POLICY PAPER

EQUALITY LAW REFORM

May 2026

LEGAL

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Policy Paper

Introduction

The King's Speech on 17 July 2024 mentioned that the Government would publish a Draft Equality (Race and Disability) Bill seeking to "enshrine in law the full right to equal pay" on grounds of race and disability. The Government's Office for Equality and Opportunity is taking this opportunity of a forthcoming Equality Bill on equal pay to also undertake a review of some other parts of the Equality Act 2010. This provides an opportunity for disadvantaged communities, to also seek certain equality law changes from their own lived experiences that could benefit them, others and society at large. This document is a contribution to this opportunity for change, particularly from a racialised religious minority perspective.

1. Commencement of the Socio-Economic Duty

s1 of the EA2010: Public sector duty regarding socio-economic inequalities
1 Public sector duty regarding socio-economic inequalities
(1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.
(2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued.
…
(6) The reference to inequalities in subsection (1) does not include any inequalities experienced by a person as a result of being a person subject to immigration control within the meaning given by section 115(9) of the Immigration & Asylum Act 1999.

Section 1 of the Equality Act 2010 imposes a socio-economic duty on public bodies, which requires them to consider how their decisions can reduce inequalities stemming from socio-economic disadvantage. The purpose is to embed fairness into strategic decision-making, so that inequalities linked to housing, health, education, employment and other manifestations of poverty are systematically addressed. However, although enacted in law, and implemented in Scotland and Wales, s1 was never brought into force in England. Evaluations of the implementation of s1 in Scotland and Wales by the Equality and Human Rights Commission show its potential to shape more equitable outcomes for disadvantaged communities – particularly White and ethnic minority working class communities.

We strongly support the campaign led by 1forEquality, which has consolidated expert and community perspectives to call for the effective implementation of the socio-economic duty. Their work highlights many crucial points and makes many important recommendations. The following are of particular interest to us:

1. Ensuring leadership and participation
    - There must be buy-in to the duty from the senior leadership of public bodies to ensure that it is prioritised and resourced appropriately.
    - Equally importantly, those with *lived experience of socio-economic disadvantage* must be partners in shaping, implementing and evaluating the duty – they should not just be 'case studies' but co-creators of the relevant policies that result from s1.
    - Their engagement must be non-extractive – i.e., due regard should be given to their remuneration, appreciation of their contributions and trauma-informed care for them where required – in order to build trust and create meaningful and lasting engagement and change.

2. Embedding holistic, evidence-based approaches
    - Duty-bearers must avoid 'tick box' approaches – assessments should be thorough, with clear methodologies that demonstrate how public bodies are meeting their obligations.
    - Data (including civil society and community-held data) should be better used to ensure informed policymaking and accountability.
    - Safeguards should be put in place to ensure impact assessments remain meaningful, not diluted, and lead to better informed, evidence-based decisions.
    - Effective *cumulative impact assessments* should be undertaken to understand how decisions affect disadvantaged groups in intersectional ways over longer periods of time.

3. Shifting from processes to outcomes
    - There should be an emphasis on clear national and local outcomes (e.g., in housing, health, education, employment and the criminal justice system) to ensure progress is measurable, rather than just focusing narrowly on bureaucratic processes.

4. Providing guidance, support and evaluations
    - Strong statutory guidance should be provided to ensure consistency and avoid superficial compliance.
    - A central support hub should be established, as piloted in Scotland, to share resources, training and best practice.
    - This support should also encourage partnerships with civil society, combining quantitative data and lived experience for stronger evidence-based decisions.

5. Expanding the scope of the duty
    - The duty should be applied to a broad range of public authorities, with a consistent scope that enables cross-agency collaboration, strengthens multi-agency partnerships and joint Strategic Needs Assessments, and drives more effective collective action on socio-economic inequality.
    - The list in s1(3) Equality Act 2010 must be updated – at a minimum, aligned with the lists for Scotland and Wales.

6. Activating and futureproofing
    - The UK Government should set and announce a clear commencement date for s1 in England via a Commencement Order, giving duty bearers time to prepare and ensuring deadlines are not subject to delay or political change.
    - The duty must be protected from political rollback through the principle of *non-regression*, ensuring its benefits endure in the future.
    - Section 1(6) should not be commenced. The benefits of s1 should be universal, regardless of immigration status. Subsection (6) risks misapplication, conflicts with the Public Sector Equality Duty and human rights law and could expose authorities to judicial review. Experience from Scotland and Wales shows that it is not practical to separate those under immigration control in strategic decision-making under this provision. In the event that s1(6) is commence, we recommend that the guidance on this provision makes it clear that seeking to exclude people subject to immigration control from benefiting from action taken under this duty is neither required nor practical.

Commencing s1 in England could be transformative for all working-class and disadvantaged communities. It is particularly important for White, ethnic minority and Muslim working-class communities that experience disproportionate socio-economic disadvantages due to many intersecting factors. By compelling public authorities to assess and address all socio-economic disadvantages and systemic barriers to opportunity in their decision-making, the Government can ensure that structural inequities that most affect the most marginalised groups can be addressed at source. At a time when the rise of far-right politics and hostility is deepening divisions, the socio-economic duty could provide a framework for promoting *greater equity for all and greater community cohesion* across society through fairer policy-making.

2. Statutory Clarification of the Definition of Race

s9 of the EA2010: Race
(1) Race includes—
(a) colour;
(b) nationality;
(c) ethnic or national origins.
(2) In relation to the protected characteristic of race—
(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
…

The Equality Act 2010 was intended to consolidate, harmonise and strengthen the equality framework for all in Great Britain. Unfortunately, despite the Act, there remains in Great Britain a hierarchy in the law in terms of how different racialised religious groups are protected from bigotry. This hierarchy appears to be based on the perceived comparative mutability of the two characteristics of race and religion – on the grounds of which most of the othering, discrimination and hostility is perpetrated, and protection is provided, for these racialised religious groups. Race is treated as immutable, and therefore, protected comparatively unconditionally. Religion, by contrast, is considered mutable, and therefore, protected far more conditionally – eg, subject to allowing greater space for freedom of speech and expression. Whilst how these characteristics in themselves are treated by the law may be justified, how each has come to be defined in UK law and applied to different racialised religious groups has resulted in clear and unjustifiable inconsistencies. Thus, Sikhs and Jews are now defined as racial groups but not Muslims – resulting in a hierarchy of protections and provisions for each of these groups.

The roots of this hierarchy and unequal treatment of the different racialised religious groups lie in case law. In *Mandla v Dowell Lee* (1983), the House of Lords recognised Sikhs as an ethnic group under the Race Relations Act 1976, and the same recognition was extended to Jews. This was later reinforced in *R (E) v Governing Body of JFS* (2009). By contrast, an earlier case – *Ahmad v Inner London Education Authority* (1978) – had held that Muslims were a religious group, and the extension of race to Sikhs and Jews post *Mandla* has never been applied to them (see summaries of these cases in Appendix 1). The justifications given for excluding Muslims from this extension fall into three categories:

1. Racial/ethnic vs. religious/belief identity - UK law distinguishes between race/ethnicity and religion/belief. The Race Relations Act 1976 and the Equality Act 2010 protect individuals from discrimination based on race/ethnicity and religion/belief, but they do not automatically classify religious groups as ethnic groups.
2. The Frazer criteria/test from Mandla - Lord Fraser in the Mandla v Dowell Lee case established the criteria/test for identifying an ethno-religious group that would fall into the definition of race under the Race Relations Acts - which included a shared ancestry, historical identity and cultural traditions. While Jews and Sikhs meet these criteria and pass this test, Muslims are considered not to do so.
3. Diversity of Muslims – The reason why Muslims do not pass the Fraser test is that they are too diverse to be classified as an ethno-religious/ethnic group. Muslims in the UK come from over 50 different nationalities and ethnicities, which is evidence that they cannot be a single ethnic group.

We argue that these arguments are flawed on three grounds:

1. The UK's statutory definition of race has indeed always distinguished between race/ethnicity and religion/belief and does not automatically classify religious groups as racial/ethnic groups. This distinction dates back to the Race Relations Act 1976. During the Bill stage, Parliament debated whether to include religion as a marker for racial discrimination alongside colour, nationality and ethnic/national origin. Ultimately, religion was excluded because it was seen as insufficiently distinct and too complex to legislate for at that time (Hansard, Standing Committee A, House of Commons, 29 April and 4 May 1976). However, it is possible to argue that the criteria/test subsequently set out in the case of Mandla for recognising a religious group also as an ethnic/racial group has been erroneously, inconsistently and inequitably applied to Muslims. We illustrate in a table in Appendix 2 how the criteria apply and is very similarly met by Sikhs, Jews and Muslims, and yet how arbitrarily Sikhs and Jews are classified as ethnic/racial groups but not Muslims.
2. Section 9(4) of the Equality Act 2010 makes it clear that a racial group **can** consist of 'two or more distinct racial groups'. The diversity argument, therefore, is no longer valid in statutory law, and yet, it is often repeated in legal and policy circles in discussions on including Muslims in the definition of race.
3. Whether a group is protected from racialised religious bigotry should not be based only on the historical homogeneity of a group but also the perceived homogeneity on the basis of which it has been and/or is being othered, discriminated against or attacked – ie, it should take into account the lived experience of the group, where, despite its diversity, perpetrators treat it as one group, and harm is also felt as a group. Section 14 of the Equality Act 2010 was intended to address such lived experience. However, as we will see below, it was never brought into force, and even if it was brought into force, it would not cover all aspects of the experience of racialised religious groups, as s14 does not cover indirect discrimination or harassment – and, even if it did, much of the harassment provisions would not protect Muslims by virtue of s14(4) read with the specific carve outs in the specific harassment provisions as discussed below.
4. On the basis of caselaw since Mandla, it could be argued that Antisemitism and Anti-Sikhism are both treated under equality law as racial bigotry, regardless of whether the motivation for the treatment is in fact racial or religious. A better solution then would be to focus on the reason for the bigotry (belonging to a racial/ethnic/racialised religious group, irrespective of having or expressing a religious or philosophical belief) and applying the appropriate legal framework.

The current exclusion of Muslims from the definition of ethnicity/race creates particular problems for them. While Antisemitism, Anti-Sikhism and Islamophobia are all experienced in similar ways, only the first two are recognised in UK law as both racial and religious forms of bigotry. Islamophobia, by contrast, is recognised only as religious bigotry. The result is that Muslims have in the past, and continue to, lose out across all three domains of bigotry – othering, discrimination and hostility, undermining the Equality Act's core purpose of ensuring harmonisation and equal protection for all. Some real examples of the resulting weaker present and possible provisions, protections and progress for Muslims are as follows:

- Antisemitism is taught as a form of racism in schools and addressed as such in public awareness campaigns; there is greater awareness of its unacceptability in society; consequently, senior public figures and society at large will take a strong stand against its overt manifestations in the public space. This is not the case with Islamophobia, and thus, its passing at the dinner table, as suggested by Baroness Warsi, and overt unchecked manifestations in public as witnessed at the far right's Unite the Kingdom rally in London in September 2025.
- Antisemitic or anti-Sikh hate crimes can be logged as both racial and religious hate crimes by the police – and pursued as such. In the case of incitement on the ground of race, there is a much lower threshold than on the ground of religion, which makes it easier to prosecute. Incitement of hatred against Jews and Sikhs can thus be prosecuted on a lower threshold than incitement against Muslims, which can only be logged as a religious hate crime.
- Harassment on grounds of both race and religion can constitute both a criminal or civil law offence. However, in terms of civil law, as there is better protection in the Equality Act 2010 for harassment on grounds of race compared to religion, as we will see below, Muslims are again left less protected than their Jewish and Sikh co-citizens in their access to services, education, disposal/management of premises and private associations.
- Where the public sector equality duty (PSED) under s.149 of the Equality Act 2010 and the positive action measures under ss158–159 of the same Act have been better implemented on grounds of race compared to religion/belief, theoretically at least, it is possible to argue that Jews and Sikhs would have had better access to the benefits from this compared to Muslims, as the former are covered under the definition of race but the latter are not. However, there is yet little research evidence to confirm that this theoretical possibility has actually manifested in reality. Therefore, we note this here only as a possibility until further research is available on this point. Consequently, however, we also note that as a result of the current legal definition of race being perceived as excluding Muslims, structural/systemic Islamophobia as a form of structural/systemic racism has often been under-recognised, or ignored altogether, weakening responses to cumulative Muslim disadvantage, including positive action measures that may have been demanded by Sikhs and Jews in similar circumstances.
- With the Draft Equality (Race and Disability) Bill possibly extending equal pay provisions on the ground of race but not religion, it is possible to argue that Jews and Sikhs could potentially benefit from this in ways that Muslims may not. It may also be argued separately that, if this was the case, Muslims risk being excluded from these new provisions on equal pay despite currently facing some of the most severe pay disparities in the UK (see section 5B below for more detail on this).

One way of avoiding this disparity in the provisions, protections and progress afforded to different racialised religious groups is by incorporating the extended definition of ethnicity/racial group currently in caselaw (the Mandla and JFS cases) into a statutory provision – eg, through the proposed Draft Equality (Race and Disability) Bill. The provision needs only to slightly amend the current statutory definition of race in s9(1) of the Equality Act 2010 by adding a new marker of race – as shown in italics below:

9 Race

(1) Race includes—

(a) colour;

(b) nationality;

(c) ethnic or national origins;

(d) racialised religious groups.

If a further definition was then required for 'racialised religious groups', this could be added through an additional sub-section to s9, or alternatively/additionally be explained/elaborated on in Explanatory Notes to the Act or guidance notes. The definition, explanation or guidance could include that 'racialised religious groups' are groups that face a form of bigotry in which the followers or perceived followers of a religion are stereotyped, prejudiced and treated as a single, homogenous 'racial group', even though the religion itself may have adherents from diverse colour, ethnic and national backgrounds. The bigotry fuses religious and racial prejudice, often using a person's actual or perceived religion as a

proxy for their racial identity to justify systemic othering, discrimination and hostility. The key characteristics of racialised religious bigotry include:

- The 'othering' of non-dominant groups – This process often targets and marginalizes minority religious groups, using biased assumptions and stereotypes to make their faiths seem theologically/philosophically, socially and morally illegitimate. This is then used to motivate discriminatory attitudes, behaviour and practices towards these groups. In the context of UK history, this has been well documented in relation to Jews and Muslims, and to some extent Hindus and Sikhs too.
- The conflation of religious and racial identity – Rather than being seen as individuals with diverse beliefs, members of a particular religious group are treated as if they belong to a distinct and inferior/suspect race. This can happen regardless of their actual ethnicity or how they identify themselves. For example, although Jewish people belong to a diverse group of ethnicities and nationalities, antisemitism has historically shifted from targeting Jews as a religious group to a constructed 'racial' group. This shows how perceptions of prejudice can be articulated differently to justify the same underlying bigotry.
- Systemic subordination – Racialised bigotry can result in policies and practices that systematically deny certain religious groups full religious freedom and equality of opportunity. This is sometimes observed in areas like national security, where certain religious minorities are singled out for suspicion and as a source of terrorism. These communities then often face open hatred, hostility and violence.

We believe that different forms of racialised religious bigotry – Antisemitism, Islamophobia, Anti-Sikhism, etc. – follow the same/similar patterns of perpetration, and experience by victims, and should be addressed equally in law. We, therefore, recommend strongly that the Government takes the opportunity of the Equality (Race & Disability) Bill to include this amendment to s9. Further, guidance on the amendment should explicitly state that Sikhs, Jews and Muslims fall within this provision of 'racialised religious groups' – as arguably is already the legal position when caselaw in this area and s9(4) of the Equality Act 2010 are read together, and that the courts may in future recognise other groups in this provision based on their lived experiences of racialisation. This would place the *Mandla* and *JFS* decisions on a statutory footing, replacing the outdated Fraser test with a more modern one centred on how communities are racialised in practice – as seen, for example, in the racialisation of Muslims after the Stockport and Liverpool incidents in 2024-25 and the 'Unite the Kingdom' rally in September 2025. This also aligns with a recent recommendation from the Board of Deputies' Commission on Antisemitism and would close a long-standing gap in the provisions/protections for UK Muslims, as argued by many in that community.

3. Commencement of the Combined Discrimination Provision

s14 of the EA2010: Combined discrimination – dual characteristics

(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

(2) The relevant protected characteristics are:

- *(a) age;*
- *(b) disability;*
- *(c) gender reassignment;*
- *(d) race*
- *(e) religion or belief;*
- *(f) sex;*
- *(g) sexual orientation.*

(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).

(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.

(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within section 116 (special educational needs).

(6) A Minister of the Crown may by order amend this section so as to:

- *(a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);*
- *(b) specify other circumstances in which subsection (1) does not apply.*

(7) The references to direct discrimination are to a contravention of this Act by virtue of section 13.

Section 14 of the Equality Act 2010 provides for claims of combined/dual discrimination ie, discrimination experienced on the basis of two protected characteristics together (eg, race and religion or sex and disability). The purpose is to enable

people to bring claims that reflect specific forms of discrimination that arise from prejudiced stereotypes and attitudes about combinations of protected characteristics (eg, Black+women or Muslim+men) that would otherwise fail due to the comparator requirement. The provision also allows people to bring a simple claim that reflects their lived reality, rather than force them to separate their experience into single claims of discrimination based on the single strands of race, sex, religion, disability, etc. However, s14 was never brought into force by the Government. This pause on the implementation of this section is particularly significant for minority communities, who often experience discrimination at the intersection of race, religion and sex. Islamophobia, for example, is frequently racialised and gendered – targeting Muslims not only for their faith, but also for their sex, ethnicity, language, dress or other perceived cultural identity. A policy may, for example, discriminate against Muslim women or Asian/Black Muslims because of the combination of their sex and religion or race and religion. Without s14, the law cannot adequately capture these layered experiences of the most vulnerable communities in the UK, leaving claimants from these communities without any proper redress when faced with discrimination in housing, health, employment, education or the criminal justice system.

Whilst s14 was included in the Equality Act 2010, the Coalition Government that came into power soon after the Act received Royal Assent, chose to pause it on the grounds that implementation would create unnecessary complexity and impose disproportionate burdens on employers. More specifically they cited the following:

- Regulatory complexity in handling claims involving multiple protected characteristics.
- Financial and administrative costs for businesses, including fears of a significant new compliance burden.
- The risk of creating new areas of dispute, particularly around questions of self-identity and comparator requirements.

Consequently, as of now, claims under the Equality Act 2010 must still typically be based on a single protected characteristic. The approach to combined discrimination has, however, in limited circumstances, been developed in caselaw by employment tribunals that have sometimes found ways to address overlapping discrimination under existing provisions of the Equality Act, which do not require the protected characteristic to be the sole or primary reason for discriminatory treatment. However, this has produced inconsistent outcomes and left claimants without a clear statutory framework.

Organisations like the Discrimination Law Association have, therefore, argued that s14 should be implemented – to provide more adequate and effective protection against discrimination based on multiple grounds – and that this would not be overly burdensome for businesses. Prior to the last General Election, the Labour Party committed in its manifesto to do this, recognising that the failure of the Conservative Government to do so has left many people without adequate legal protection against many intersectional harms. Equally Ours, the UK-wide equality and human rights NGO, has since underlined the urgency in addressing this gap. In its June 2025 submission to the Government's equality law review call for evidence, it provided compelling qualitative evidence on how combined/intersectional discrimination affects communities across essential areas of life. The table at Appendix 3 summarises this evidence, along with our own evidence, and evidence from the Institute of Employment Studies and the Ministry of Justice. It sets out key findings in the areas of housing, health, education, employment and the criminal justice system. The table highlights patterns of discrimination, data gaps, barriers to justice and possible legal and policy changes. It is designed as a practical tool to show where reforms to the Equality Act 2010 are most needed, and are likely to have the most impact, in order to address intersectional discrimination, improve protection and make progress.

Based on this review of the evidence, we particularly endorse the following key points made by Equally Ours in its submission:

1. Combined discrimination is systemic and widespread, affecting access to housing, health, education, employment and justice.
2. The current legal framework is inadequate, because it forces people to separate experiences into single strands, rather than recognising how discrimination often arises at the intersection of multiple characteristics.
3. International models show that flexible recognition of combined discrimination is workable, effective and not overly burdensome for businesses or the courts.
4. Commencing s14 would give claimants a clearer legal framework and help policymakers, service providers and courts to more accurately identify and respond to intersectional harms.
5. The wording of s14 should be revised/updated to strengthen combined discrimination protection, explicitly include indirect discrimination, allow harassment and claims involving multiple characteristics, and adopt a flexible and practical approach that reflects how disadvantage is actually experienced.
6. Legal reform must be matched with policy, institutional and cultural changes: accessible guidance, training for public bodies and employers, better data collection and legal aid to ensure real access to justice.

4. Extending the Harassment Provisions for Comprehensive Protection of Religion or Belief

s26 of the EA2010: Harassment

(1) A person (A) harasses another (B) if—
(a) A engages in unwanted conduct related to a relevant protected characteristic, and
(b) the conduct has the purpose or effect of—
(i) violating B's dignity, or
(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
(2) A also harasses B if—
(a) A engages in unwanted conduct of a sexual nature, and
(b) the conduct has the purpose or effect referred to in subsection (1)(b).
(3) A also harasses B if—
(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
(b) the conduct has the purpose or effect referred to in subsection (1)(b), and
(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
(a) the perception of B;
(b) the other circumstances of the case;
(c) whether it is reasonable for the conduct to have that effect.
(5) The relevant protected characteristics are—
(a) age;
(b) disability;
(c) gender reassignment;
(d) race;
(e) religion or belief;
(f) sex;
(g) sexual orientation

Section 26 provides the core statutory definition of harassment in the context of the Equality Act 2010. It establishes harassment as a harm in its own right, separate from direct or indirect discrimination. It explicitly recognises that an environment of harassment can be just as damaging as denied opportunities. Section 26 covers two main types of harassment:

1. General harassment: Unwanted conduct related to a protected characteristic (including religion or belief) that has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment (s26(1)).
2. Sexual harassment: Unwanted conduct of a sexual nature (s26(2)). Section 26(3) establishes a particular form of sexual harassment – sexual/gender reassignment-based harassment with retaliation, where someone is treated less favourably because they rejected or submitted to unwanted conduct of a sexual nature or related to sex/gender reassignment.

The key interpretive safeguard for the provisions on harassment in s26 is in s26(4), which requires tribunals to consider (a) the perception of the victim, (b) the other circumstances of the case, and (c) whether it was reasonable for the conduct to have that effect.

The specific provisions on harassment in relation to religion/belief are far more complex because of the exceptions from s26 for this characteristic compared to others – and are as follows (see Appendix 4 for the actual wording of the exceptions):

1. In employment and vocational training, harassment related to religion or belief is wholly unlawful: s40 prohibits employers from harassing (as defined in s26) their employees/contract workers and any job applicants seeking employment with them, and s91 applies the same harassment protections to vocational training institutions and providers. This means that where unwanted conduct in relation to religion or belief violates a person's dignity or creates a intimidating, hostile, degrading, humiliating or offensive environment for them, the law provides a remedy for this. Thus, for example, if a Christian employee mentions that they are leaving on time to attend a mid-week church group and their colleagues repeatedly make comments like 'why waste your evening at church instead of drinks with the team?', or if an employee politely declines after-work social events because of church commitments and a manager jokes in front of others that they are not 'a team player', then this could constitute harassment. Similarly, if a Muslim employee is teased by colleagues during Ramadan with repeated comments like 'no wonder you're so slow – how can you get any work done without eating?' or, if they ask to slightly adjust

their lunch break to attend Friday prayers and their manager responds dismissively by saying 'can't you skip it?', then this too could potentially constitute harassment. Both examples illustrate how what may be seen as ordinary workplace behaviour/demands (workplace culture, banter, scheduling, etc.) can sometimes cross into harassment.

It is important, however, to distinguish between legitimate workplace behaviour/conversations and harassment. For example, a manager reminding all staff of attendance expectations, or a colleague asking a genuine question about a religious practice, would not normally amount to harassment. By contrast, when comments are dismissive, repeated to negative effect or mocking of someone's religious commitments – as illustrated above – this shifts into unwanted conduct related to religion or belief. Under s26, where it cannot be shown that the effect was intended, the decisive factor is whether the effect of the behaviour was nonetheless to violate dignity or create an intimidating, hostile, degrading, humiliating and offensive environment judged against the reasonableness test in s26(4) – and read with ss40 and 91, it ensures that faith-based dignity is safeguarded in all employment and training contexts.

2. While s26 defines harassment broadly, is applied to all characteristics generally, and ss40 and 91 apply it fully on grounds of religion/belief in the areas of employment/training, the Equality Act 2010 deliberately carves out the harassment protection on grounds of religion/belief in many other areas. This means that while direct/indirect discrimination on grounds of religion/belief is unlawful in these areas, harassment on grounds of religion/belief is completely lawful in them – for example:
    - s29(8) retracts the protection against harassment on grounds of religion/belief in the provision of services, and, read together with s29(6), this restriction also applies to the exercise of public functions. Thus, service providers, even those providing public functions, may not be held liable for harassment on grounds of religion/belief – eg, if a Muslim customer is regularly mocked for wearing a turban by a café owner, the café owner may not be held liable for harassment, though an outright refusal to serve would amount to discrimination.
    - ss33(3)&(6), 34(2)&(4) and s35(2)&(4) retract the protection against harassment on grounds of religion/belief in the disposal of premises, permission for disposal and the management of premises. Thus, landlords and premises managers may not be held liable for harassment on grounds of religion/belief when disposing (selling/renting) or managing property – eg, if a landlord frequently joked about a Christian tenant being 'a fundamentalist' and pressured them not to display a cross visible in/on the premises, or regularly mocked a Muslim tenant using a prayer mat for 'making the place look foreign', or repeatedly dismissed a Hindu tenant asking for repairs with disparaging remarks about their beliefs, they may not be held liable for harassment, though they could be for the same conduct towards their employees in their workplace.
    - s85(3)&(10) retracts the protection against harassment on grounds of religion/belief in the admission and treatment of pupils in schools. Thus, staff in a school may not be held liable for harassment on grounds of religion/belief towards pupils – eg, harassment towards a Muslim pupil for wearing the hijab, though they could be for the same/similar conduct towards Muslim staff wearing the hijab under s40, and the same/similar conduct towards Muslim students wearing the hijab in a training, further or higher education institution would constitute harassment under s91.
    - ss101(4), 102(3) and 103(2) together retract the protection against harassment on grounds of religion/belief in the treatment of members, associates, applicants and guests in private associations/members clubs. Thus, under s103(2) owners and staff of private associations/clubs may not be held liable for harassment on grounds of religion/belief – eg, if a Muslim member, associate, applicant or guest at a private dinner in a members association/club was mocked for asking if the food was halal, though similar conduct would constitute harassment if it was based on other grounds, eg, race, gender or disability.

    Note further, as already explained, that in each of the above cases there would be protection against harassment for Sikhs and Jews, as their cases may be framed under race, but this may not be possible for other racialised religious communities like Muslims and Hindus. For the latter groups, in all such cases where the conduct amounts to detriment, they may pursue a claim for unlawful direct discrimination under s212(5) or under the criminal law on harassment, which may not provide the same benefits and result in lesser protection.

We believe that it is important to ensure that the protection against harassment is harmonised across all characteristics and all areas where it is needed, unless an exception is required and can be justified. This equality of provision is important for the following reasons:

1. Equality of dignity: Harassment violates dignity and creates an unwanted environment no matter what protected characteristic it targets. The dignity of all people, irrespective of which characteristic they are attacked by, should

be protected equally, unless a difference in the protection can be justified. There is no credible justification for providing less protection for harassment on the grounds of religion/belief – the free speech argument is dealt with below. Where there is no credible justification, the principle of parity/harmonisation between protected characteristics should be upheld/maintained, as it is a foundational principle of the Equality Act 2010.

2. Impact across sectors/areas/contexts: For most of the other characteristics (eg, race, sex, disability and age), the harassment provision is extended to all sectors/areas where it may be encountered – because the impact of such harassment, whatever the sector/area in which it is encountered (employment/training, public functions/private sector services, disposal/management of premises, admission/treatment of pupils or private members associations/clubs), is the same on the victim. There is no justification for singling out religion/belief or sexual orientation for lesser protection in some of these sectors/areas. Limiting protection against harassment on grounds of religion/belief to only employment/training suggests that dignity for people targeted on the basis of this characteristic matters only in the area of work/training, but not in other areas of everyday life. This creates an inconsistent and unfair framework where the same conduct can be unlawful in one setting but lawful in another.

3. Real world harms from harassment outside employment/training:
   - Services: Customers may face degrading treatment by providers or their staff.
   - Premises: Potential purchasers/tenants/occupiers can be subjected to intimidating/hostile comments from landlords or managers.
   - Education: Pupils/students may be mocked or belittled by teachers.
   - Associations: Members or guests of clubs and professional bodies may encounter offensive environments.

   All of these situations can seriously undermine access, participation, opportunities and wellbeing – and yet, under the current law, harassment claims cannot be made in these sectors/areas if experienced on grounds of religion/belief.

4. Balancing harassment and free speech: It is often argued that a) religion/belief and sexual orientation are both matters on which people can legitimately hold strong views that others may find offensive, and b) prohibiting harassment in these areas could, despite the reasonableness test, have a 'chilling effect' on freedom of expression and in particular on freedom of academic debate in education bodies. It could also be argued that perhaps there could be a different definition of harassment specifically for these protected characteristics – to provide stronger protection for freedom of expression. The counter arguments to these are as follows:

   - People can indeed legitimately hold strong views on religion or belief, but in light of other individual and societal considerations, Parliament has already accepted that restricting the expression of such strong views is legitimate to protect against harassment:
     - in the workplace/training for all religions/beliefs – ie, that these strongly held views must not be expressed in the areas of employment and training in ways that would harass adherents of these religions or beliefs;
     - in all sectors beyond employment and training for Jews and Sikhs in Great Britain and for all religions/beliefs in Northern Ireland - ie, that these strongly held views must not be expressed in any sector (beyond employment and training) with regards to these communities in these geographies in ways that would harass their adherents.

     So, the question then is why is it legitimate to curtail the expression of such strongly held views against all religions/beliefs in GB in some sectors – eg, employment; against some religion/belief groups (eg, Jews/Sikhs) in GB in all sectors; and against all religions/beliefs in NI in all sectors. Such inconsistencies undermine the principle of the rule of law and equality for all.

   - In light of the reasonableness test, what is the evidence of the 'chill factor' in the areas of employment and training in relation to all religions/beliefs in GB and in all areas with regards to Jews and Sikhs in GB and all religions/beliefs in NI – for justifying the current carve outs on harassment in GB. Without any such evidence, it's arguable that the fear of the 'chill factor' is greater than its reality. This argument is particularly strong when considering that on every occasion in the past when harassment provisions have been debated, eg, with regards to harassment on the ground of race, the 'chill factor' argument has been presented, but the fear did not become the reality when the provision was actually adopted. On the other, if there is any such evidence of the 'chill factor' based on current provisions, then the law needs to reflect this equally across the different religions/beliefs and geographies and not selectively.

- A different definition will not solve the problem but reinstate it, as it is unlikely to be implemented in NI and unlikely that Jews and Sikhs will be decategorised as ethnic groups in GB. It would also regress on the current protection available in employment and training. In terms of freedom of academic debate in educational bodies, the same arguments apply – eg, harassment is already prohibited in relation to Jews and Sikhs in GB and all religions/beliefs in NI with little evidence of negative impact. And again, if there is any evidence for any such impact, then the law should be amended for all religions/beliefs on the back of that – not left with the current inconsistencies in place despite the evidence. Furthermore, there are already separate provisions in place for freedom of academic debate in educational institutions (eg, the Higher Education (Freedom of Speech) Act 2023 for England and the Further and Higher Education (Scotland) Act 2005 for Scotland), and these should be strengthened if required and applied equally to all religions/beliefs.

- On the basis of current evidence, s26(4) already appears to seek an appropriate balance between claims of harassment and free speech through the 'reasonableness' safeguard – so that trivial unintended remarks and reasonable and measured criticisms of religions/beliefs will not amount to harassment. There is no principled reason why that balance should only apply to employment/training for some religions/beliefs in GB and not to other sectors/areas/contexts – such as public functions/private sector services, disposal/management of premises, admission/treatment of pupils in education or members/guests in private associations/clubs.

In light of the above, we strongly recommend the following:

1. Repeal the exclusions from the protection against harassment on grounds of religion/belief – ie, remove the subsections that provide these exceptions in key sectors/areas:
   - s29(8) on public functions and provision of services
   - ss33(6), 34(4) and s35(4) on the disposal and management of premises
   - s85(10) on the admission and treatment of pupils in education
   - s103(2) on the treatment of members, associates, applicants and guests in private associations/members clubs

   Thus, ensure that s26 is extended to all sectors, areas and contexts equally and fully on grounds of religion/belief – ie, ensure the above amendments are done so that the s26 harassment provision applies equally and fully on grounds of religion/belief across all public functions, private sector services, the disposal/management of premises, the admission/treatment of pupils in education and the treatment of all people in private clubs/associations – and not just to employment and training.
2. Ensure parity and harmonisation across all protected characteristics – ie, bring religion/belief and sexual orientation (which is excluded in the same way) in line with the other characteristics like race, sex and disability, which are already protected from harassment across all sectors/areas/contexts.
3. Maintain the free speech safeguard – ie, retain the reasonableness test in s26(4) to ensure that legitimate debate, ordinary questions or respectful discussion of religion/belief are not chilled. This avoids overreach while still protecting dignity.

The effect of these reforms would be a coherent, single harassment standard applying across all characteristics and major contexts of life.

5. Extending the Pay Gap Provisions

A. Extending the Gender Pay Transparency Provisions to Race

s78 of the EA2010: Gender pay gap information

(1) Regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.

(2) This section does not apply to—

(a) an employer who has fewer than 250 employees;

(b) a person specified in Schedule 19;

(c) a government department or part of the armed forces not specified in that Schedule.

…

(4) Regulations … may not require an employer, after the first publication of information, to publish information more frequently than at intervals of 12 months.

(5) The regulations may make provision for a failure to comply with the regulations—

(a) to be an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale;

(b) to be enforced, otherwise than as an offence, by such means as are prescribed.

(6) The reference to a failure to comply with the regulations includes a reference to a failure by a person acting on behalf of an employer.

Section 78 of the Equality Act 2010 provides the framework for requiring transparency about employers' pay gaps between men and women. This provision aims to improve the information available publicly about the extent of disparities between the average pay of male and female workers. The intent is clear: to prompt employers to correct unjustified pay disparities, to drive fairness in remuneration practices and to provide employees with information which could expose sex discrimination in pay where it exists. However, the impact of these requirements has been mixed. Qualitative research suggests that whilst gender pay gap reporting was introduced in 2017 for employers with 250+ staff, evaluations of the reporting show that while some employers have acted on their data, others have not, enforcement remains weak, and the gender pay gap has narrowed only marginally at a national level. Thus, whilst the reporting has improved transparency, it is far from eliminating the structural and systemic drivers of the gender pay gap. Broader societal factors such as occupational segregation, the 'motherhood penalty' and the lack of affordable childcare continue to shape inequalities. The lesson from the experience of the gender pay gap provisions is evident: mandatory reporting can be a valuable tool for transparency and accountability, but to be effective, it must be accompanied by clear action planning requirements, robust enforcement and a wider cross-government strategy addressing the structural/systemic barriers that underpin pay inequalities.

Between 18 March and 10 June 2025, the Government ran a public consultation on proposals to require larger employers to report on their race and disability pay gaps. We find that the Equally Ours' response to the Government's consultation on extending the gender pay gap provisions to race and disability provides some valuable detailed analysis, insights and recommendations on this and particularly endorse the following:

- Extending: The gender pay transparency/equal pay provisions should be extended to race and disability to expose and reduce workplace pay inequalities on these grounds.
- Mandatory reporting: Reporting on race and disability pay gaps should be compulsory for large employers (those with 250+ employees).
- Consistency of measures: Employers should report to the same six measures used for gender pay gap reporting (mean/median hourly pay, mean/median bonus pay, bonus proportions and pay quartiles).
- Workforce breakdowns: Reporting should include the ethnic and disability status composition of the workforce, alongside disclosure rates (i.e., 'prefer not to say').
- Action plans: Employers should publish annual action plans setting out steps to reduce identified pay gaps. Where pay gaps exceed a prescribed threshold, employers should conduct detailed audits and include the findings and proposed actions in relation to them in the action plans.
- Public sector bodies: Public bodies should report pay gaps by grade/salary band.
- Standards and thresholds:
    - Ethnicity data should use the Government Statistical Service (GSS) harmonised standard.
    - Disability data should use the Equality Act 2010 definition.
    - A "prefer not to say" option should be provided.
    - Groups with fewer than 10 employees should not be identified separately in order to protect confidentiality.
- Aggregation: Employers should use ONS guidance to aggregate data where necessary.
- Enforcement: Beyond EHRC powers, non-compliance should trigger automatic civil penalties escalating monthly. Compliance should also be a condition for public contracts and, for disability, membership of the Disability Confident scheme.

The Government published its response to the consultation on 25 March 2026, alongside draft clauses to amend the EA2010 to implement its proposed approach. While we generally support the Government's plans in this area, it is important to note that the proposal to extend the pay gap reporting requirement to the protected characteristic of race but not religion or belief raises particular issues for some racialised religious groups. As noted previously, while being Jewish or Sikh is treated as being part of a racial group under the EA2010, being Muslim is not. Therefore, while the proposed approach could (subject to the ethnicity data standard used) improve transparency about, and employer action to address, pay disparities experienced by Jewish and Sikh employees, it will not have the same benefits for Muslim workers. This is particularly problematic given the evidence published by the Equality and Human Rights Commission that Muslim workers in Britain have lower median hourly earnings than any other religion or belief group. However, it

should also be noted that, since the GSS harmonised standard for ethnicity does not currently include Jewish or Sikh as ethnic groups, it is not clear that it would even improve pay transparency for those religious groups already treated as racial groups. These anomalies need to be addressed.

B. Extending the Equal Pay Provisions to Race

s65 of the EA2010: Equal work
(1) For the purposes of this Chapter, A's work is equal to that of B if it is—
(a) like B's work,
(b) rated as equivalent to B's work, or
(c) of equal value to B's work.
…

s66 of the EA2010: Sex equality clause
(1) If the terms of A's work do not (by whatever means) include a sex equality clause, they are to be treated as including one.
(2) Where this section applies by virtue of section 64(1), a sex equality clause is a provision that has the following effect—
(a) if a term of A's is less favourable to A than a corresponding term of B's is to B, A's term is modified so as not to be less favourable;
(b) if A does not have a term which corresponds to a term of B's that benefits B, A's terms are modified so as to include such a term.
…

s71 of the EA2010: Sex discrimination in relation to contractual pay
(1) This section applies in relation to a term of a person's work—
(a)that relates to pay, but
(b)in relation to which a sex equality clause or rule has no effect.
(2) The relevant sex discrimination provision (as defined by section 70) has no effect in relation to the term except in so far as treatment of the person amounts to a contravention of the provision by virtue of section 13 or 14.

s13 of the EA2010: Direct discrimination
(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
…

s19 of the EA2010: Indirect discrimination
(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.
…

For historical reasons, the EA2010 takes different legal approaches to addressing pay discrimination because of sex and pay discrimination on grounds of other protected characteristics.

According to Part 5, Chapter 3, ss64-76, men and women can bring equal pay claims for failures to pay equally with a real comparator of the opposite sex for "equal work". The relevant provisions effectively create a "sex equality clause" in terms of employment, creating a contractual right to equality in pay and other contractual terms between women and men performing equal work. "Equal work" is:

- Like work – where the work done by two people of the opposite sex is essentially the same or broadly similar.
- Worked rated as equivalent – where a job evaluation study gives an equal value to jobs done by two people of the opposite sex.
- Work of equal value – where the demands of the work done by two people of the opposite sex are equal in terms of effort, skill and decision-making.

In contrast, people experiencing pay discrimination because of a protected characteristic other than sex can bring direct or indirect discrimination claims – under s13 and s19 of the Equality Act 2010 respectively (and disabled people can additionally bring claims of discrimination arising from disability). Direct pay discrimination is less favourable pay because of a protected characteristic. Indirect pay discrimination is the application of a provision, criterion or practice which puts people sharing a particular protected characteristic at a particular disadvantage compared to others and

which cannot be objectively justified. In both types of discrimination, the comparator may be real or hypothetical but must be in materially the same circumstances as the claimant.

The two legal approaches give rise to different remedies when pay discrimination is found. Each approach has its own particular drawbacks from the point of view of an individual seeking to assert their right to equal pay. As well as the differences in substantive rights, procedures and remedies relating to pay discrimination because of different protected characteristics, the very existence of two different legal approaches itself makes it difficult for individuals to understand their right to equal pay and what they need to do to assert it. In addition, when the protection against combined discrimination is implemented, it is not clear how this can be used in cases where pay discrimination is because of two protected characteristics to which different legal approaches apply.

For religion or belief groups, these difficulties are compounded by existing differences in the way some religious groups are treated as racial groups under the EA2010 and some are not, by the absence of the Jewish and Sikh groups from the GSS harmonised standard for ethnicity data collection, and by current government proposals to strengthen protections from pay discrimination and extend mandatory pay gap reporting for the protected characteristics of race and disability but not for religion or belief.

Given the evidence published by the Equality and Human Rights Commission that Muslim workers in Britain have lower median hourly earnings than those of other religions or no religion, and are among those most likely to be in low-paid occupations and insecure employment, and least likely to be in high-paid occupations, it is important that any legislative reform to strengthen the right to equal pay is effective in addressing pay discrimination experienced by Muslim workers.

It is not yet clear exactly what legislative changes the government intends to bring forward to deliver on its commitment to strengthen the right to equal pay. We recommend that the approach to be taken should be determined only after full and detailed consideration of the potential impacts on all protected characteristic groups, and with the aim of providing equal protection and equal routes to effective redress for all. This would entail addressing the drawbacks in both the current legal approaches, in particular:

- Permitting the use of hypothetical comparators in the absence of a real comparator, in appropriate cases.
- Enabling workers to bring a single claim where they experience pay discrimination because of two or more protected characteristics.
- Ensuring that disproportionately low pay can be challenged.
- Enabling outsourced workers to use comparators directly employed by the contracting organisation. Outsourced workers, particularly in cleaning, catering and facilities management, are disproportionately from ethnic minority and Muslim backgrounds. Preventing them from drawing comparisons with in-house staff shields systemic underpayment and entrenches racialised labour market segmentation.
- Permitting compensation for injury to feelings to be awardable in all successful pay discrimination claims.
- Ensuring that claims for pay discrimination for work of equal value can be brought in respect of all protected characteristics. The ability to bring this type of claim is of particular importance in segregated workplaces where employees with particular protected characteristics tend to be employed in particular parts of the organisation or particular roles, such as the over-representation of Muslim workers in low-paid occupations, such as cleaning.
- Broadening the range of remedies the employment tribunal can order in successful pay discrimination claims to include proactive action by the employer to avoid future pay discrimination, even where these do not benefit the individual claimant.

As the current definition of race in the Equality Act 2010 does not fully capture the realities of all racialised religious groups, strengthening the right to equal pay on the current definition of race, but not religion or belief, will benefit some racialised religious groups but not others – in particular it will not benefit Muslim workers who, according to most research, comprise the racialised religious group suffering most from low pay and pay gaps. Without further thought and action on this, the scale and depth of the Muslim pay-penalty may continue to go relatively undetected and unexposed, and Muslims will not be able to bring equal pay claims on an equal footing with other racialised religious groups. To close this gap, we strongly recommend either that the definition of race be extended to explicitly encompass all racialised religious groups (e.g., Jews, Sikhs, Hindus and Muslims), as mentioned above, or that the pay transparency and equal pay provisions be explicitly extended to also cover religion or belief. This would then align the law with the lived

experience of some of the most vulnerable workers in society and ensure that equal protections extend to all groups subject to discriminatory pay practices.

Finally, the high number of equal pay claims brought but failing to reach a final hearing, together with the absence of data on pay discrimination claims brought on the basis of protected characteristics other than sex, indicate that there is a more general problem in the way the legislation seeks to make the right to equal pay effective in practice, regardless of the strengths and weaknesses of the two current legal approaches. This may point to the need for an approach to tackling pay discrimination which is more proactively preventative – for example through requirements for regular pay audits, job evaluations and pay transparency which are suitable for external regulation and enforcement.

6. Strengthening the Public Sector Equality Duty for Race and Religion or Belief

s149 of the EA2010: Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to—
- *(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- *(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- *(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- *(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
- *(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- *(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- *(a) tackle prejudice, and*
- *(b) promote understanding.*

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—
- *(a) age;*
- *(b) disability;*
- *(c) gender reassignment;*
- *(d) pregnancy and maternity;*
- *(e) race;*
- *(f) religion or belief;*
- *(g) sex;*
- *(h) sexual orientation*

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—
- *(a) a breach of an equality clause or rule;*
- *(b) a breach of a non-discrimination rule.*

(9) Schedule 18 (exceptions) has effect.

Section 149 of the Equality Act 2010 (the Public Sector Equality Duty or PSED) requires public bodies and those carrying out public functions to have due regard to three aims: a) eliminating discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; b) advancing equality of opportunity between people who share a protected characteristic and those who do not; and c) fostering good relations between people from different groups. The duty was designed as a powerful mechanism for embedding equality into decision-making. It applies to all levels of public authority activity – from major strategic decisions to day-to-day service delivery – and was intended to tackle entrenched structural/systemic disadvantage and ensure public services work fairly for all. Fifteen years on from its implementation across the protected characteristics, the PSED has led to some positive change, particularly where strong leadership and community engagement has underpinned its compliance. It has provided an important lever for 'critical friend' scrutiny panels and allowed some communities to hold decision-makers to account.

However, research by EHRC, Equally Ours and others suggest that the implementation and impact of the PSED has been inconsistent. Key limitations include:

- Tick-box compliance: Equality Impact Assessments (EIAs) are often siloed and reduced to bureaucratic exercises, losing sight of the duty's purpose.
- Late or passive application: EIAs are sometimes considered too late in the policy-making process, undermining meaningful input and change. For example, the EHRC found that the Home Office repeatedly ignored or dismissed warnings about the 'hostile environment' campaign's impact on Black members of the Windrush generation.
- Weak specific duties in England: Beyond publishing compliance information annually and setting objectives every four years, the duties provide little direction and almost no enforceable substance.

As a result of these limitations and weaknesses, the PSED has not fully lived up to its original ambition to drive structural/systemic change and reduce entrenched disadvantage.

We, therefore, strongly support Equally Ours' recommendation that the general duty should be strengthened. This would mean shifting from a 'duty to consider' equality impacts to a 'duty to act', requiring public bodies to take reasonable and proportionate steps towards eliminating discrimination, advancing equality and fostering good relations. Such a reform would:

- Ensure that due regard leads to tangible action, not just procedural compliance.
- Reassert the policy intentions behind the duty – for example, that eliminating unlawful discrimination means more than just mitigating harm.
- Encourage public bodies to use their broader influence (e.g., through trading standards, planning powers and procurement) to reduce discrimination, advance equality and foster good relations beyond their immediate spheres of operation.

We also strongly support Equally Ours compelling case for reforming the specific duties, which currently are weak and ineffective in achieving their statutory purpose. We endorse their recommendations addressing both the process and substance of specific duties, particularly:

1. The process-focused recommendations should:
    a) Impose a new duty on Ministers to set evidence-based strategic equality priorities for their sector and require the National Audit Office to report on the s149 duty/progress in each Government department.
    b) Impose a duty on all inspectorates and regulators to inspect and ensure compliance within their fields and to report publicly on their findings and recommendations.
    c) Require all public bodies to:
        - Set evidence-based equality objectives reflecting key national, sectoral and local priorities.
        - Publish action plans and progress reports against the most pertinent objectives.
        - Conduct and publish Equality Impact Assessments for the major legislation or policy changes.
        - Visibly and substantively engage affected communities meaningfully in shaping the objectives, writing the action plans and evaluating all impacts and outcomes.
    d) Require the Equality and Human Rights Commission (EHRC) to issue practical Codes of Practice with clear guidance for different sectors.

2. The substance-focused recommendations should:
    a) Prioritise addressing the most significant and persistent inequalities, rather than just the 'low-hanging fruits'.
    b) Leverage positive action through trading standards, planning powers and public procurement in the private and voluntary sectors to drive forward equality outcomes on the most significant/persistent inequalities.
    c) Ensure cross-sector action on structural/systemic inequalities (e.g., racial and religious minority employment and pay gaps).
    d) Link inspections/investigations and regulatory enforcement more tightly to progress on substantive outcomes in increasing stakeholder participation, tackling discrimination, advancing equal opportunities and enhancing good relations and community resilience, not just on processes.

The PSED remains in our view a vital legal framework for embedding equality into public functions and beyond. But its under-use, weak enforcement mechanisms and procedural drift mean that it has not achieved its full potential. We, therefore, support strengthening the General Duty to require active and proportionate steps to achieve its aims, as well as supporting the strengthening of the Specific Duties to set clearer, enforceable requirements on public bodies,

focusing both on process and on delivering substantive equality outcomes. We believe that, together, these reforms will help to ensure that the PSED delivers its original ambition – structural/systemic change to reduce entrenched disadvantage.

7. Addressing the Gaps in the Machinery of Government for Equalities

There is a clear gap in terms of the responsibility for policy on religion or belief equality in the current machinery of government. While responsibility for the legal and institutional framework for equality, and for policy on women's equality, race equality, disability equality, LGB and trans equality (including legal gender recognition) and socio-economic equality, sit within the portfolio of the Minister for Women & Equalities and the Office for Equality and Opportunity (OEO) (see Appendix 5), other equality responsibilities and related matters sit elsewhere in government – and OEO's role in relation to these is unclear. Longstanding issues highlighted in successive reports from the Women and Equalities Committee and elsewhere remain:

- A pre-election commitment from Labour to appoint a dedicated full-time Secretary of State for Equalities has not been delivered.
- All the current OEO equality ministers, including the Secretary of State, have more than one role and must therefore divide their time and attention across different portfolios and departments.
- There are ministers for faith (not religion or belief) and children, but these sit in other departments and are not part of the OEO ministerial team. There is no minister for older people.
- Responsibility for human rights, which are intrinsically intertwined with approaches to equality, sits in the Ministry of Justice. Compliance with international human rights treaty obligations is spread across a number of departments and there is no central co-ordinating mechanism.
- Its responsibility for the Equality Act 2010 (EA2010) gives OEO some role coordinating equality issues across government. However, the fact that lead responsibility for some protected characteristic groups sits in other departments or does not exist at all creates barriers to a comprehensive and consistent cross-government approach to reducing equality, addressing intersectional issues and balancing competing rights.
- One of OEO's stated priorities is "ensuring equality and opportunity are embedded throughout the government's missions and work". However, there is no comprehensive government equality strategy or action plan, and no priority equality outcomes have been articulated to guide equality work across government or the wider public sector.
- There is no formal ministerial or official-level mechanism for co-ordinating government policy or action on equality.
- The scrutiny remit of Parliament's Women & Equalities Committee mirrors the portfolio of the Minister for Women & Equalities and the role of the OEO. Its ability to scrutinise cross-government policy and action across the whole equality agenda is therefore constrained.
- The fragmented nature of departmental responsibilities for different aspects of the equality agenda means that stakeholder engagement is often siloed, reducing the opportunity for dialogue between those with different perspectives.

The gap in clear ministerial responsibility for policy on religion or belief equality gives rise to a number of longstanding policy, delivery and accountability concerns. It risks a lack of government focus on, and capability to address, the discrimination, inequalities and disadvantages experienced by different religion or belief communities, in terms of both legal rights (such as disparities in the treatment in law of people from different religious and belief communities in relation to discrimination/harassment and hate crimes) and equality outcomes (such as in housing, health, education, employment and average pay, levels of material deprivation and criminal justice). It also creates barriers to the ability of government to take a coherent and consistent approach to balancing competing rights and addressing intersectional issues, thereby impacting negatively on the response to issues facing other protected characteristic groups such as women, ethnic minority communities, LGB and trans people and disabled people. The most contested balance of rights issues emerging in recent years have involved strongly held religious or philosophical beliefs – for example, marriage of same-sex couples, protests around the conflict in Gaza and gender critical beliefs. The lack of appropriate government machinery to balance competing rights therefore impacts disproportionately on religion or belief groups.

The most effective solution would be to make **significant machinery of government changes**, including appointing a full-time dedicated Secretary of State for Equality & Opportunity, located in the Cabinet Office, covering all the equality protected characteristics, including religion or belief.

However, to improve the position in the shorter-term, there are some more minor portfolio, governance and accountability changes that could be made. We recommend that the government should:

- **Expand the Minister for Equalities role, currently held by Seema Malhotra MP, to include responsibility for religion or belief equality,** with appropriate staff support in OEO. This would require close working and co-ordination with the minister for faith role in MHCLG, but would have the advantage of bringing religion or belief equality firmly within the scrutiny of the Women & Equalities Committee.
- **Develop a cross-government equality strategy** covering all the EA2010 protected characteristics, including religion or belief, led by the Minister for Women & Equalities and OEO and with clear objectives and indicators.
- Create an **Equality and Opportunity Cabinet sub-committee**, chaired by the Minister for Women & Equalities, to drive, monitor and hold ministers to account for delivery of the government's equality strategy. Membership should be drawn from departments responsible for key policy areas within the strategy – in relation to religion or belief this would include housing and community cohesion, education, employment, health, criminal justice and human rights.
- Alternatively (if a Cabinet sub-committee is not achievable), establish an **Inter-Ministerial Group on Equality and Opportunity** with similar membership and functions.
- Create an official-level **Inter-Departmental Group on Equality and Opportunity** drawn from departments responsible for key policy areas within the equality strategy, to oversee and co-ordinate delivery. This group should draw in and engage with relevant sector and religion or belief community representatives.
- Work with the Office for National Statistics and the UK Statistics Authority to deliver improvements in **national data on religion and belief**, including data on identity, attitudes, experiences and outcomes. This should include resolving difficulties arising from differences in the way some religions are treated in data collection compared to their treatment as ethnicities in the EA2010.
- Establish improved mechanisms and fora for **government engagement** with religion and belief organisations and to enable dialogue between them and with organisations representing other protected characteristic groups with competing rights.

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5 May 2026

Appendix 1: Cases Extending the Definition of Race to Religious Groups

Mandla v Dowell Lee (1983)

This case revolved around a Sikh boy, Gurinder Singh Mandla, who was denied admission to Park Grove School in Birmingham because he refused to remove his turban, which was against the school's uniform policy. His father, Sewa Singh Mandla, challenged this decision, arguing that it was racial discrimination under the Race Relations Act 1976.

The House of Lords ruled that Sikhs were an ethnic group, meaning they were protected under the Act. Lord Fraser outlined key criteria for defining an ethnic group, including:

1. A long shared history that distinguishes the group from others.
2. A cultural tradition, often linked to religious observance.
3. A common geographical origin.
4. A common language.
5. A common literature.
6. A shared religion.
7. Being a minority or oppressed group.

This ruling was crucial because it established that race/ethnicity is not solely about colour, place of origin or nationality; it can also encompass historical, religious and cultural identity. The decision also meant that Jews were also recognized as an ethnic group, ensuring legal protection for them against racial discrimination.

R (E) v Governing Body of JFS (2009)

This case involved JFS (Jewish Free School), which had an admissions policy favoring students recognized as Jewish by Orthodox religious authorities. A boy, "E", was denied admission because his mother had converted to Judaism under Progressive Judaism, which Orthodox authorities did not recognize.

The UK Supreme Court ruled that this policy amounted to racial discrimination, even though the school argued it was based on religious criteria. The court found that Jewish identity – whether by linage/birth or conversion into the faith – was an ethnic characteristic, meaning those born into and/or practising a more orthodox part of the faith could ethnically discriminate against those converting into and/or following a more progressive/liberal reading of the faith, and therefore, the admissions policy violated the Race Relations Act 1976.

This case reinforced the idea that ethnic and religious identities are often intertwined and cannot be separated and legal protections against racial discrimination should reflect this and be read in favour of protection.

These two rulings helped shape **how courts define racial and ethnic identity**, ensuring that **cultural and historical factors** are considered in discrimination cases.

Ahmad v Inner London Education Authority (1978)

This case involved Mr. Ahmed, a teacher, who regularly took time off from his work to attend Friday prayers, a religious requirement in Islam. The Inner London Education Authority (ILEA) instructed him not to take unauthorized leave and offered him part-time employment as an alternative. Mr. Ahmed refused the part-time offer and resigned instead, arguing his religious freedom was being violated.

In the final judgement in the case, the Court of Appeal sided with the ILEA, stating that while freedom of religion is a fundamental right, it is not absolute. The court emphasized that employment contracts are legally binding, and employees must fulfil their obligations, even if it means accommodating religious practices. The court also noted that Mr. Ahmed's absence could have disrupted the education of his students and was not in the best interest of the children, who were the primary concern of the education authority. The court ultimately held that Mr. Ahmed's right to "manifest his religion in practice and observance" must be balanced against the ILEA's contractual rights and the interests of the children.

Appendix 2: The Fraser Criteria/Test

Criteria	Sikhs	Jews	Muslims
1. A long shared history that distinguishes the group from others	Sikhs have a distinct shared history – though much shorter than either Jews or Muslims.	Jews have a very long shared history – though that also means different parts of Jewry also have different histories.	Muslims have a longer shared history than Sikhs but not as long as Jews – but,like Jews, different parts of the Ummah also have different histories.
2. A cultural tradition, including family and social customs, often linked to religious observance	Sikh cultural tradition is very closely linked to religious observance.	Jewish cultural traditions are very diverse and sometimes not at all linked to religious observance – eg, Jewish secular/atheist lifestyles and cultures.	Muslim cultural traditions are also very diverse and sometimes at odds with religious observance – eg, the restrictions on and treatment of women.
3. A common geographical origin or descent from a small number of ancestors	Sikhs mostly share a common geographical origin in Punjab, though some converts come from other regions.	Modern Jewish communities have diverse origins: Ashkenazis from Central/Eastern Europe, Saphardis from the Iberian Peninsula and North Africa, Falashis from Ethiopia and nearby countries, Mizrahis from the Middle East, Cochins from India, and others worldwide.	Muslim communities have diverse geographical origins -over 50 nationalities and cultures spanning South Asia, the Middle East, Europe, and Africa. They also come from varied racial and ethnic backgrounds and, like Jews, do not share a monolithic ethnic/cultural background like most Sikhs.
4. A common language even if not unique to the group	Sikh holy scriptures are written primarily in Punjabi. However, key texts in many other languages, including Punjabi, Sanskrit, Persian, Arabic, Hindi and Sindhi	Jewish holy scriptures are primarily in Hebrew, with some in Aramaic. Authoritative texts were also written in Greek, Arabic, Persian, Yiddish, and Ladino/Judeo-Spanish.	Muslim holy scriptures are written in Arabic. However, key Islamic scholarship and texts are also to be found in Persian, Turkish, Urdu, Malay/Indonesian and Swahili
5. A common literature	Sikh literature is rich and diverse, reflecting Sikh philosophy, spirituality, and history. It includes the Guru Granth Sahib, Dasam Granth, Japuji Sahib, Sorathi Ki Var, Prem Sumarag, and Persian and Hindi writings. Modern works in Gurmukhi, English, and other languages explore Sikh identity, history, and issues.	Jewish literature is diverse yet united by common texts and themes. It spans religious texts (Tanakh, Talmud, Midrash), medieval commentaries and philosophy (Maimonides, Saadia Gaon), modern works in Yiddish, Ladino, Hebrew, and Jewish-American traditions, as well as fiction, poetry (Kafka, Roth, Amichai), Holocaust literature, and diaspora narratives. Shaped by history, migration, and cultural exchange, it is both unique and interconnected.	Muslim literature is broad and diverse, encompassing religious texts, philosophy, history, and poetry. Foundational works include the Qur'an, Hadith, and Tafsir. Islamic philosophy and science by Al-Farabi, Ibn Sina, and Al-Ghazali shaped medicine, theology, and thought. Historical writings include Ibn Khaldun's Muqaddimah and early Islamic chronicles. Sufi poets like Rumi and Hafiz wrote on spirituality, love, and divine connection. Modern Muslim literature explores faith, identity, and society through novels, essays, and poetry.
6. A shared religion that unifies the group – that others regard as a distinct community	Sikhism is both shared and evolving, with 30 million followers worldwide. Practices vary: some follow the Khalsa and its Five Ks (Kesh, Kara, Kachera, Kirpan, Kangha), others respect it without initiation, while some identify mainly by birth and culture. Mainstream Sikhism centers on the Guru Granth Sahib, though groups like the Namdharis and Nirankaris follow a living Guru. Global Sikh communities in India, the UK, Canada, the US, and Australia show regional diversity in language, music,	With 16 million followers worldwide, Judaism is a diverse religion encompassing many beliefs and practices. Denominations include Orthodox, Conservative, Reform, Reconstructionist, and Humanistic Judaism, ranging from strict adherence to halakhah to more flexible approaches. Practices vary: some Jews are strictly observant, following kosher dietary laws and Shabbat restrictions, while others identify more with culture and heritage. Jewish communities also show ethnic, cultural, and linguistic diversity-Hebrew is central, but many other languages are spoken. Many embrace intersectional identities, recognizing Black, Asian,	With over 1.6 billion followers worldwide, Islam is a diverse religion. All Muslims share core beliefs-faith in one God (Allah) and the teachings of Prophet Muhammad-but denominations, practices, and interpretations vary. Sectarian diversity includes Sunni, Shia, Ibadi, and Ahmadiyya. Legal and social interpretations differ, with some countries following strict Sharia and others more flexible approaches. Regional practices blend local customs across Southeast Asia, South Asia, the Middle East, Africa, and the West. Cultural expressions range from Persian poetry to Indonesian shadow puppetry. Generational differences exist, with

	and practice. Some Sikhs advocate progressive interpretations on issues like gender equality and social justice. Sikhism is recognized as a distinct religion with its own community.	Latino, and LGBTQ+ Jews. Judaism is regarded as a distinct religion with its own community.	younger Muslims more or less observant depending on region. Islam's diversity reflects its global reach and adaptability, and it is regarded as a distinct religion with its own community.
7. Being a minority or oppressed group	Sikhs are a minority worldwide and have historically faced discrimination and oppression. They endured massacres and forced conversions during conflicts with Mughal rulers and under British colonial rule. After Prime Minister Indira Gandhi's assassination in 1984, thousands of Sikhs were killed in organized violence and many displaced. Sikhs still face discrimination and hate crimes, both in India and Western countries, where their distinct identity-turban and beard-has led to racial profiling and attacks.	Jewish communities have historically faced discrimination, persecution, and oppression worldwide, including expulsions, forced conversions, and violence. The Holocaust, in which six million Jews were killed by the Nazi regime, is the most extreme example. Jews also faced restrictions on education, employment, and citizenship. While many communities thrive today, antisemitism continues, including hate crimes and discrimination.	Muslims are minorities in many countries and face prejudice, discrimination, and hostility. In Western nations, they often encounter bias in education, employment, and public life. Some countries restrict religious practices, including bans on hijabs, mosques, or Islamic education. Islamophobic incidents-including hate crimes and negative media portrayals-have increased in Europe. Certain sects, like Shia and Ahmadiyya, face persecution from governments and extremist groups. Colonial histories, immigration policies, and geopolitical conflicts have also shaped Muslim minorities' experiences of oppression.
8. Conversion into/a more liberal reading of the religion is not a barrier to being a member of the ethnic group	Sikhism is open and inclusive, welcoming people from all backgrounds. Conversion is a personal journey, without a required formal ceremony; one becomes a Sikh by accepting the Gurus' teachings and living according to Sikh principles. Many study the Guru Granth Sahib and adopt values like honest living, equality, and devotion to God. Some take Amrit, committing to the Khalsa, wearing the Five Ks, and following Sikh ethical guidelines. Converts often attend Gurdwara services, engage with the community, and participate in seva (selfless service).	Conversion to Judaism (giyur) is a structured process that varies by denomination. Key aspects include commitment to Jewish beliefs and practices, study of Jewish law under a rabbi, circumcision for males (or symbolic ritual if already circumcised), immersion in a mikvah for purification, and acceptance by a Beit Din (court of three rabbis). Denominational differences affect requirements: Orthodox conversions are stricter, while Reform and Conservative are more flexible. Once converted, a person is fully Jewish, though some Orthodox communities may not recognize non-Orthodox conversions.	Conversion to Islam is straightforward and personal, with no formal ceremony or approval required. Key steps include: declaration of faith (shahada), genuine belief in Islam's core principles (monotheism, the Qur'an, and Prophet Muhammad's teachings), and optional spiritual cleansing (ghusl). Converts are encouraged to study Islamic teachings, learn prayer (salah), and integrate principles into daily life. Many seek guidance from mosques or online resources to connect with the community. Islamic tradition views conversion as a return to one's natural state (fitra), often described as a spiritual reawakening.
Whether accepted as an ethnic/racial group in UK law	**Yes**	**Yes**	**No**

The comparative analysis shows that Muslims meet the substance of the Mandla/Fraser criteria as much as Sikhs and Jews – and yet, the criteria have been applied arbitrarily, inconsistently and inequitably. Jews and Muslims, for example, are both multi-ethnic, global religious communities with long shared histories – but Jews are recognised as an ethnic/racial group in law while Muslims are not, despite section 9(4) of the Equality Act 2010 making it clear that diversity within a group is not a legal barrier to that recognition.

Appendix 3: Experiences of Combined Discrimination

	Housing	Health	Education	Employment	The Criminal Justice System (CJS)				
					Police	Prosecution	Courts	Prisons	Probation
1. Prevalence & Patterns	Muslim families and Black single mothers face indirect discrimination in rental markets through 'professionals only adverts. Black disabled tenants report higher eviction rates. Migrants face disproportionate 'right to rent' checks.	Older disabled and racially minoritised adults overlooked in care; racially minoritised women denied chronic pain services; Deaf/LEP people denied privacy/ communication support. Women from minority backgrounds experience deskilling, bullying, downward mobility, harsher discipline.	Disabled racialised students pressured out; SEND delays; over-policing of Black girls; exclusions of racialised boys.	Common patterns: race+sex, race+disability, sex+age, Islamophobia (race+religion).	Patterns of gendered racism (policing of Black boys/girls); compounded profiling.	Muslims face compounded race/religion discrimination in prosecution outcomes.	Data gaps in tribunal/court filtering of combined claims.	Black and Muslim prisoners face compounded discrimination in treatment.	Patterns of compounded disadvantage in rehabilitation access.
2. Data Gaps	Local authorities lack accurate disaggregated data on disabled or minority ethnic applicants, limiting ability to meet Equality Act duties	Lack of disaggregated data on religion, disability, neurodiversity and intra-ethnic categories. 68% of health/social care staff report experiencing or observing 2+ inequalities; race most often combined with nationality, religion, gender, mental health.	Children's experiences often overlooked. Poor intersectional data (race +age/+gender/+disability).	Workforce data siloed; intersectional pay gap data underused. 43% of respondents experienced 3+ inequalities.	Limited intersectional data; CJS data owned by individual organisations (police, prosecution, courts, prisons, probation), creating siloed systems, slow data flow and fragmented analysis.	Limited data disaggregation; gaps in monitoring intersectional charging outcomes.	Data gaps in tribunal/court filtering of combined claims. Fragmented datasets limit intersectional analysis.	Limited intersectional prison data. Prison data is not systematically disaggregated by race, religion, gender, disability; siloed systems block full picture.	Probation decisions not consistently recorded in linked datasets; siloed data prevents analysis of compounded disadvantage.

3. Access to Justice/ Redress	Legal aid gaps and tribunal barriers make it hard to challenge housing discrimination.	Cultural stigma + lack of interpreters restrict complaints. Systemic legal complexity deters claims.	Disabled children excluded from Section 14 claims; tribunal rules bar them.	Complex legal pathways; high barriers without representation; fear of retaliation.	Court system hard to navigate – esp. for litigants in person.	Legal system forces single-ground claims, obscuring combined harm.	Access barriers for unrepresented litigants – lack of legal aid.	Access to redress limited; complaints ineffective.	Access barriers to complaint mechanisms.
4. Potential Benefits/Risks	Implementing s.14 would provide redress for combined housing discrimination and strengthen accountability.	Legal recognition would support intersectional commissioning and service design. Adopting intersectional lens improves EDI practice. Risk: without resources/ enforcement, limited impact.	Section 14 could improve life chances, prevent downstream harms.	Commencing Section 14 would provide legal clarity and systemic benefits.	Section 14 could allow claims on combined religious+racial discrimination in cases of Islamophobia.	Commencing Section 14 would enable coherent claims based on actual lived experience.	Section 14 would help codify tribunal flexibility in combined cases, which could result in uncertainty.	Section 14 could strengthen claims for discrimination in treatment.	Section 14 would help capture intersectional elements in probation outcomes.
5. Scope for Updating	Mandate intersectional Equality Impact Assessments in allocations and eviction policies.	Expand to cover indirect discrimination and harassment. Expand beyond dual discrimination.	Need amendment to allow disability+other protected characteristic claims in tribunal.	Update to cover indirect discrimination & harassment; comparator flexibility.	S14 could allow combined religious+racial discrimination claims in cases of Islamophobia.	Update s14 to include indirect discrimination and harassment.	Need to avoid undermining progressive tribunal case law.	Scope to include harassment in the prison context.	Scope to update Equality Act for probation monitoring.
5a. Indirect Discrimination/ Harassment	Indirect discrimination in tenancy rules (e.g. 'professionals only').	Indirect harms in 'neutral' practices (e.g. BMI classifications, lack of interpreters). Harassment of racialised women with chronic pain.	Indirect discrimination and harassment disproportionately affects racialised and disabled children.	Sexual harassment often has racialised/ homophobic elements; compounded discrimination.	Section 14 could allow combined religious+racial discrimination claims in cases of Islamophobia.	Indirect exclusion evident in racialised religious charging bias.	Indirect discrimination already possible (MoD v DeBique).	Indirect discrimination: prison policies disproportionately impact groups with multiple protected characteristics.	Indirect discrimination in conditions and requirements.
5b. Policy/ Institutional Changes	Require councils/landlords to collect better intersectional data and mandate adaptations.	Train practitioners in cultural competency, trauma-informed, intersectional care. Employers should adopt	Raise awareness and train educators.	Employers must embed intersectional diversity, nuanced adjustments and sector-specific reforms.	Integrate s14 with PSED; improve intersectional training and awareness. CJS Data Improvement Programme (MoJ & Home Office) is	Training for prosecutors in intersectional harms. Adopt linked CPS datasets under the CJS Data Improvement	Integrate court and tribunal case data into CJS linked datasets (Splink/ Data First) to improve systemic monitoring.	Develop linked prison datasets with MoJ/HO support to analyse treatment, discipline and	Make policy shift to embed intersectional awareness in probation services. Probation Service to feed into CJS Operational

		intersectionality in EDI practice.			developing linked datasets (Splink/ Data First) and operational dashboards for Local Criminal Justice Boards to enhance systemic insight.	Programme to track intersectional prosecution decisions.		rehabilitation outcomes.	Dashboards; build cross-system data for fairer rehabilitation monitoring.
5c. Intersectional Impact Assessment	Apply to housing allocations and eviction decisions.	Apply to commissioning/ service design. Embed in EDI policies and workforce data analysis	Better intersectional monitoring and disaggregated datasets.	Intersectional pay audits; mandatory ethnicity/religion pay gap reporting.	Better monitoring and cross-sector data.	Systemic intersectional monitoring needed.	Intersectional data and revival of questionnaire.	Stronger regulator oversight.	Impact assessments needed for probation policy.
6. Miscellaneous	Socio-economic duty link: poverty compounds discrimination on grounds of protected characteristics	Stigma around dementia, mental health, gender identity compounds exclusion. 43% reported 3+ inequalities – ie, need to go beyond dual discrimination.	Could provide lever for sectoral funding for intersectional initiatives.	Outsourced workers (esp. Muslims) denied equal pay comparators; need comparator reform.	Better monitoring and cross-sector data.	Disproportionate scrutiny of Muslim charities and individuals.	Litigants in person vulnerable to unfair treatment.	Disproportionate disciplinary practices.	Structural discrimination overlooked in probation planning.

Appendix 4: Carve-Outs from Harassment Provisions on Grounds of Religion/Belief

s40: Employees and applicants: harassment
(1) An employer (A) must not, in relation to employment by A, harass a person (B)—
(a) who is an employee of A's;
(b) who has applied to A for employment.

s91: Students: admission and treatment
(5) The responsible body of such an institution must not harass—
(a) a student;
(b) a person who has applied for admission as a student;
(c) a disabled person who holds or has applied for a qualification conferred by the institution.

s29: Provision of services
(3) A service-provider must not, in relation to the provision of the service, harass—
(a) a person requiring the service, or
(b) a person to whom the service-provider provides the service.
…
(6) A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.
…
(8) In the application of section 26 for the purposes of subsection (3), and subsection (6) as it relates to harassment, neither of the following is a relevant protected characteristic—
(a) religion or belief;
(b) sexual orientation.

s33: Disposals
(3) A person who has the right to dispose of premises must not, in connection with anything done in relation to their occupation or disposal, harass—
(a) a person who occupies them;
(b) a person who applies for them.
…
(6) In the application of section 26 for the purposes of subsection (3), neither of the following is a relevant protected characteristic—
(a)religion or belief;
(b)sexual orientation.

s34: Permission for disposal
(2) A person whose permission is required for the disposal of premises must not, in relation to an application for permission to dispose of the premises, harass a person—
(a)who applies for permission to dispose of the premises, or
(b)to whom the disposal would be made if permission were given.
…
(4) In the application of section 26 for the purposes of subsection (2), neither of the following is a relevant protected characteristic—
(a)religion or belief;
(b)sexual orientation.

s35: Management of premises
(2) A person who manages premises must not, in relation to their management, harass—
(a) a person who occupies them;
(b) a person who applies for them.
…
(4) In the application of section 26 for the purposes of subsection (2), neither of the following is a relevant protected characteristic—
(a) religion or belief;

(b) sexual orientation.

s85: Pupils: admission and treatment

(3) The responsible body of such a school must not harass—

(a) a pupil;

(b) a person who has applied for admission as a pupil.

…

(10) In the application of section 26 for the purposes of subsection (3), none of the following is a relevant protected characteristic—

(a) gender reassignment;

(b) religion or belief;

(c) sexual orientation.

s101: Members and associates

(4) An association must not harass—

(a) a member;

(b) a person seeking to become a member;

(c) an associate.

s102: Guests

(3) An association must not harass—

(a) a guest;

(b) a person seeking to be a guest.

s103: Sections 101 and 102: further provision

(2) In the application of section 26 for the purposes of section 101(4) or 102(3), neither of the following is a relevant protected characteristic—

(a) religion or belief;

(b) sexual orientation.

Appendix 5: Office for Equality and Opportunity Ministerial Team

Secretary of State for Education and Minister for Women & Equalities (split role with DfE) – Rt Hon Bridget Phillipson MP. She has responsibility for:

- promoting equality of opportunity for everyone, and reducing negative disparities
- strategic oversight of the government's equality policy, for women, ethnicity, disability and LGBT+
- overall sponsorship of the Social Mobility Commission and Equality and Human Rights Commission
- overview of the overarching equalities legislative framework.

Minister of State (Minister for Women & Equalities) - Rt Hon Baroness Smith of Malvern (split role with DfE and DWP – Minister for Skills). Her responsibilities include:

- lead policy responsibility for gender equality and women's rights
- sponsorship of the Equality and Human Rights Commission (EHRC) and Social Mobility Commission (SMC)
- UK equality framework (including the Equality Act)
- equality data and analysis

She also has lead responsibility in the House of Lords on the following policy areas:

- socioeconomic opportunity
- race and ethnicity policy
- Employment Rights Bill (Department for Business and Trade lead)

Minister of State (Minister for Social Security and Disability) (split role with DWP) – Rt Hon Sir Stephen Timms MP. He is responsible for:

- Disability policy and x-Gov responsibility for disabled people
- Health and disability reform
- Universal Credit and Legacy Benefits Delivery
- Contributory Benefits, Personal Independence Payment (PIP), Disability Living Allowance (DLA), and Employment and Support Allowance (ESA)
- Carer's Allowance (CA)
- Housing
- Access to Work
- ALB: Health and Safety Executive
- Serious Case Panel
- Uprating and Benefit Cap
- Oversight of Disability Unit (DU)

Parliamentary Under-Secretary of State (Minister for Equalities) (split role with DfE and FCDO) - Seema Malhotra MP. She is responsible for:

- race and ethnicity policy
- ministerial sponsor of the Race Equality Engagement Group
- women's equality policy, including pay gap reporting, equal pay and pay transparency
- lead minister for the Equality (Race and Disability) Bill

Parliamentary Under-Secretary of State (Minister for Equalities) (split role with DfE – Early Education) – Olivia Bailey MP. Her responsibilities include:

- LGBT+ legislation including on conversion practices
- LGBT+ policy