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**Overview**

**Topics & themes**

(1) **Repeal of third party harassment provisions:** s. 40 Equality Act 2010/ s. 65 ERRA 2013

(2) **Repeal of statutory questionnaire procedure:** s. 138 Equality Act 2010

(3) **Proposal to repeal ETs power to impose wider recommendations:** s. 124 Equality Act 2010/ s. 2 Deregulation Bill

(4) **The addition of 'caste' discrimination:** s. 9(5) Equality Act 2010/ERRA 2013

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(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*

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**Repeal of Third Party Harassment provisions: s. 40 EqA 2010**

- Pre-conditions of liability
- EqA extended scope to cover all protected characteristics (not just sex)
- Repeal: s. 65 ERRA 2013 (from 1 Oct 2013)
- 71% respondents vs repeal!

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**The Questionnaire Procedure: s. 138 EqA**

- Summary of procedure
- ERRA 2013 repeal
- ACAS guidance?
- Implications?

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**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...’*

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**‘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?

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**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?

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**Tackling the glass ceiling:**

**(1) The Companies Act 2006 (Strategic Report and Directors' Report) Regulations 2013 (SI 2013/1970)**

- s 414B publication of information re: gender breakdown
- s 414C(8) specifies info for quoted companies - the number of persons of each sex who were:
  - (i) directors
  - (ii) senior managers
  - (iii) employees of the company

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**Tackling the glass ceiling:**

**(2) Large and Medium-sized Companies and Groups (Accounts and Reports) (Amendment) Regulations 2013 (SI 2013/1981)**

- Contents of remuneration report for directors: Sched 8 Part 3

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**Tackling the glass ceiling:**

**(3) Composition of (men and) women on boards**

- Statistics and trends across Europe
- 2012 EU Justice Commissioner Viviane Reding proposal: *mandatory* 40% representation of women on the boards of all publicly-traded EU companies
- 14 Nov 2012 revised proposal: 40% target 'objective'
- Coverage: non-exec directors
- Listed companies
- Exclusions: <250 employees; worldwide turnover < 50M Euros
- Positive action where candidates are equal in terms of qualification
- Sanctions - tbc

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**Tackling the glass ceiling:**

**(4) Capital Requirements Directive**

•Requirement to establish *nomination committee* in significant banks, building societies and investment firms

•Role of nomination committee

•Setting targets for under-represented gender in management body

•Policy of how to combat under-representation

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