was instrumental in framing an amendment that expresses the continuing desire of our Government to free this country from centuries of discrimination.

With the inclusion of the amendment outlawing discrimination when providing goods and services to gays and lesbians, the Bill will mean that, as those citizens go about their lives, they will no longer have to suffer the daily, dull, yet remorseless indignities of casual discrimination. It has been many years since the infamous signs "No Irish, No blacks" have appeared in the windows of rooms for rent, as they did in Notting Hill in the late 1950s, but until the Bill becomes law, such a sign expressing the same prejudice against lesbians and gays is perfectly legal.

We should not be complacent by assuming that such discriminatory acts do not occur in this country today.

Recently, two lesbians from Brighton and Hove were refused service in a cafe after a walk along the beautiful South Downs. They were turned away with the words "We don't serve your sort here." Stonewall has documented cases where a newspaper editor has refused to print, on so-called ethical grounds, an advert targeting the gay community to encourage participation in a community-wide social group.

When the first couples confirm their commitment to each other in civil partnerships next month, they should be able to set out on their lives together enjoying a honeymoon free from the fear of prejudice. That shows the importance of that amendment and of the Bill's swift arrival on to the statute books. For until these measures become law, there will remain no statutory protection against discrimination for Britain's lesbian, gay and bisexual population in terms of goods and services. I support the request of my hon. Friend the Member for Brighton, Kemptown (Dr. Turner), who has asked the Minister to ensure that all these measures are introduced at the same time.

I applaud the Bill's far-reaching protection for people of religion. Like the hon. Member for Sutton and Cheam (Mr. Burstow), I regret that the full force of the legislation has not been extended to older people. I hope

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that the House will agree that to exclude the gay and lesbian community would have sent a wholly unacceptable message to the country. I take issue with the hon. Member for New Forest, West (Mr. Swayne): I have full confidence that the Minister will deal with the issue competently.

Despite the evidence of growing tolerance and acceptance of lesbian and gay relationships by mainstream society, we must not become complacent. We must not fool ourselves into thinking that homophobic bigotry is a spent force in our society, for it is not. The murder of a young man, Jody Dobrowski, was motivated by a hatred of gay people. Sadly, that is not a tale from a century ago; it occurred in this city, this year. It was a singularly horrific occurrence that dominated the country's headlines.

For many of our nation's 3.4 million lesbian, gay, bisexual and transgender people, however, the petty humiliation and perhaps more subtle discrimination that occurs almost daily has greatest effect on their ability fully to enjoy the benefits of life in modern Britain, for example, joining a social or sports club. Many of my colleagues and I would not think twice before inquiring about special family discounts for clubs and societies; but, for gay and lesbian couples, those situations can become a time of embarrassment and even humiliation. Those daily events, which go almost unnoticed to most of us, can often be painful reminders to others that society is unwelcoming and that those involved are perceived as outsiders.

I am mindful that many of my colleagues want to speak, so I shall briefly quote the comments that Lord Alli made on this very subject in the other place:

"lesbians and gay men are routinely insulted by being refused double rooms in hotels and guest houses. Such discrimination is already rightly unlawful, should hotel proprietors refuse rooms to black and Asian couples. That such discrimination is still lawful can only reinforce discrimination against the lesbian and gay community in wider society."—[*Official Report, House of Lords, 19 October 2005; Vol. 674, c. 867.*]

The amendment to the Bill that protects lesbian, gay and bisexual people from discrimination for goods and services will give the Government an enabling power to bring such protection to the statute books. I should be grateful if the Minister would give an assurance today that that will be done with swift efficiency to reflect the Government's undoubted desire for greater equality in modern Britain. There is no reason why that could not happen virtually immediately, so I urge the Minister not to allow the measures to get bogged down in undue consultation and bureaucracy.

I note, as did the Equal Opportunities Commission, that transgender people are not covered by the Bill. I echo the hon. Member for Romsey (Sandra Gidley) in saying that I hope that the Minister will try to rectify the omission and assure us that anti-discrimination measures will be offered to the transgender community, too. If such people were not covered, it would send an excluding and discriminatory message. We shall need to support that group in keeping to the intention of the legislation.

Ensuring that there is not discrimination is the key to the Bill's success. The argument for establishing a framework for protection from discrimination has been

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won, and my constituents have shown consistent support for such measures. I congratulate the Government on bringing these reasoned and progressive measures before the House and on accepting the amendment that will offer anti-discrimination measures to the lesbian and gay community.

9.1 pm

James Brokenshire (Hornchurch) (Con): I am grateful for the opportunity to speak in the debate. I welcome the Bill and its aspirations of promoting not only a just, decent and tolerant society, but the concept of opportunity for all, whatever background people come from, and whatever their creed, colour, religion, or faith. I associate myself with such opportunity in society.

I welcomed the comments of the hon. Member for Hove (Ms Barlow) about the need to focus on the assumption that the problems of homophobia and racism have gone away. I know from my constituency that that is unfortunately not the case. In the earlier part of the year, a Jewish cemetery in my constituency was desecrated, vandalised and covered in graffiti. That brought home to me the fact that a lack of understanding and a great deal of intolerance and fear remain in our society. Homophobia is a problem, and people can be assaulted, abused and ultimately killed because of their sexuality, or for following their creed or religion.

Those problems are bound up in the direction that a society takes. The Bill in itself tries to address the underlying problems, given that the actions that I have highlighted already have a criminal sanction. We must continue to focus on the cause of such actions and the issues that lie behind them, so I welcome the thrust of the Bill.

I also welcome the logic of trying to bring together the various strands that the Bill tries to address, whether that discrimination is on the basis of ethnicity, disability, age, or religion. Trying to pigeonhole such complex matters into individual organisations and addressing them with a disparate body of case law does not promote the vision that I want for this country: a much more tolerant and understanding society for us all to live in.

We must face up to several challenges when bringing together those various strands. We need to ensure that the necessary skills and qualifications exist in the commission for equality and human rights because the wide issue about which we are talking is extremely complex. We will also need to focus on how the body addresses its many challenges. I welcomed the fact that the Minister said that the structure of the commission would be such that funding would not be pigeonholed for different aspects of its work. Such an approach must be adopted.

Clause 3 sets out the basis and scope of the commission's work, which is, by its very nature, extremely broad. I am concerned that that breadth will lead to a lack of focus and that it will be unable to achieve what it needs to achieve. The commission needs an independent role, but it is interesting that the strategic plan of targets by which it will seek to measure its work will be delivered merely to the Secretary of State, whereas the code of practice that it will adopt will be subject to a much greater degree of parliamentary scrutiny and involvement of the

Secretary of State.

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Although I accept the need for independence and for the commission to take a robust approach, clause 3 in essence contains political aspirations and ideals. The commission should have such a role and responsibility, but in examining provisions on the way that it draws up its action plan and three-yearly reviews, we must acknowledge the need for scrutiny to ensure that it focuses on the complex objectives that have been set for it. We must ensure that we have the opportunity to scrutinise its roles and how it is proceeding. The lack of that in the Bill could on one hand be said to be a strength, but on the other a weakness.

There is also a need to ensure that we do not end up with a bureaucratic structure. I hear the comments of the Minister and other hon. Members, but the structure is in danger of becoming bureaucratic and lacking focus. There is vagueness in the intentions of clause 3 and the definition of human rights. The Bill says that human rights will be those under the European convention, but it could mean other human rights. As the hon. Member for Stafford (Mr. Kidney) said, it could mean the rights of the child. That is very interesting, but that lack of focus and certainty about the commission's role may ultimately mean that it cannot fulfil its function.

The use of resources has been debated and numbers have been bandied across the Chamber. It is interesting to note that the Equal Opportunities Commission and various other stakeholders have said that the money to be provided is not enough. When one considers the breadth of the work, it is possible to envisage how money could be fired off in different directions. That underpins my argument that greater focus and clarity are needed in the direction and scope of the organisation's work.

Comments about political correctness have been interesting to note. In some way, I endorse those made from the Conservative Benches. One function of the commission is to try to stop litigation and to encourage a culture in which there is not always the need for a litigious approach. However, we are entering a dangerous period. We have a society that might be described as very defensive, so we need a law to tell us what we can do, as opposed to the rule of law under which we could do something unless some enactment prevented us from doing it.

I respect and understand the need to create a just and tolerant society, but I do not want us to go down the track where we feel that our actions need to be sanctioned in order for us to feel comfortable about them. Gold-plating and the approach in the Bill might result in local authorities and other legitimate organisations, which might be faith-based, feeling constrained in their actions—not because of the way that they act, but because they fear litigation and that they might be doing something that has not been sanctioned, which will be costly and time-consuming in the courts.

I welcome the Bill, but a lot more needs to be done in terms of the operation of the commission that it seeks to establish, and the culture and climate that it seeks to foster. We must ensure that it positively promotes a tolerant and just society, not a society in which people are always looking over their shoulder and looking for comfort in law. It must enable people to act normally, and in a way that we in this House regard as acceptable.

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9.10 pm

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): One consequence of speaking at this point in the debate is that my comments will necessarily be briefer than I had originally intended, as many Members have eloquently covered many of the points I hoped to make. I stress, however, that my comments will be no less heartfelt for that.

I want to begin by picking up on some of the points made by the hon. Member for Epping Forest (Mrs. Laing). She said that she regretted the fact that, 30 years after the Sex Discrimination Act 1975, we are still debating equality issues in this House. That is a very important point, and it is slightly depressing to think that I was not born when the Race Relations Act 1965 was enacted, and that I was at primary school when the 1975 Act was enacted. Here I am, now a mother myself, seeing this very important Bill come through—a Bill that means a great deal to me personally, and to my constituents, friends and family. It will make a big difference to the future focus of our society. It will enshrine in law, in a single Equality Act, all the things that decent, right-thinking human beings want in terms of how their fellow human beings should be treated.

My hon. Friend the Member for Tooting (Mr. Khan) eloquently outlined the issues relating to the argument for a single Equality Bill, so I will not go into those, but I want to pick up on the comments of the hon. Member for Castle Point (Bob Spink), who talked about Britishness. He should come to Hackney, South and Shoreditch, where he would see Britishness manifested in a way that he would not recognise, but which my constituents embrace enthusiastically. Some 54 people attended my last surgery, a week ago. Many of them came to see me about their immigration status and its progress through the Home Office. As commonly happens during surgeries and when I knock on doors in my constituency, a number of them talked to me enthusiastically about becoming British citizens, especially those who had just received leave to remain. Be they from Ghana, Nigeria, Somalia or eastern Europe, many such people are keen to be British. That does not chime with the "Britishness" examples given by the hon. Member for Castle Point.

Although other Members have highlighted the Government's achievements in this area, it is worth reminding ourselves, at the tail-end of this debate, of some of them. Only recently have civil partnerships been put on the statute book, thereby providing such people with equal security within the law. Our having legislated for the full

civil rights of disabled people is an issue close to me personally. I am a carer for a disabled adult, and I see the massive difference that such legislation has made to her. For the first time in her life, last Christmas she was able to get on a bus in a wheelchair, thanks to the Disability Discrimination Act 1995 coming into force. Those who talk nostalgically about London buses, or who criticise drop-kerbs and other "petty" changes that they do not take seriously, should remember that these changes make a daily difference to people's lives. That is what such legislation has meant, and we will see other such examples in this single Equality Bill.

I want to talk briefly about some issues that are particularly important to my constituents. Measures in train to outlaw age discrimination in the workplace are

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a very welcome development. In an intervention, I highlighted the fact that there are some 250,000 people in London aged over 50 who are willing, able and qualified to work, but who are not in employment. That represents the biggest pool of underused skills and experience available to the London economy, so it is vital that we progress the legislation as fast as possible.

Another major concern in my constituency is the pay gap between men and women, which other hon. Members have outlined eloquently. Many of my constituents in Hackney, South and Shoreditch work in low-paid, manual or service jobs, some of which, particularly in the caring professions, are dominated by women, as is the case nationally. The Women and Work Commission, which is due to report next year, will make an important contribution to that debate. It will, I hope, make a huge difference to my constituents, although I accept that we have a mountain to climb. I pay tribute to my hon. Friend the Minister for Women and Equality for her long-standing campaign on that issue.

The equalities review is important. Hackney has been one of the poorest boroughs in London for more than 100 years. The people may change, but some of the problems, discrimination and inequalities that they face remain the same. I highlighted a case in an intervention, but it bears repeating as it is just one example of many that I could cite in my constituency. Why are Africans who come to this country, particularly from west Africa—who are highly qualified, often with second or even third degrees—under-employed or even unemployed? Surely, we have learned lessons from the people who arrived in our country and faced discrimination in the 1950s and 1960s and, indeed both before and since then. I look forward to the outcome of the review chaired by Trevor Phillips. I hope that we will begin to see a difference and perhaps make a step change in future legislation. The discrimination law review will also lead to improvements.

John Bercow: The hon. Lady has made a powerful point, but does she not accept that probably tens of thousands of asylum seekers are scientists, engineers, doctors and dentists, but are prevented from using their skills to earn a living and benefit the country?

Meg Hillier: I do not know whether the hon. Gentleman followed my career when I was a member of the London Assembly, but there was a great deal of consensus among the four parties about the need to harness the valuable skills of migrants, including asylum seekers, for our community. However, that is a debate for another time.

I believe passionately in the need for protection from discrimination on the grounds of sexuality in the provision of goods and services. As many Members have highlighted, gays and lesbians can still be turned away from hotels and suffer discrimination in medical care. Those are antiquated practices in the 21st century. People should be treated equally, and they should not suffer discrimination on the grounds of sexual orientation. The issue matters a great deal to a number of my constituents. My local Labour party has expressed support for the relevant provisions in the Bill, and I am delighted that my hon. Friend the Minister has

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worked with Members in the other place to accept an amendment to deal with the issue. However, I urge her to ensure that the measure is progressed quickly, so that gay and lesbian people are not left behind in the Bill and are given equality as promptly as other people. I was talking to a lesbian couple in my constituency, both of them churchgoers who are keen to live their life as they choose. They talked about the measure, and one of them said: "This won't stop homophobia but it's good to feel that I'm being brought inside the protection of the law."

That is a basic human right. The fact that someone can walk down the street and suffer discrimination because of their religion or sexual orientation, and the fact that they can be refused services are things that we should not tolerate in the 21st century. I am delighted that there is support on both sides of the House for the measure, but I am dismayed that some hon. Members do not fully support that view.

I am delighted that the Government have listened. I hope that my hon. Friend the Deputy Minister for Women and Equality will look to progress the measure at speed.

There is also an economic argument for tolerance. Richard Florida, the American academic, has written about tolerance and diversity as two key elements of creative business growth. Creative businesses in my constituency and in a large area to the west of London and outside London are one of the fastest growing employment sectors. The Bill contributes to tolerance. Compared with the position eight or 10 years ago, people's rights in this country have moved so far forward that it is sometimes difficult to remember what it was like and to appreciate the rate of progress. I commend my hon. Friend the Minister for her work on that, and I am delighted that the House supports the Bill.

9.20 pm

Hywel Williams (Caernarfon) (PC): Plaid Cymru and the Scottish national party welcome the Bill with some reservations, but we have been great supporters of the provisions on race. As some hon. Members know, my predecessor was a great supporter of disability legislation. We are equally enthusiastic about the provisions on religion, sexual orientation and particularly age. In that regard I have in mind the Bill going through another place to establish a commissioner for older people in Wales. I hope that we in Wales have a progressive record on such matters.

We welcome the intention to address equality issues in an integrated way, bringing in uniformity and equality and, as the hon. and learned Member for Redcar (Vera Baird) said, evening up standards and seeking equality of provision. Equality law is contained in many Acts. The Stonewall brief for this debate notes that there are equality issues in 35 Acts, 52 statutory instruments, 13 codes of practice and 16 EU directives. Sooner, I hope, rather than later, we will move to a single equality Act in respect of the matters addressed in the Bill. For that reason we welcome the advent of the equality review and hope it will quickly lead to legislation.

As I said, we have at least four particular concerns—first, the nature of the Welsh and Scottish bodies to be set up by the commission; secondly, the reporting and

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accountability of those Welsh and Scottish committees to the Welsh Assembly and the Scottish Parliament; thirdly, the arrangements in respect of the commissioners working in Wales for children and for older people, and the relationship between them and the commission; and, fourthly, particularly in the case of Wales and perhaps also Scotland, matters relating to indigenous languages—in my case, the Welsh language.

The commission will set up a Welsh committee. We welcome the fact that it will be a decision-making committee. As schedule 1 notes, it will have real power, and I hope it will also have the money to make that power work for it. It will advise the National Assembly for Wales and report to the Assembly, and similarly in Scotland. The commission member for Wales will be appointed with the consent of the National Assembly for Wales, and the Secretary of State for Trade and Industry will have to consult the National Assembly for Wales on some of the codes of practice. All these provisions are to be welcomed.

I refer the Minister to paragraphs 30(1)(a) and 30(2)(a) of schedule 1, relating to advice to the devolved Governments as regards enactments and changes in law that affect Wales only. There are similar provisions affecting Scotland only. I point out that the legislative position in Wales is not the same as it is in Scotland—at present at least. Will the Minister tell me in what circumstances the advisory functions would be carried out in Wales for matters that affect Wales only?

How will the children's commissioners in England, Scotland and, in particular, Wales compliment the work of the new commission and the new commissioner in Wales? I understand that the Government want to agree memorandums of understanding to ensure joined-up working. When will those memorandums of understanding be agreed and what priority will be given to them? In Wales, will the memoranda of understanding be drawn up with the Wales committee of the new commission or with the commission itself? Such detailed matters will be discussed in Committee or on Report, I presume.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I welcome the introduction of memorandums of understanding between the commissioners, because they will be important in making the system work in Wales. Does the hon. Gentleman agree that the introduction of anti-discrimination legislation against ageism is important in Wales, where the employment rate among 55 to 59-year-old males is 41 per cent., compared with a figure of at least 71 per cent. in the east of England?

Hywel Williams: I agree with the hon. Gentleman, who has anticipated my next remarks. Another unique point about Wales is that we will have a commissioner for older people, and similar considerations to those that I have discussed will apply to how the commission works with them.

The last report that I received indicates that the Children's Commissioner for Wales has taken 600 cases, which represents a great amount of work and a great amount of experience. I seek an assurance that the commission will be able to take account of the experience that the Children's Commissioner for Wales has built up.

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Finally, I shall turn to Welsh language issues, which the Bill does not address—probably rightly. Welsh language equality issues have not generally been seen as equality issues, although they have been seen in lots of other ways, but there is some profit to be had in considering those points from a rights-based standpoint. It is useful for us to examine how the commission will work in Wales in respect of the Welsh language, because there is currently such confusion about the role of the Welsh Language Board, the nature and timing of any change to its functions, which will be brought into Welsh Assembly Government, and the regulatory function of the new office of the *dyfarnwr*—the adjudicator—which will retain the residual statutory powers of the Welsh Language Board to review Welsh language schemes.

I have drawn those matters to the Minister's attention because the Welsh Language Act 1993 states that Welsh and English are to be treated on the basis of equality, which is the magic word. That provision is subject to the qualification that equality is to be applied only where it is reasonable, appropriate and practical, so it is not total equality. The Bill discusses equality, but it does not address language equality in Wales, although it might have

done so. Perhaps future legislation will address the matter, because if the Wales Bill, which will come before this House, is enacted, it will allow the Welsh Assembly to pass legislation or Orders in Council.

As I have said, it is unsurprising that Welsh language issues have not been addressed on a rights basis in the past. In some ways, Welsh is not a minority language—it has legal status and such languages are referred to elsewhere as proper languages. It is not an equal language or the majority language, but it is the proper language for Wales, which is similar to some of the languages used on the Iberian peninsula.

In closing, I shall raise the practical question of providing goods, facilities and services. Provision through the medium of Welsh has not been addressed properly in the past, which has led to some people who want goods, facilities and services through the medium of Welsh not being able to access them. That matter must be addressed, perhaps not in this Bill, but certainly in any further legislation that the Welsh Assembly Government or the Welsh Assembly might wish to pass in the future.

9.29 pm

Mr. Tim Boswell (Daventry) (Con): It is a pleasure to follow the hon. Member for Caernarfon (Hywel Williams) because, as I think that he is aware, my wife is also from the Principality, although she does not speak Welsh. His remarks reminded me of the historical perspective. We are now almost neutral as to people's linguistic choice, but those in the Principality have felt, and occasionally were, oppressed on account of their nationality. Perhaps it is a sign of where we need to be getting that that discrimination would generally be unthinkable nowadays.

This has been an interesting and sometimes rather revealing debate. Upwards of 20 Back Benchers have spoken, and it would probably be invidious of me to single any of them out. The Minister might like to refer to some Labour Members. On my side, I am grateful to my hon. Friend the Member for North-West Norfolk

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(Mr. Bellingham), who is an expert in this area. During the previous Second Reading debate he spoke from the Front Bench but now speaks from the Back Benches. Conversely, on that occasion I spoke from the Back Benches, and now here I am on the Front Bench. I am particularly grateful to the neophytes—my hon. Friends the Member for Mid-Bedfordshire (Mrs. Dorries), for Hornchurch (James Brokenshire) and for Basingstoke (Mrs. Miller). They all made effective and balanced contributions, although some were heard somewhat at a distance and reported to me. Generally it has been a remarkably broad and useful debate—for the Ministers also, I hope. For the avoidance of any doubt, I repeat that Conservatives welcome the Bill. I do not, on the whole, pursue policies of inconsistency. Having re-read my Second Reading speech from the Back Benches on 5 April, I do not resile from a word of it. I believe that the Bill and the discussion around it is an important signal of intent as regards the attitudes of this place towards minorities.

Meg Hillier: Several of us have tried to elicit a definition of political correctness from the Conservative point of view. Can the hon. Gentleman oblige?

Mr. Boswell: I am extremely grateful to the hon. Lady. I was coming to that, but I will spare her the wait. She referred, very modestly, to having been born after the introduction of some of the original legislation. I am so old that the first Prime Minister I remember, and in certain respects would even commend, was a certain Clem Attlee, who, when asked to define an elephant, said that it would be difficult to define but on the whole you knew one when you saw one. As a one-nation politician—I do not claim that approach exclusively for my party, although I wish I could—I am comfortable with the way in which the debate is going.

I have some working experience of the three existing equality bodies, and I would not find it easy to recognise some of the caricatures. It is an error to think that just because a person or an institution does not do the whole job they are useless. Of course there will be mistakes, but broadly their record has been as a force for good, and I commend and thank them for that.

Having said that, I am struck by the remarkable degree of dualism about several areas of the argument. From a one-nation viewpoint, I have no difficulty at all with the general duty in clause 3—that is what most of us are in politics for. I may have a little more doubt as to whether it can legally be deliverable in that form, but that is a separate issue. However, it is beyond doubt that beyond those great themes a huge amount of legal background music has to be played into what is a rather long and complicated Bill.

Although the Chamber is beginning to fill now, I detect that problems remain about many issues on the social frontier and they are not confined to one party. There is interest and enthusiasm among aficionados and experts but neglect elsewhere. We sometimes need to engage the people outside, who are not listening. Inevitably, that leads me back to the remark of the hon. Member for Hackney, South and Shoreditch

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(Meg Hillier) about political correctness. The new commission will have to resist it and take a lead in encouraging the notion to resist it. That requires an active communication strategy to explain what the new commission does and why.

It is important that as many people as possible have some ownership of the argument about discrimination. Business especially, though not exclusively, needs convincing that there is an opportunity and that it has an entirely proper role alongside the statutory organs in delivering an equality agenda. The commission will not

function well unless it carries confidence. I never cease to make the business case in the House for diversity and equality awareness.

Mr. Andrew Turner (Isle of Wight) (Con): My hon. Friend says that business needs to line up alongside the statutory organisations in supporting equality. Does not he find it surprising that the civil service continues to discriminate on the basis of age for recruitment and retirement when many businesses have long ceased to do that?

Mr. Boswell: I agree. That is an example of something that needs to change.

To be fair to the Minister—I do not mind that because she presented her case with some passion and charm—I believe that Ministers have listened to advice, not least from Government discrimination bodies and others, in establishing the commission. The current Bill is much better than the measure that we considered in April and the White Paper that preceded it. I mean no disrespect to the former Deputy Minister for Equality, the right hon. Member for Redditch (Jacqui Smith), who has now joined us and did a lot of work on the matter. Legislation, like wine, is better if it has matured than if it is rushed and consumed prematurely.

I am glad that the Government have been wise enough to drop religious harassment because of the criticism that they received on the ground of legal difficulty in another place. It may be sensible to revert to the matter but it needs careful consideration.

As some of my colleagues have done, I want to flag up genuine concern about the cost of the commission. When the Institute for Public Policy Research presented its original scoping proposals for a single commission, some of the equality bodies were worried that there might be an increase in cost. They believed that they would have to do the whole job for less. It has normally been the case that, when Ministers put several institutions into a single regulatory body—one of my hon. Friends referred to the Financial Services Authority—they claim that it will save money but it does not. In the case that we are considering, Ministers are coming out openly and saying that the commission will cost another 40 per cent. Goodness knows what the cost will ultimately be. Some of the debate compounded that with Christmas-tree politics, which adds on further nice things to do. That must be resisted; cost must be carefully probed and controlled.

Let me revert for the last time to political correctness. I emphasise that the commission has an important role in ensuring that that is resisted. There must be no argument for saying that the commission is playing into that. It should also positively dissuade others from

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doing that. I know from my work in health and safety that it is often not a commission that plays into political correctness.

Judy Mallaber: Will the hon. Gentleman make a commitment on behalf of the Conservatives that, every time they come up with an example of alleged political correctness, they check their facts to ensure that it is not merely one of the many myths that are put about and that make all-too-lovely newspaper headlines?

Mr. Boswell: The hon. Lady will understand that I can be responsible for what I say, but I am not sure that I can be responsible for what my colleagues say.

Mr. Swayne: Will my hon. Friend give way?

Mr. Boswell: No, I will not. I cannot be responsible for my hon. Friends, let alone for Labour Members, but we will all do our best. Let us be straight about this; let us find out what is involved and let us understand that if the commission encourages or condones such attitudes, it will devalue its own work. That is not something that I want it to do.

I believe that the great majority of people in this country want to see fairness of treatment and respect for the rights of others as well as of themselves. I also believe that the moral centre of this country is somewhere above the lowest level of the comment in the tabloid newspapers, which consistently underestimate people's decency. They are wrong to do that.

It has been observed that there is unfinished business in other parts of the Bill. There is much more work to be done on producing a single concept, as a result of the gradual, incremental way in which the law on disability and other discrimination has come together. That is why I welcome the review, and the Minister's readiness to open it to outside engagement. There will undoubtedly be a need for a new, single equality Act, but it is better to take a little more time to get that right. I emphasise to the Minister the importance not only of legal form but of equality of redress, so that all the different parts of the Bill work to ensure that people who have a problem can get it raised. The commission will have a role to play in that regard. The relationship with human rights was mentioned in relation to publicly financed private institutions and service providers such as care homes. Many other detailed points were raised, but I do not have time to rehearse them now.

As for the effects of the Bill, the worst possible scenario would be for the Government to believe that the establishment of the commission were an end in itself—I am not saying that they do—or some kind of sophisticated displacement activity, rather than the means to address real inequality of opportunity in society. I very much welcome the review under Trevor Phillips. Members on both sides of the House have rightly referred to the continuing gender pay gap, and to the engagement of disabled people and ethnic minorities in employment. These issues will not go away, and we should talk about them. We should not blame the equality bodies because perfection has not been achieved; we should continue to work towards reducing the gaps.

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France was mentioned earlier, and all these issues should be viewed without complacency or schadenfreude by Labour Members. A good Parliament should be alert to changing social conditions and should try to steer them in the right direction. That is why it is important that the commission should have a role involving monitoring and speaking out. It is, incidentally, possible to cut the costs of monitoring by outsourcing some of those tasks to academia, for example. They do not all have to be done in-house. When Trevor Phillips gets up and expresses his extremely important and challenging views on ethnic inclusion in the United Kingdom, it is right that such people, who take the lead on these issues, should be able to speak out and open up the debate, even if we do not agree with their every last word. That forms part of the national debate. It is not necessarily an expensive activity and I hope that the commission will be able to play a part in it.

Today's debate has shown that we all have a duty to have regard to the condition of the people, and a special duty towards those who are less well placed to voice their concerns. Frankly, most of us will get our own way, one way or another, but there are plenty of people who will not. In our own interests as much as those of anyone else, we need to open our society to the potential of all our citizens, and to remove any roadblocks to their progress and welfare, both as individuals and as groups of individuals. The Bill and the commission will stand or fall on whether they really help to achieve those shared objectives. I support the Bill because I expect and hope that it will help—not on its own, but over time and with the good will of the people—to achieve some of those goals for us.

9.44 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): It is a pleasure to follow the hon. Member for Daventry (Mr. Boswell), who on these issues always makes a thoughtful contribution to the House. I also thank the many hon. Members who have contributed to today's debate, including my hon. Friends the Members for Amber Valley (Judy Mallaber), for Wallasey (Angela Eagle), for Cardiff, North (Julie Morgan), for Erewash (Liz Blackman)—these quaint English names are sometimes beyond my good Scot's tongue—for Brighton, Kemptown (Dr. Turner) and for Stafford (Mr. Kidney) and my hon. and learned Friend the Member for Redcar (Vera Baird). I also congratulate the many new Members who have contributed to today's debate, including my hon. Friends the Members for Worsley (Barbara Keeley), for Tooting (Mr. Khan), for Hove (Ms Barlow) and for Hackney, South and Shoreditch (Meg Hillier), and those on the Opposition Benches. I also thank the official Opposition for their support for the Bill, the Liberal Democrats, the Democratic Unionists—who I think support the Bill—and Plaid Cymru, who I trust speak for all the nationalists in the House. We are in the gratifying situation that on this day in 2005 we have almost unanimous agreement on some of the major equality issues. That is to be applauded, because some of us remember the time before the Race Relations Act 1976, the Disability Discrimination Act 1995 and the equal opportunities legislation, when there was not always consensus in the House on how to tackle discrimination.

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This is an ambitious Bill, as many contributors to the debate today have said, and we have had a wide-ranging and supportive debate that appropriately reflects the Bill's objectives and underlines how it will affect the lives of so many diverse individuals and groups represented in our communities. Some of the examples that have been raised today are indicative of that. I am grateful for the points that have been made and I shall come to them in a moment.

The Bill is the latest step in the development of our equality and human rights framework. It builds on sound legislative changes that have already been made to challenge race discrimination in public bodies, to better protect people at work from discrimination and to strengthen the rights of disabled people when accessing services and the public sector. It builds on the excellent work done by the three existing equality commissions and the many other organisations working to make Britain a better place for all. As the Minister with responsibility for disabled people, I congratulate and recognise the fact that the Disability Rights Commission is five years old this year. Ten or 15 years ago disabled people throughout the United Kingdom never thought it possible that we would have such a commission to champion their cause and to challenge on their behalf.

The law has moved on, with regulations tackling workplace discrimination on grounds of religion and belief, and sexual orientation. There will soon be similar regulations to tackle age discrimination. But there are no institutions in place to enforce those regulations. There is no institution providing advice or promoting human rights. So the time is right for a single commission for equality and human rights, ensuring greater impact, greater relevance, greater ease of access and greater coherence.

The Bill also extends the legislation against discrimination on the grounds of a person's religion or belief. For the first time, it provides protection and reassurance for many in the provision of goods, facilities and services and other important areas.

Part 2 corrects an anomaly in the law. Through developments under the Race Relations Act, Jews and Sikhs are already protected against discrimination in the provision of goods, facilities and services, the management and disposal of premises and the provision of education—protection that is not available to any other faith or belief. The Bill deals with that anomaly.

It is generally accepted that the Bill has been improved by the addition of part 3, which contains the power to make regulations prohibiting discrimination on grounds of sexual orientation. It is an example of the

Government's response to support in Parliament and elsewhere. We are honouring our long-standing commitment to gender equality by introducing the most significant measure in 30 years in the form of a new public duty.

The Bill is not intended to do everything, but it forms part of our overall strategy for action on equality. I think it was my hon. Friend the Member for Wallasey who said, using a telling phrase, that this was the starter before the main course. Work is continuing on the other two prongs. The equality review is considering the

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underlying causes of continuing inequalities, while the discrimination law review is considering the development of a more consistent and coherent legal framework throughout discrimination law. I ask Members who may be disappointed by some of the perceived gaps in the Bill to bear in mind the importance of getting changes right before including them in legislation.

Opposition Members in particular mentioned cost. The £70 million budget planned for the commission represents a 43 per cent. increase on the existing commissions' budgets, but it also reflects an objective assessment of what the CEHR will need, based on work to identify its activities and services and the resources required to support them. Others raised the issue of regional presences. One reason for our wish to fund the commission properly is the need to ensure that there is a strong regional presence. Combining the various bodies will produce efficiency savings, but they will be ploughed into front-line services. There will not be an open-ended cheque book which no one will ever scrutinise. The budget is specifically for the work that the House will ask the commission to do, and, as I have said, any savings will be ploughed back into the front line.

Mrs. Laing: Will the Minister undertake to report to the House each year on how much the CEHR has cost and why the cost has risen or, indeed, fallen? Keeping costs down will be very important,

Mrs. McGuire: As the hon. Lady well knows, Ministers come to the House each year to explain their budget commitments and how the budgets are spent. I assume that this will be part of our normal accountability to Parliament.

The business community was mentioned by both the hon. Lady and the hon. Member for Basingstoke (Mrs. Miller). Representatives of the CBI and the Small Business Council participated in the CEHR taskforce, helped to draw up the White Paper and advised on consultation responses, and are represented on the CEHR steering group, which is advising on the establishment of the new commission. In fact, business wants a single equalities body: it wants all advice and guidance on all areas of discrimination and human rights law to be in one place. I hope that that gives some comfort to those who fear that businesses feel that they are being over-regulated. They are actually being very supported.

The hon. Members for Romsey (Sandra Gidley) and for Sutton and Cheam (Mr. Burstow), my hon. and learned Friend the Member for Redcar and, again, the hon. Member for Basingstoke mentioned age discrimination. It is clearly wrong at both ends of the spectrum—and the House should recognise that it happens to younger as well as older people. Developing ways to tackle age discrimination in an effective, properly targeted manner is, however, complicated and that is why we have asked the discrimination law review team to examine ways in which we can solve some of the major issues. It is fair to say that Age Concern, Help the Aged and other organisations representing older people support that approach, rather than putting measures into the Bill and perhaps not getting it right at this time.

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I wanted to deal with the issue of children. Of course children are people and they will be covered by the CEHR. As the hon. Member for Caernarfon (Hywel Williams) highlighted, there will be memorandums of understanding with the commissioners in both Wales and Scotland. It is important that we recognise the nuances of devolution in relation to that element.

Hywel Williams: Will the Minister ensure that there is full discussion with the Welsh Assembly on the appointment of members to sit on the Welsh committee?

Mrs. McGuire: I can assure the House that there are already discussions taking place with both the Welsh Assembly Government and the Scottish Executive on those issues.

On regional arrangements, I hope that I have already dealt with that under the issue of cost. It was raised by my hon. Friend the Member for Cardiff, North and by my hon. and learned Friend the Member for Redcar. We have listened intently to all the representations from across the country as to where the commission's headquarters should be sited. We have noted them all and the location study will report in due course.

My hon. and learned Friend the Member for Redcar made an important point when she asked why we had not gone down a fourth way and provided a legislative solution to the problem of the meaning of "public authority" in the Human Rights Act 1998. We must be sure that any legislative alteration to the meaning of public authority in the Act will not have an adverse impact on other discrimination legislation, such as that on the public duty to promote equality. It is for that reason that we have asked the discrimination law review team specifically to consider that issue. We expect to issue a consultation paper calling for arguments and evidence on that subject early next year.

I will deal quickly with some of the more specific issues that were raised. I give my hon. Friend the Member for Erewash the assurances that she was seeking in terms of the disability strand. I also pick up on some, not all, of

the contribution of the hon. Member for New Forest, West (Mr. Swayne). There is a cut-off date of 18 May to allow boy scouts and girl guides to continue to make the promise. We did not want to create a loophole where future groups could get around discrimination laws by requiring potential members to make a statement such as, "I believe in all faiths but Islam" or "I believe in all faiths except Christianity." It is to deal with a potential loophole. I hope now to give the hon. Member for North-West Norfolk (Mr. Bellingham) some pre-Christmas cheer and to send him away with a smile and spring in his step, which I reckon is a pretty formidable task. The Home Office is not withdrawing funding from the carol service that he mentioned. In fact, it has agreed to pay up to £2,000 towards the cost of the memorial service for four consecutive years.

This is an important Bill that has gained widespread support in this House. It is a good Bill and I hope that the House will endorse it.

Question put and agreed to.

Bill read a Second time.

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EQUALITY BILL [LORDS] (PROGRAMME)

Motion made, and Question put forthwith pursuant to Standing Order No.83A (6)(Programme motions),

That the following provisions shall apply to the Equality Bill [Lords]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 8th December.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the day on which proceedings on consideration are commenced.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further message from the Lords) may be programmed.—[*Mr. Dhanda.*]

The House divided: Ayes 292, Noes 42.

Division No. 103

[9.59 pm

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Bercow, John
Berry, Roger
Betts, Mr. Clive
Blackman, Liz

Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert

Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael (*Worcester*)
Foster, Michael Jabez (*Hastings and Rye*)
Gapes, Mike
Gardiner, Barry
George, Andrew
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hughes, rh Beverley
Hughes, Simon
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Khabra, Mr. Piara S.

Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Ladyman, Dr. Stephen
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
O'ner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pound, Stephen
Prescott, rh Mr. John
Price, Adam

Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simon, Mr. Si n
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. (*Sheffield, Hillsborough*)
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger

Williams, Stephen
Willis, Mr. Phil
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:

Gillian Merron and
Mr. Alan Campbell

NOES

Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Burrowes, Mr. David
Campbell, Mr. Gregory
Clifton-Brown, Mr. Geoffrey
Davies, David T.C. (*Monmouth*)
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Goodwill, Mr. Robert
Grieve, Mr. Dominic
Hammond, Stephen
Harper, Mr. Mark
Hendry, Charles
Hollobone, Mr. Philip
Hurd, Mr. Nick
Laing, Mrs. Eleanor
Lewis, Dr. Julian
McCrea, Dr. William
McIntosh, Miss Anne
Miller, Mrs. Maria
Moss, Mr. Malcolm
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Pritchard, Mark
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Selous, Andrew
Spink, Bob
Stanley, Sir John
Stuart, Mr. Graham
Swayne, Mr. Desmond
Taylor, Mr. Iain
Viggers, Peter
Wallace, Mr. Ben
Watkinson, Angela
Whittingdale, Mr. John

Tellers for the Noes:

Mr. Eric Forth and
Mr. Andrew Turner

Question accordingly agreed to.