



OLD SQUARE www.oldsqu	are.co.uk
Overview	
Topics & themes	
(1) Repeal of third party harassment provisions: Equality Act 2010/ s. 65 ERRA 2013	s. 40
(2) Repeal of statutory questionnaire procedure: Equality Act 2010	s. 138
(3) Proposal to repeal ETs power to impose wide recommendations: s. 124 Equality Act 2010/ s. 2 D Bill	
(4) The addition of 'caste' discrimination: s. 9(5) 2010/ERRA 2013	Equality Act

## OLD SQUARE CHAMBERS (5) Equal pay audits: a new s. 139A Equality Act 2010/ s. 98 ERRA 2013 (6) Tackling the glass ceiling: (1) women on boards/senior managers: *The Companies Act 2006 (Strategic Report and Directors' Report) Regulations* 2013 (SI 2013/1970) (2) company reporting on executive pay: The Large and Medium-sized Companies and Groups (Accounts and Reports)(Amendment) Regulations 2013 (SI 2013/1981). (3)composition of (men and) women on boards (proposed EU Directive) (4) The Capital Requirements Directive - gender balance (7) Strand-specific cases – see the excellent analysis in the Institute's Labour Law Highlights 2013 OLD SQUARE CHÂMBERS Repeal of Third Party Harassment provisions: s. 40 EqA 2010 · Pre-conditions of liability · EqA extended scope to cover all protected characteristics (not • Repeal: s. 65 ERRA 2013 (from 1 Oct 2013) • 71% respondents vs repeal! OLD SQUARE CHÂMBERS The Questionnaire Procedure: s. 138 EqA · Summary of procedure • ERRA 2013 repeal · ACAS guidance? · Implications?

## OLD SQUARE CHÂMBERS Recommendations: s. 124(3)(b) EqA 2010 · ET powers to issue recommendations affecting the workforce (vs just limited to a successful claimant) · Potential benefits vs previous regime · Examples of recommendations · Enforcement issues • Proposed repeal: s. 2 Deregulation Bill – 'remove unnecessary bureaucracy that costs British businesses millions... OLD SQUARE CHAMBERS 'Caste' discrimination • Current definition of 'race' s. 9 EqA 2010 • Amendment s. 9(5) the Minister 'may' > to 'must' legislate · Consultation early to mid-2014 Autumn 2014 draft legislation · Summer 2015 legislation? OLD SQUARE CHAMBERS **Equal Pay audits** •s. 98 ERRA 2013 inserts a new section – s139A EqA 2010 •Consultation update •Exceptions: s. 98(5) ERRA 2013 Penalties •Legislation 2014?

Tackling the glass ceiling: (1) The Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013 (St 2013/970)  - \$4148 publication of Information re: gender breakdown  - \$414C(8) specifies into for quoted companies - the number of persons of each sex who were: - (i) directors - (ii) senior managers - (iii) employees of the company  Tackling the glass ceiling: (2) Large and Medium-sized Companies and Groups (Accounts and Reports) (Amendment) Regulations 2013 (St 2013/1981)  - Contents of remuneration report for directors: Schod 8 Part 3  Tackling the glass ceiling: (3) Composition of (men and) women on boards Statistics and tends across Europe - 2012 EU Justice Commissioner Viviane Reding proposal: - 1A Nov 2012 revised proposal: 40% target 'objective' - Coverage: non-assec directors - Listed companies		1
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Coverage: non-exec directors     Listed companies	publicly-traded EU companies	
•Listed companies		
•Exclusions: <250 employees: worldwide turnover < 50M Euros	•Listed companies	
•Positive action where candidates are equal in terms of		
qualification •Sanctions - tbc	qualification	

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Tackling the glass ceiling:		
(4) Capital Requirements Directive		
•Requirement to establish nomination comm		ınt
banks, building societies and investment firms	3	
<b>-</b> 1		
•Role of nomination committee		I
•Setting targets for under-represented gender-	der in managemer	ent
body		
Deliay of how to combat under vanyagentation		
•Policy of how to combat under-representation	П	

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