



Response to the Equality and Human Rights Commission's draft strategic plan 2019-2022

Business Disability Forum, January 2019

Who we are

Business Disability Forum is a non-profit membership organisation which exists to transform the life chances of disabled people. We do this by bringing business leaders, disabled people, and Government together to understand what needs to change to improve the life opportunities and experiences of disabled people in employment, economic growth, and society more widely. We provide practical, evidence-based, strategic solutions for businesses to recruit, retain, and provide inclusive products and services to disabled people. We operate throughout England, Wales, Scotland, Northern Ireland, as well as globally.

Priority aims

The priority aims within the Equality and Human Rights Commission's (EHRC) draft strategic plan which are most important to Business Disability Forum are:

- Making sure new technologies and digital services promote equality and human rights.
- Improving public transport and the built environment so that disabled and older people can take part in things more easily.
- Making sure particularly disadvantaged groups can access essential public services (we would add that these "essential public services" must include health, housing, legal, welfare, and transport).
- Making sure people in Britain have equal access to the labour market and are treated fairly at work.

We have expanded on these and other strategic aims and priorities mentioned in EHRC's consultation document below.

Strategic Goal 1: To enhance the conditions for a more equal and rights-respecting Britain

- A general addition to where the consultation document has said the EHRC will "undertake compliance and enforcement activity" is to encourage the EHRC to take such activities as an opportunity to 'educate upwards' by advising on leading

practice rather than just bringing business and other bodies up to compliance (i.e. 'minimum standard') level. As one example, "compliance and enforcement" within Priority Aim 3 ("New technologies and digital services promote equality and human rights") is not enough to meet the increasing diversity of who 'disabled people' are and how they live their lives. Instead, business and public bodies should be considering how they build inclusive values and accessibility into how they procure and design specifications for the services and technology they provide.

- We would encourage greater 'intersectional' focus on research. For example, within Priority Aim 2 ("Ways to tackle prejudice are better understood and good relations promoted, particularly through the education system") states that the EHRC will undertake an inquiry into how 'available, accessible, and effective' routes to redress are for university staff and students who experience racial harassment. We are curious why this inquiry is only being undertaken with regard to race and not other protected characteristics. For example, the 'ableism in academia' movement is at its strongest and evidence for the disability-related discriminatory structures and practices that continue to prevail within the higher education sector is growing.
- We would add to the action to undertake an inquiry into disabled people's experiences of the criminal justice system that conditions for disabled perpetrators of crime are also addressed. In addition, inquiring into the high rates of people with a learning disability or mental health condition who are in prison and the lack of 'joined up' policy making between the Ministry of Justice and the Department of Health and Social Care on this issue is also important.

Strategic Goal 2: Remove barriers to opportunity so that people's life chances are transformed

- We very much welcome the focus on public transport (Priority Aim 4) and would add that the urgency for this Goal is that current inaccessible infrastructures and information are preventing disabled people from accessing justice, employment, education, and health services.
- We also welcome the Priority Aim 6, "People in Britain have equal access to the labour market and are treated fairly at work". However, rather than increased enforcement and influencing on gender pays gaps, we are interested in understanding from the EHRC how effective such reporting is for addressing workplace discriminatory structures and practices. As a minimum, attention given to pay gaps should address pay gaps for other protected groups (we would add, particularly disability). Within this Priority Aim, we would also urge that the EHRC keeps up with shifting labour market trends; for example, ensuring employment gaps and rights are not compromised by an ever expanding gig economy and increased automation.
- We would also add the EHRC's influence regarding employment related welfare support also needs to consider the above employment trends; for example, in the EHRC's role in supporting and challenging policy makers to ensure equality and human rights, we are keen to see the welfare system also 'keeping up' with how it supports people amid agile and modern employment options (for example, how

employment related welfare payments account for disabled people's activity in 'zero hours' and gig economy working).

Strategic Goal 3: Protect the rights of people in the most vulnerable situations

- We fully support this Goal to ensure people experiencing sexual or domestic violence are supported and protected. We are however keen to recommend that accessibility and disabled people's issues should be a 'constant lens' through which all work within this Aim is carried out, particularly in light of the recent investigation by the BBC (November 2018) which found that 89 per cent of spaces in domestic violence refuges are inaccessible to disabled women.
- We are also keen to highlight that disabled people are automatically "vulnerable" at the point where information and services are not accessible to them, and this therefore does not just occur in situations of harassment or violence for disabled people; for example, when inaccessible banking services mean disabled people cannot access their money or when people cannot safely get home due to inaccessible transport connections.

Additional feedback

1. Educating the public about the EHRC

In November 2018, we carried out a 'light touch' survey with 100 of our business members and disabled people's employee networks to find out how well disabled people knew their rights and how well the role of the EHRC is understood. The findings showed that only 5 per cent of disabled people who work for our members had used the EHRC (either contacting the EHRC for advice or using the website and resources) when making a claim of discrimination against an employer or service provider; a further 75 per cent said they would not know how to bring a claim or who to go to for support and advice. Businesses' knowledge of the role and authority of the EHRC was also very low. Businesses were also unsure of the 'severity' of or 'how bad' it is to be contacted by the EHRC for enforcement purposes. For this reason we are keen to see much more promotion and awareness to educate the public and business on:

- What the EHRC is and its role in enforcing people's equality and human rights;
- How far it can support disabled people to enforce their rights and bring claims.

There was some feeling among our survey respondents that much of the education and awareness raising should also be filtered through local authorities to ensure that every citizen knows (a) what the role of the EHRC is, and (b) how the EHRC can support and advise people. This includes providing specific information about how the EHRC can "equip and support" ("How We Work", page 8) people to bring a claim (for example, whether and how lawyers for individuals and funding for cases are provided). In addition, we would also encourage the EHRC to promote to the public through similar channels in a brief and accessible way its final strategic goals and how these will be delivered.

2. Challenging Government policy

The consultation document states that the EHRC will “ensure those who make decisions about the law, policies and practices...respect equality and human rights” and that it will “support existing oversight mechanisms such as regulators, inspectorates or ombudsmen” (“How We Work”, page 8). It is not clear if this also includes Government bodies. We are keen to see the EHRC have stronger involvement at the design and consultation stage of Government policy development to ensure that the rights of disabled people are considered at design and development stage. At the very least, we urge the EHRC to be involved in the equality analysis at both design and review stages of policy development to ensure accessibility and inclusion of disabled people is ‘written in’ before implementation. In this way, the EHRC should develop a more strategic and closer relationship with public policy makers in order to become a ‘critical friend’ to those making policy decisions.

3. Ongoing communication with the public

We are pleased that the EHRC will continue to support people to bring cases (“How We Work”, page 8) but we would urge greater communication about the cases the EHRC takes on and how it chooses which cases to focus its resources on. This will help raise EHRC’s ‘influencing voice’ by making visible the equality and human rights issues that both businesses and the public should be aware of as the case or issue at hand is progressing. It also adds transparency in how EHRC is allocating and prioritising its resources amid this demanding and resource-pressured time when many protected groups are striving for their cause and need to be invested in. This becomes all the more important when the EHRC is “proactively identify[ing] cases to support” (“What We Will Do Differently”, page 9).

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