

Equality laws fail to protect working women from budget cuts

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The UK government has failed to apply laws that protect working women in the wake of the economic crisis, suggests a new study from Queen Mary, University of London.

The article analyses The Fawcett Case, a high-profile [legal challenge](#) to the 2010 emergency budget on the grounds that it would have a disproportionately [negative impact](#) on women.

The paper also charts how [equality](#) legislation has created opportunities for women's [rights groups](#) to influence industrial relations; traditionally, trade union territory.

The research was carried out by Dr Hazel Conley, from the School of Business and Management at QM, and a member of the Centre for Research in Equality and Diversity (CRED).

In 2010, the Fawcett Society, which campaigns and lobbies for equal pay, attempted to gain a judicial review of the newly-formed coalition's austerity drive.

Its claim being that 72 per cent of public sector cuts announced would be met from women's income as would £6bn of the £8bn savings generated in one year.

"In addition to these measures on public sector employees, the majority of whom are women, child welfare benefits were frozen, Sure Start

maternity grants limited to one child and child tax credits significantly reduced. Poor mothers and women from black and ethnic minorities were the main financial losers," explains Dr Conley.

The overlapping roles of the state as legislator, employer and paymaster, all appear to have had a bearing on the Fawcett Society challenge and its outcome.

Before the budget was unveiled, gender equality duties were introduced as part of the Equality Act 2006*. These duties were regulations that required public authorities to proactively remove unlawful discrimination and inequality from their practices and processes. Failure to enforce could have resulted in a judicial review.

The article draws on documentary evidence, including the Fawcett case judgment produced by the Royal Courts. In the transcript's opening sections there is a government admission that it had not undertaken the duties' legally-required equality impact assessment of the budget.

Despite this legal compliance failure, the Fawcett challenge did not secure a judicial review.

Dr Conley says: "The state is the UK's largest single employer and the judiciary is not class-neutral. Being armed with reflexive equality legislation did not provide Fawcett with any additional powers to challenge the state machinery.

"The enactment of equality duties and the provisions for enforcement would seem to suggest the government's commitment to change. In the aftermath of the banking crisis, however, the coalition unleashed a political zeal for economic austerity that has been unrelenting since it took office.

"If the Fawcett challenge had succeeded the impact would have been momentous. The emergency budget would have been declared unlawful and the new and fragile coalition government would have been rendered virtually paralysed.

"The government and the judiciary appear to have moved to protect the interests of capital at the expense of working women. There is a clear gap between rhetoric and compliance in this specific but crucial case," notes Dr Conley.

In spite of the High Court ruling, the Fawcett challenge fuelled an intense media debate on the inequality of the budget, particularly in relation to the loss of jobs in the public sector and the ensuing impact on women's working lives.

One tangible outcome of the challenge was that the government produced an equality impact assessment of sorts for the 2011 comprehensive spending review and budget.

Another is that, because the Fawcett case failed, the problem is being pushed down to local government and, as the public sector budget cuts continue to bite, equality groups are applying for judicial reviews against several local authorities axing services.

The actions of the Fawcett Society, says Dr Conley, provide empirical evidence that challenging the loss of thousands of [public sector](#) jobs need not lie solely with trade unions. Although in the Fawcett case this is likely to "complement rather than compete" with the role of the unions in industrial relations.

Dr Conley warned that equality duties have opened up important ways for 'new actors' such as Fawcett to use the law to challenge inequality at work, but "they do not meet their potential if the enforcement

mechanisms can be undermined and weakened to suit political and economic objectives".

More information: The full paper, Using Equality to Challenge Austerity: New Actors, Old Problems (2012), is published by SAGE. The online version can be downloaded here:
www.sagepub.com/content/26/2/349.full.pdf+html

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