

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Sixth Delegated Legislation Committee

DRAFT EQUALITY (AMENDMENT AND
REVOCATION) (EU EXIT) REGULATIONS 2018

Tuesday 22 January 2019

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The Committee consisted of the following Members:

Chair: SIR GRAHAM BRADY

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| † Atkins, Victoria (<i>Parliamentary Under-Secretary of State for the Home Department</i>) | † Grant, Mrs Helen (<i>Maidstone and The Weald</i>) (Con) |
| Beckett, Margaret (<i>Derby South</i>) (Lab) | Hodge, Dame Margaret (<i>Barking</i>) (Lab) |
| † Bradley, Ben (<i>Mansfield</i>) (Con) | † Maclean, Rachel (<i>Redditch</i>) (Con) |
| † Butler, Dawn (<i>Brent Central</i>) (Lab) | † Quince, Will (<i>Colchester</i>) (Con) |
| † Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab) | † Reynolds, Emma (<i>Wolverhampton North East</i>) (Lab) |
| Crawley, Angela (<i>Lanark and Hamilton East</i>) (SNP) | † Thomson, Ross (<i>Aberdeen South</i>) (Con) |
| † Daby, Janet (<i>Lewisham East</i>) (Lab) | † Yasin, Mohammad (<i>Bedford</i>) (Lab) |
| † Duguid, David (<i>Banff and Buchan</i>) (Con) | |
| † Freer, Mike (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Medha Bhasin, <i>Committee Clerk</i> |
| † Goldsmith, Zac (<i>Richmond Park</i>) (Con) | † attended the Committee |

Sixth Delegated Legislation Committee

Tuesday 22 January 2019

[SIR GRAHAM BRADY *in the Chair*]

Draft Equality (Amendment and Revocation) (EU Exit) Regulations 2018

2.30 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I beg to move,

That the Committee has considered the draft Equality (Amendment and Revocation) (EU Exit) Regulations 2018.

It is a pleasure to serve under your chairmanship, Sir Graham. I note in passing that the consisted list is incorrect, so for the record, I re-promote you to Sir Graham.

The Chair: You are very kind.

Victoria Atkins: I am pleased to present to the House the draft Equality (Amendment and Revocation) (EU Exit) Regulations 2018. The regulations do not introduce any new policy, but in common with others currently passing through Parliament, they are part of the Government's commitment to delivering a managed exit from the European Union.

The regulations make purely technical changes to the Acts listed, and ensure that our equalities legislation continues to operate effectively after exit day. They are wholly consistent with our commitment to upholding equalities protections across the United Kingdom as we leave the European Union, including those previously conferred by EU law, which have now been incorporated into domestic law through the European Union (Withdrawal) Act 2018.

I am proud to say that the provisions in the Equality Act 2010, to which the bulk of the amendments relate, provide some of the strongest equalities legislation in the world. That includes provisions to provide comprehensive protections from discrimination, harassment and victimisation on the grounds of nine protected characteristics. We are determined to ensure that the 2010 Act will continue to give certainty and continuity to, among others, employees, employers, and service users—creating a stable environment in which the UK economy can grow and thrive. By passing the regulations, Parliament would ensure that those hard-won protections continue to operate after we have left the European Union.

Although I appreciate that hon. Members may not require, or indeed welcome, a detailed description of each of the regulations, I hope that the Committee will find it useful if I set out the legislation that is being amended and use an example for illustrative purposes. The draft regulations amend references to “enforceable EU rights”; references to EU law and the European economic area; and specific EU directives and harmonisation provisions. Those elements will become deficient after EU exit unless they are amended. The draft regulations amend such references in the 2010 Act,

the Civil Partnership Act 2004, the Gender Recognition Act 2004, and the Equality Act 2006, which established the Equality and Human Rights Commission and sets out its governance arrangements and powers.

The draft regulations also make minor amendments to the Equality Act 2010 (Amendment) Regulations 2012, which implement a ruling of the Court of Justice of the European Union that sex should not be used as a risk factor in determining individuals' insurance premiums and benefits, and amend the corresponding Northern Ireland regulations. We have worked closely with the Scottish Government and with the Equality and Human Rights Commission to draft the regulations, and we are pleased that both bodies have helped us with their preparation.

Lastly, two pieces of retained direct EU legislation are being revoked. One is regulation 1922 of 2006, which established the structure and governance of a European Institute for Gender Equality—the research papers for that institute are available on the web. The regulations simply concern the structure of the organisation, which will not be of relevance to us following our exit. The other is decision 771 of 2006, which established the European Year of Equal Opportunities for All of 2007. As the title suggests, it is a little past its sell-by-date.

In conclusion, I hope that I have reassured hon. Members that the sole purpose of the draft regulations is to correct deficient or redundant provisions in the legislation, which we simply want to work as Parliament intended after we have left the EU. That is why we have presented the regulations, which I commend to the Committee.

2.35 pm

Dawn Butler (Brent Central) (Lab): I thank the Minister for outlining the parts of the regulations that have been revoked and the reasons for that. We are inclined to support this technical statutory instrument, but I would like to ask the Minister some questions. On our leaving the European Union under the European Union (Withdrawal) Act 2018, the EU charter of fundamental rights will cease to apply in the UK. I thank the Face Her Future campaign, which is run by a coalition of lots of women's organisations, for doing great work on this issue.

Janet Daby (Lewisham East) (Lab): Does my hon. Friend agree that if we leave the EU, it is vital that we do so with more rights, not fewer?

Dawn Butler: That is absolutely vital, and it feeds into some of the questions that I want to put to the Minister to ensure that we not only maintain our current rights but can improve our rights.

The Minister talked about revoking a couple of pieces of legislation. I need clarification that the regulations do not amend any provision in the equalities legislation or repeal any current legislation. The Prime Minister has previously refused to rule out scrapping the working time directive, the agency directive and the pregnant workers directive. It is imperative that equality and human rights legislation is protected once the UK leaves the EU. Will the Minister give some legislative assurances that these rights will be protected and improved?

I know that the Minister has been working with the Equality and Human Rights Commission, which has found that our rights will be seriously diluted when the charter no longer applies in the UK once we have left the EU. Will she provide some clarification on that? We welcome the inclusion of the European protection orders in the transition period, which is already set in statute. Once we leave, the Government will need to opt in to this protection. Can the Minister confirm that we will opt in? How will the UK replicate the protections and funding currently provided by the EU? Once we leave, obviously that will all disappear.

There is a genuine concern that we will not be able to keep up with the protection of gender equality for UK citizens. We need a broad commitment from the Government, because there are directives currently in play that we will have no access to, such as the directive on work balance for parents and carers. It would be useful to know how we will keep up with those kinds of directives.

The Minister knows that we have discussed on the Floor of the House the number of gaps in the protection of women, on which we urge the Government to take action. As I have this opportunity, I ask the Minister to update us on progress on reinstating section 40 of the Equality Act 2010 to protect against third-party sexual harassment; on amending the regulations to require large employers to provide action plans to tackle their gender pay gap; and on enacting section 106 of the Equality Act to require all political parties to report diversity data on their candidates. Any updated progress on that would be very much appreciated.

I have just a couple more questions. What steps will the Government take to ensure that the UK keeps pace with EU measures that maintain gender, race and LGBT+ equality? Will the Government commit to ensuring that women's service providers, including women's refuges and other domestic abuse services, receive stable funding through the UK's shared prosperity fund? Obviously, we will lose a lot when we leave the EU.

Research by the Migration Observatory identified categories of EU citizens at risk of failure to secure their rights after Brexit. The Prime Minister mentioned yesterday that the charges had been removed, which is very welcome, but the research shows that women and girls are over-represented in groups that will be disproportionately negatively affected, especially EU citizens and victims of domestic abuse and other forms of violence against women and girls. They may find it difficult to access the documentation needed to prove that they have been here for five years. Can the Minister shed any light on whether there will be any flexibility for victims who are unable to prove five years of continuous residency?

It is common knowledge that there is strong evidence that Brexit would have a negative impact on the UK economy overall, with a no-deal scenario being the most damaging. In line with the Women's Budget Group report last year, which looked at the impact of Brexit on women, are the Government taking any steps to ensure

that trade agreements and policies reflect the gender equality objective and do not increase barriers to women's economic empowerment?

The Chair: Before I call the Minister to respond, I remind the Committee of the very narrow scope of the matters before us. I allowed the shadow Minister to range a little wider because, as she said, she was taking an opportunity, and there may be one or two things that the Minister would like to clear up. I hope that the Minister will not digress too much into the wider economic debates about future relationships and that she will bring the debate back to the starting point of today's business.

2.42 pm

Victoria Atkins: I am grateful for that nudge, Sir Graham. I thank the hon. Lady for her response and for her support for the regulations. If I may—taking the Chair's guidance to heart—I will write to her on matters that I cannot cover in the debate.

The regulations do not cover the charter because we are copying EU law straight into the statute book after exit day. Protections from the European Convention on Human Rights are provided for directly in our domestic law via the Human Rights Act 1998. I will go into more detail on the charter in my correspondence with the hon. Lady.

To reassure colleagues who are concerned about ensuring that we keep pace with the EU in maintaining gender equality, we will of course be free to set our own priorities after we leave. I note that we are leaders when it comes to issues such as the gender pay gap and tackling modern slavery, which, as the hon. Lady knows, can have a terrible impact on women who are trafficked for sexual enslavement. We do not see our exit from the EU as reducing our commitment to human rights and, indeed, we are fully committed to the retention of all rights under the Acts and equivalent Northern Ireland provisions.

On the transition period, if the House does not approve a deal, there will be no transition period. We are carefully introducing regulations so that, whenever exit day occurs—regardless of whether there is a transition period—the legislation remains workable and as Parliament intended.

The two pieces of legislation that we are seeking to revoke are frankly way out of date and do not cover what we now consider, 12 years later, as part of our human rights landscape. That is the only reason why we are revoking them. Of course, we remain committed to maintaining human rights. We want the Equality Act 2010 to be absolutely as strong as Parliament intended, which is precisely why we have brought the draft regulations. Unless hon. Members have any other points to make at this juncture, I invite the Committee to support the regulations.

Question put and agreed to.

2.45 pm

Committee rose.

