This subject profile provides an overview of Equal Opportunities at International, EU, UK and Scottish levels.

Although Equal Opportunities is reserved to the UK Parliament under Schedule 5 of the Scotland Act 1998, the Scottish Parliament can ‘encourage and promote’ equal opportunities. It can also impose duties on Scottish public bodies to carry out their functions with due regard to meeting equal opportunity requirements.
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EXECUTIVE SUMMARY

The power to legislate on equal opportunities is reserved to the UK Parliament, although the Scottish Parliament has the power to encourage equal opportunities and impose duties on Scottish public authorities.

The Equality Framework in the UK sits within the context of UN conventions on human rights and EU law. While UN conventions cannot be enforced through UK courts, the UK Government does abide by them and they can influence Government policy as well as European and domestic legislation. EU law takes precedence over domestic law, so all member states have to ensure their domestic laws comply with directives. Member states are free to go further than the provisions, but they cannot do less than a directive requires.

In the UK, anti-discrimination and equalities law developed over 40 years and provided varying degrees of protection for six equality groups or ‘strands’. The Equality Act 2010 brought together over 100 separate pieces of legislation into a single Act, extending protection to nine groups, with the aim of harmonising and strengthening existing protections. The Act places a single equality duty on public authorities to eliminate discrimination, harassment and victimisation; advance equality of opportunity between different groups; and, foster good relations between different groups. The Act also gives Ministers in Wales, Scotland and England the power to impose specific duties on public authorities. The approach taken by each administration is very different and will see different equality requirements placed on public authorities across Great Britain. The specific duties are in force for Wales and for England, which covers English and GB public authorities. The specific duties for Scotland are being consulted on again, following a re-draft.

Equal opportunities and discrimination are ‘transferred matters’ under the Northern Ireland Act 1998, so the Equality Act 2010 does not form part of the law of Northern Ireland, save a few exceptions.

The UK Government is currently seeking views on existing regulations in the Equality Act 2010 in the context of removing ‘bureaucratic burdens’ for businesses, and has consulted on reforms of the Equality and Human Rights Commission with the aim of increasing accountability, effectiveness and value for money. Both of these potential reforms will apply across GB as they concern reserved matters.

The Scottish Government is committed to equality through its policy on mainstreaming equalities across portfolios, examples of which are the Equality Statement, now published alongside the Scottish Budget, and efforts to improve the availability of reliable equalities data to inform evidence-based policy.

The UK Government has held a consultation on allowing civil partnerships to be registered on religious premises in England and Wales (civil partnership registration is a devolved matter), and is currently considering responses. The Scottish Government is currently consulting on proposals for same-sex marriage.
INTRODUCTION

Equality law in the UK, which protects certain groups from discrimination in different settings, has developed over the past 40 years. Macnair (2010) identifies three routes by which equality and anti-discrimination provisions have entered UK law:

- by Parliament enacting statutes, following campaigns or lobbying by the sections of society affected and their advocates
- in the case of public sector duties, as a response to the criticisms of the police and other public services in Macpherson’s report (1999) on the death of Stephen Lawrence which concluded that ‘institutional racism’ exists in the police service and other services
- by European Union directives taking effect under Article 189 of the Treaty of Rome which makes directives legally binding in each member state.

This paper provides an overview of the equality legislative framework in the UK, with reference to the International and EU context on which much of it is based. It also refers to Scottish Government policies which promote equality of opportunity, and provides statistics on the characteristics of the Scottish population.

INTERNATIONAL CONTEXT

The Universal Declaration on Human Rights (UDHR), now over 60 years old, is generally agreed to be the foundation of international human rights law. It sets out that basic rights and fundamental freedoms are inherent to all human beings who are born ‘free and equal’. These include rights and freedoms such as the right to life, the right to own property, the right to freedom of opinion and expression, and the right to equal protection against any discrimination in violation of the UDHR. Equality and non-discrimination are core principles of the UDHR. (see UDHR and Amnesty International).

UNITED NATIONS

There are a number of United Nations conventions which deal specifically with discrimination and equalities. These are:

- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) ratified by UK in 1986
- Convention on the Elimination of All Forms of Racism (ratified by UK in 1969)
- Convention on the Rights of Persons with Disabilities (ratified by UK in 2009)

These developed from the anti-discrimination provisions in the main human rights conventions - the Universal Declaration on Human Rights (1948), International Covenant on Economic and Social Rights (1966), the International Covenant on Civil and Political Rights (1966). Together these are known as the ‘international bill of rights.’ The Convention on the Rights of the Child (1989) also contains a non-discrimination provision. These UN conventions cannot be enforced through UK courts, but the UK government has agreed to abide by them and they do influence Government policy as well as European and domestic legislation. Generally, progress in
implementing these conventions is monitored by states providing periodic reports to the relevant UN Committee who then make recommendations.

In these treaties, the anti-discrimination articles are drafted as a right not to be discriminated against in the enjoyment of other human rights and fundamental freedoms. For example, CEDAW defines discrimination against women as:

"...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (Article 1).

COUNCIL OF EUROPE

The Council of Europe, based in Strasbourg, is made up of 47 member countries including the UK. It was set up to promote democracy, human rights and the rule of law in Europe. All council members must sign up to the European Convention on Human Rights.

European Convention on Human Rights

The Convention protects a series of fundamental rights, and Article 14 is concerned with the prohibition of discrimination in respect of other rights and freedoms:

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

Article 14 is not a free-standing guarantee against discrimination, but it can prohibit discrimination in relation to other Convention rights. Article 14 may be used in combination with one or more of the other articles, such as the right to life.

The Human Rights Act 1998 made human rights part of UK domestic law so courts in the UK can hear human rights cases. The Act requires all legislation to be interpreted and given effect, as far as possible, to be compatible with the Convention rights. The Act makes it unlawful for a public authority to act incompatibly with the Convention rights and allows for a case to be brought in a UK court or tribunal against the authority if it does so. In general, a person who wants to take the UK to the European Court of Human Rights must first bring their case to the domestic courts (Justice website).

European Union

Equal Opportunities has been a key competence at the European level since the Treaty of Rome\(^1\) enshrined the principle that ‘men and women should receive equal pay for equal work’ (now Article 157 of the Treaty on the Functioning of the European Union). In 1997, the Treaty of Amsterdam enabled the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (now article 10 of the Treaty on the Functioning of the European Union). It also defined one of the tasks of the European Union as being promoting gender equality (now Article 8).

\(^1\) Treaty establishing the European Community 1957. This has been amended substantially over the years and, following the Treaty of Lisbon in 2007, it is now known as the Treaty on the Functioning of the European Union.
From these key principles a series of directives have been agreed which have progressively extended the protection against discrimination to more groups and in respect of more areas of life.

- Council Directive 2000/43/EC implemented the principle of **equal treatment between persons irrespective of racial or ethnic origin**. The directive outlaws discrimination on grounds of racial or ethnic origin in the areas of employment, vocational training, goods and services, social protection, education and housing.


- Council Directive 2004/113/EC implemented the principle of **equal treatment between men and women in the access to and supply of goods and services**.


In 2008, the European Commission published a proposal for a directive COM(2008) 426 against discrimination based on **age, disability, sexual orientation and religion or belief beyond the workplace**

The proposal, adopted by the Commission in July 2008 and being negotiated now, proposes the following:

- Equal treatment in the areas of social protection, including social security and health care, education and access to and supply of goods and services which are commercially available to the public, including housing. The Directive will prohibit direct and indirect discrimination as well as harassment and victimisation.

- There would be an obligation to provide disabled people with general accessibility as well as "reasonable accommodation", which is already used in existing European legislation. Both are subject to the condition that they do not impose a disproportionate burden on service providers.

The directive may be agreed before the end of 2011. For further information see the [EHRC's position on the proposed directive](https://www.ehrc.org.uk).
Complying with directives

EU law takes precedence over domestic law, so all member states have to ensure their domestic laws comply with the minimum standards set out in directives. States are free to go further than the provisions, but they cannot do less than a directive requires.

The UK Equality Act 2010 (see below) enables Ministers to amend UK equalities legislation to ensure consistency across the legislation where changes are required by European law. The aim is to ensure that areas of the Act which are covered by European law and those that are domestic in origin do not get out of step, as was the case with previous equality legislation (Explanatory Notes to s.203 of the Equality Act 2010).

UK GOVERNMENT

The subject matter of equal opportunities is reserved under Schedule 5 Section L2 of the Scotland Act 1998. This currently includes two key pieces of legislation:

- The Equality Act 2006 which established Equality and Human Rights commission

There are exceptions to this reservation which allow the Scottish Parliament to promote equal opportunities and impose duties on Scottish public bodies to require them to have due regard to equal opportunities when carrying out their functions (see page 13).

The Northern Ireland Assembly has devolved powers in relation to anti-discrimination law. For further information see ‘Equality and Human Rights Legislation in Northern Ireland: A review’ (NIA Research and Information Service 2011).

GOVERNMENT EQUALITIES OFFICE

The Government Equalities Office (GEO) is located within the Home Office. Responsibility currently resides with Theresa May MP, the Home Secretary and Minister for Women and Equality, and Lynn Featherstone MP, who is the parliamentary under secretary for Equalities and Criminal Information.

The GEO takes the lead on government issues relating to women and gender equality, sexual orientation and transgender equality, as well as the Equality Act 2010. The GEO work closely with:

- The Department for Communities and Local Government, which leads on race and faith policy and the community agenda
- The Department for Work and Pensions, which leads on disability discrimination policy and legislation and general age policy outside the workplace for the time being
- The Department for Business, Innovation and Skills, which has responsibility for the Equality Act’s provisions relating to further and higher education and age exceptions to the Act’s working provisions
• The Department for Education, which is responsible for the Equality Act's provisions relating to schools, and
• The Department for Transport, which is responsible for the Equality Act’s provisions on disability and transport and in relation to ships and hovercraft.

**UK Government’s Equality Strategy**

In December 2010 the GEO published the UK Government’s *Equality Strategy* which sets out its ‘commitment to tackling the barriers to equal opportunities and social mobility’ and sets the ‘framework for how equality will be a fundamental part of the Government’s programmes across the UK’. Some of the policies referred to apply across the UK or Britain, some to England and Wales, and some to England only, depending on whether the policy area is reserved or devolved.

The introduction states:

‘This strategy sets out a new approach to equalities, moving away from the identity politics of the past and to an approach recognising people’s individuality. And it sets out a new role for government, moving beyond simply introducing more legislation, to promoting equality through transparency and behaviour change. Government will act as a catalyst and advocate for change, working with businesses, the voluntary sector and wider civil society to create equal opportunities’.

The strategy has the following aims:

• To tackle deprivation and inequalities relating to family background, and improve social mobility.

• To work with business to develop a fairer and more flexible labour market that draws on the talents of all and builds a strong economy.

• To devolve power to local communities and promote greater participation and inclusion in public, political and community life.

• To build respect for all, and to tackle discrimination, hate crime and violence.

• The public sector will lead by example and empower citizens and communities with the information they need to hold services to account.

**Red Tape Challenge**

In April 2011, the UK Government’s Cabinet Office launched the *Red Tape Challenge* (RTC) website. A news release from the Department for Business, Innovation and Skills said that the RTC invites members of the public, business and community organisations ‘to give a real boost to growth and personal freedoms by ripping up some of the 21,000 rules that are getting in their way’ (UK Government Dept for Business, Innovation and Skills 2011).

As part of the RTC, the Equality Act 2010 is being considered in eight different sections, including the protected characteristics and prohibited conduct. Although most of the Act came into force in October 2010, the UK Government has opened up discussion on many of the provisions contained in the Act. The *website states:*
‘The Government is determined to take a hard look at anything which imposes bureaucratic burdens. Fairness is important, and it is not the Government’s intention to abolish the Equality Act, but it cannot be exempt from a comprehensive look to check that we are not imposing burdens that are out of proportion to the good they seek to do. We have already agreed that there are some provisions in the Equality Act that will not be commenced. This red tape challenge spotlight gives you the opportunity to look at all provisions in the Equality Act and tell us if they are too bureaucratic and burdensome for the benefit they bring, whether they could be simplified or better implemented, or if you think they should be kept exactly as they are.’

The whole RTC process is running for two years, from April 2011 to April 2013. The Equality and Human Rights Commission has published a statement in response to the RTC.

EQUALITY AND HUMAN RIGHTS COMMISSION

The Equality and Human Rights Commission (EHRC) was established under the Equality Act 2006 and is responsible to the UK Government. The EHRC has powers to:

- Enforce equality law – by providing advice and information, as well as taking legal cases on behalf of individuals, and legal action to prevent breaches of the Human Rights Act 1998. Ensure public bodies carry out the legal duties to tackle discrimination and promote equality. Also have the power to launch official inquiries and formal investigations

- Shape public policy – work to influence the Government to develop equality and human rights legislation; ensure social policy considers the importance of equality and human rights; and, commission, assess and publish research to build a source of evidence based knowledge

- Promote good practice – by working with public, private and voluntary organisations and employers to reduce discrimination, develop good practice and promote equality for all.

Scotland Office

Although it is a ‘reserved’ body, the EHRC in Scotland works with the Scottish Government and other partners to promote equality and best practice. The Commission in Scotland provides information and advice, campaigns on equality issues, seeks to influence legislation and policy, and supports key legal cases.

The EHRC also has responsibility for human rights in Scotland in relation to reserved policy areas (such as immigration). Human rights, in relation to devolved areas (such as the police), is the responsibility of the Scottish Human Rights Commission.

The Scotland Committee is responsible for ensuring the overall work of the Commission reflects the needs and priorities of Scotland. The Committee sets strategic direction and steers the Commission's work in Scotland. It is currently chaired by Kaliani Lyle.

The future of the EHRC

The UK Government launched a consultation on its plans to reform the EHRC on 22 March 2011 (closed 15 June 2011). A key commitment of the UK Government is to ‘reduce the number and cost of quangos’ and to deliver this the Government carried out a major review of public bodies last year. While the Government holds the view that there is ‘a clear legal need for an
independent equality regulation and national Human Rights Institution’, it argues that the EHRC’s performance has so far been weak:

‗It has struggled to deliver against its policy remit, for instance attracting criticism from the Joint Committee on Human Rights on its failure to integrate human rights into its work. At the same time it has not been able to demonstrate that it is delivering value for taxpayers’ money, resulting in the qualification of its first two sets of accounts. The sheer breadth of the Commission’s remit, combined with errors made in the process of setting up and the transition agreements put in place by the previous Government, have contributed to the underperformance of the Commission to date.’

The proposals for reform focus on where only the EHRC can add value, increase accountability to the Government, Parliament and the public, and to improve its effectiveness and value for money. Reform is proposed in three areas:

1. To set out more clearly the EHRC’s core functions as an independent equality regulator and National Human Rights Institution

2. To stop non core activities and, where appropriate, make alternative provision, where they can be done better and/or more cost-effectively by Government or other civil society/private sector providers

3. To clarify the EHRC’s relationship to Government and strengthen further its governance and systems to provide greater transparency, accountability and value for money

The EHRC has submitted its response to the consultation. The Commission agrees that the role of regulator needs to be better articulated and set out as a priority for the Commission. However, the Commission argues that the proposals:

- focus overly on problems which should be solved by better management and stronger governance
- apply a bureaucratic and legalistic set of solutions to what are, in essence, cultural problems
- risk missing the opportunity to modernise the management of equality and human rights legislation in favour of reducing the Commission to an outdated, adversarial and costly compliance factory just at the time that it is starting to develop a newer, more effective model.

The Commission also addressed the current diverging approaches towards the specific public sector equality duty in England, Scotland and Wales, and stressed the need for the EHRC to have flexibility in order to address the different environments which are developing.

LEGISLATION

Equality Act 2010

The Equality Act 2010 brings together over 100 separate pieces of legislation into a single Act to create a legal framework which protects the rights of individuals and advances equality of opportunity for all. The majority of the Act came into force in October 2010.
Anti-discrimination and equalities law has developed over 40 years and has provided varying degrees of protection to what have been referred to as the six equality ‘strands’: age, religion/belief, race, disability, gender and sexual orientation. The new Act identifies these strands as ‘protected characteristics’ and extends protection to three other groups: gender reassignment; marriage and civil partnership, and pregnancy and maternity. These ‘new’ characteristics were either partially covered in previous anti-discrimination legislation, or not covered at all. Effectively, the law has been harmonised and strengthened to provide similar protections to the nine different characteristics.

The Act provides protection for the protected characteristics across employment, education, and goods, services and public functions. However, a number of exceptions apply across the protected characteristics, so it cannot be assumed that all prohibited conduct applies to all protected characteristics in all areas.

**Table 1** illustrates the key protections under the Act.

<table>
<thead>
<tr>
<th>Protection</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct discrimination (s.13)</td>
<td>This occurs where someone is treated less favourably than another person, because of a protected characteristic</td>
</tr>
<tr>
<td>Some exceptions</td>
<td>• It is not discrimination to treat a disabled person more favourably than a person who is not disabled</td>
</tr>
<tr>
<td></td>
<td>• If the characteristic is age, different treatment may be justified if it is a proportionate means of meeting a legitimate aim.</td>
</tr>
<tr>
<td>Indirect discrimination (s.19)</td>
<td>This occurs when a policy or practice applied has an effect which particularly disadvantages people with a protected characteristic, unless the policy or practice can be justified.</td>
</tr>
<tr>
<td>Harassment (s.26)</td>
<td>This is unwanted conduct which has the effect of violating someone’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment also covers unwanted conduct of a sexual nature.</td>
</tr>
<tr>
<td>Victimisation (s.27)</td>
<td>This occurs where someone is treated badly because they have taken action under the Act, or might be taking action, or are supporting someone who is taking action.</td>
</tr>
<tr>
<td>Reasonable adjustments (s.20-22)</td>
<td>This is a duty which requires employers, service providers and education providers to make reasonable adjustments to ensure disabled people do not face substantial disadvantage in comparison to someone who is not disabled.</td>
</tr>
<tr>
<td></td>
<td>The duty has three requirements:</td>
</tr>
<tr>
<td></td>
<td>• To make changes to a provision, criterion or practice</td>
</tr>
<tr>
<td></td>
<td>• To make changes to physical features</td>
</tr>
<tr>
<td></td>
<td>• To provide auxiliary aids</td>
</tr>
<tr>
<td></td>
<td>Failure to comply with this duty is unlawful discrimination.</td>
</tr>
<tr>
<td>Discrimination arising from disability (s.15)</td>
<td>Makes it unlawful to treat a disabled person unfavourably because of something connected with their disability, where the employer/service provider knows, or could reasonably be expected to know that the person has a disability. Discrimination is unlawful, unless it can be justified.</td>
</tr>
</tbody>
</table>
Public Sector Equality Duty

Section 149 creates a single equality duty for the public sector which incorporates all the protected characteristics, although marriage and civil partnership is only partially covered. The new general equality duty came into force on 5 April 2011 and requires public authorities, and any organisation carrying out functions of a public nature, to consider the needs of protected groups, for example, when delivering services and in employment practices. The general duty requires public authorities to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups.

As before for race, gender and disability, there is a specific equality duty which applies to all listed authorities. Section 153 of the Act gives Ministers in England, Wales and Scotland the power to impose specific duties through regulations. The specific duties are legal requirements designed to help public authorities meet the general duty. The specific duties were due to come into force in April 2011, following consultation by each administration. The specific duty for Wales has been in force since 6 April 2011. Following a re-drafting of the specific duties in England, these came into force on 10 September 2011 and apply to English and GB wide public authorities (including the Scottish Parliamentary Corporate Body). The Scottish Government withdrew the draft regulations on the specific duty as they were not approved by the Equal Opportunities Committee. A consultation on revised draft regulations has now been published (Scottish Government 2011). The intention is to implement regulations by March 2012.

Therefore, Scottish public authorities are currently only subject to the general equality duty. The EHRC has provided interim guidance for Scottish public authorities.

The SPICe briefing on the Equality Act 2010 provides an overview of the key changes brought about by the Act, including a discussion on the public sector equality duty.

Civil Partnership Act 2004

The Civil Partnership Act 2004 (applies across the UK) created a new legal relationship of civil partnership, allowing same-sex couples to register a civil partnership. It has similar legal effects, rights and obligations as marriage does for mixed-sex couples. The Act came into force on 5 December 2005.

Gender Recognition Act 2004

The Gender Recognition Act 2004 (applies across the UK), came into force on 4 April 2005. It allows for the legal recognition of a transsexual person’s acquired gender. Anyone who has undergone gender reassignment will, subject to certain conditions, be able to apply for a gender recognition certificate in their new sex. To obtain recognition it is necessary to apply to the Gender Recognition Panel, which will grant gender recognition if it is satisfied that the applicant:

- has, or has had in the past, gender dysphoria
- has lived in the acquired gender for at least two years when the application is made
- intends to continue to live in the acquired gender for the rest of their life.
It is not a requirement that the applicant has had gender reassignment surgery, but it is necessary for an applicant to provide the Panel with reports from two doctors, or from a doctor and a psychologist.

There is currently a complication for individuals applying for gender recognition who are either married or in a civil partnership – they will only be issued an interim gender recognition certificate. A full certificate is only given where the individual ends their marriage or civil partnership because the law does not allow same-sex marriage or mixed-sex civil partnership.

**Civil Partnerships on religious premises**

Section 202 of the Equality Act 2010 makes it possible to remove the express prohibition which prevents civil partnerships from being registered on religious premises in England and Wales. It does not apply to Scotland as the registration of civil partnerships is a devolved matter. The UK Government held a consultation on this earlier in the year (closed 23 June 2011) and is considering responses. The GEO website states:

‘...having listened to stakeholders, it is clear from many that there is a desire to move towards equal civil marriage and partnerships. We will work with all those who have an interest in this area on how legislation can develop.

The Scottish Government has issued a consultation on same-sex marriage (see page 17).

**SCOTLAND**

**SCOTLAND ACT 1998**

The subject matter of equal opportunities is reserved by Schedule 5 of the Scotland Act 1998. The definition of equal opportunities in the Scotland Act is:

‘The prevention, elimination or regulation of discrimination between persons on grounds of sex, or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.’ (Schedule 5, Section L2, Scotland Act 1998)

The exception to the reservation of equal opportunities allows the:

‘Encouragement (other than by prohibition or regulation) of equal opportunities and in particular the observance of equal opportunity requirements’.

In addition, the Parliament can impose duties on Scottish public bodies and office holders in the Scottish Administration with regard to carrying out their functions with due regard to meeting equal opportunity requirements. Some examples of where this has happened are included in the Annexe to this paper.

**SCOTTISH GOVERNMENT**

Following the 2011 election, the Minister responsible for devolved action on equal opportunities is Nicola Sturgeon MSP, Deputy First Minister and Cabinet Secretary for Health, Wellbeing and
Cities Strategy. Kenny MacAskill MSP, the Cabinet Secretary for Justice has the same responsibility in relation to religious and faith organisations.

The Scottish Government has designated equal opportunities as a key cross cutting issue that is the responsibility of all Directorates. The Equality Unit (now called Equality and Communities Division), in place since devolution, takes forward the Government’s work on equality.

Policy on equalities

When the SNP came to office in 2007, it launched its spending review which included a national performance framework. The framework had the five strategic objectives of a ‘wealthier and fairer, smarter, healthier, safer and stronger, and greener’ Scotland. Underpinning these objectives are 15 national outcomes describing what the Scottish Government wants to achieve over a ten year period. One of the outcomes is specific to equality - ‘we have tackled the significant inequalities in Scottish society’. To achieve this outcome the Scottish Government said it would:

- Work across public and private sectors to identify the key determinants of inequalities in Scotland and agree shared responsibility for action.
- Ensure that public funds are invested, where appropriate, with a focus on deprivation.
- Take forward action to promote and advance equality and challenge discrimination and prejudice.
- Address key issues such as supporting women and children affected by domestic abuse and tackling the wider issues of violence against women.

The Concordat (2007b) also set out the terms of a new relationship between the Scottish Government and local government and underpinned the funding provided to local government over the period 2008-09 to 2010-2011. Central to the new relationship was the ending of ring fencing of local government funding and the creation of Single Outcome Agreements (SOAs). The SOAs are based on the national outcomes and should take account of local priorities. A Scottish Government report on the first round of SOAs showed variable and fairly limited progress on the equality national outcome, but there is an expectation that approaches to tackling inequalities will improve (Scottish Government 2010a). A further report on the second round of SOAs did not provide the same level of detail (Scottish Government 2011a), but the latest round of SOAs is available here.

The Scottish Government’s approach on equalities goes wider than the protected characteristics set out in the Equality Act 2010 and a key example of this wider approach is the development of three social policy frameworks to tackle the early years, health inequalities and poverty. The Scottish Government argues that it is ‘increasingly evident that inequalities in health, education and employment opportunities are passed from one generation to another’ and that the three frameworks aim to break these negative cycles which lead to inequalities (Scottish Government Early Years Framework).

Mainstreaming equality and the Scottish Budget

The Scottish Government has asserted its commitment to mainstreaming equality, and uses the following definition:

‘Mainstreaming equality is the systematic integration of an equality perspective into the everyday work of government, involving policy makers across all government departments, as well as equality specialists and external partners.’
To this end, the Scottish Government has developed an Equality Impact Assessment Tool (EQIA), and provides a database of published EQIAs on various policies (see Equality Impact Assessment Tool).

A key example of mainstreaming equalities by the Scottish Government has been the introduction of the Equality Statement published alongside the Draft Budget. The first Equality Statement, published in September 2009 for the 2010/11 draft budget, provided a summary of the action taken to ensure equality has been considered within the Scottish Budget process. Although welcomed by the Parliament’s Equal Opportunities Committee, there was an understanding between the Committee and Nicola Sturgeon, the Cabinet Secretary for Health and Wellbeing, that the statement required further development. In the report to the Finance Committee the Equal Opportunities Committee stated:

The Committee notes the points made in a paper by the Finance Committee's budget adviser, Professor David Bell, on the Draft Budget, which discusses the Scottish Government's equality statement. Professor Bell said—

"the equalities statement focuses on listing particular events or initiatives that are promoting equality. It does not link these to policy initiatives that relate specifically to new proposals contained in the 2010-11 Draft Budget."

The Equal Opportunities Committee would like to see an equality statement published annually, which should contain baseline information for monitoring future progress. The Minister acknowledged that the statement is the beginning of a process that will require refining over the next few years—

“This is the first time that the equality statement, in this context, has been produced side by side with the budget. We would be the first to say that there is a great deal of room for further improvement in making clearer the linkages between our policies and our spending decisions.” (Equal Opportunities Committee 2009)

The second Equality Statement, published alongside the draft budget for 2011/12, was again welcomed by the Equal Opportunities Committee. While it was recognised that improvements were made on the previous year:

‘...it was not clear to witnesses, or to the Committee, that the Equality Statement showed how equality considerations have informed spending decisions or how any differential impacts identified have been or will be measured'. (Equal Opportunities Committee 2010)

The Scottish Government is expected to publish its 2011 Spending Review for the next three years, on 21 September 2011. This will be informed by the report of the Commission on the Future Delivery of Public Services, which identified four key objectives for the programme of reform, including ‘public service organisations priorities prevention, reducing inequalities and promoting equality’ (See also SPICe Briefing 2011 11/52).

Equality and Social Inclusion Budget line

The Equality and Social Inclusion budget of £27.5m for 2011/12 was maintained from the previous year (Scottish Government 2010c). £20.3m is used to promote equality and fair treatment, such as tackling violence against women and domestic abuse and supporting activity to promote race equality. £7.2m is used to promote social inclusion, including the implementation of a Child Poverty Strategy.
The **Equality and Budget Advisory Group** (EBAG) assists the Scottish Government by providing advice on improving equality analysis of the budget.

The Government is working in partnership with the EBAG to:

- provide advice and support for the mainstreaming of equality in policy with the appropriate allocation of resources
- contribute to mapping the pathway between evidence, policy and spend
- improve the presentation of equality information in the Scottish budget documents
- contribute to improved commitment to and awareness of mainstreaming equality into policy and budget processes.

**Equalities data**

A barrier to effective mainstreaming and impact assessment is often the lack of reliable data and evidence on the Scottish population (the statistics section below gives an indication of this). The Scottish Government has been working with the EHRC on the [Equality Measurement Framework](http://www.equalitymeasurementframework.org.uk) in order to improve the quality of and access to equalities data available for Scotland (Scottish Government 2010b).

**Specific action on equalities**

During the last Parliamentary session the Scottish Government initiated a number of initiatives and actions to address equalities issues. These included:

- A [Race Equality Statement](http://www.gov.scot/Topics/Advice/Racialequality-Statement) in December 2008, which outlined its priorities for the period 2008-2011. Key issues were to increase refugee integration and address race discrimination in Scotland. The statement refers to people from minority ethnic (including Gypsy/Traveller), refugee, asylum seeker and faith communities.


- The [Forced Marriage Act etc (Protection and Jurisdiction) (Scotland) Act 2011](http://www.legislation.gov.uk/ukpga/2011/4) which protects people from being forced into marriage without their free and full consent. Due to be in force by end of 2011.

- In March 2011 the Scottish Government [reported on its public sector duty to promote gender equality](http://www.gov.scot/Topics/Advice/SexDiscrimination/Pages/Report-on-public-sector-duty-to-promote-gender-equality.aspx) (under the Sex Discrimination Act 1975, now repealed), including progress on closing the gender pay gap and childcare provision. It chose two areas for priority action – violence against women and occupational segregation and published reports on progress made by public authorities in these areas.

- The Scottish Government conducted research to review the impacts of the recession and its consequences on Scotland’s equalities groups (Scottish Government 2010f).

- The Scottish Government supported Patrick Harvie’s member’s bill on Hate Crime in January 2008. The law previously required that, when passing sentence, the court must take into account any racial or religious motivation for any crime that has been committed. This was extended to cover LGBT people and disabled people based on the
victim’s actual or presumed sexual orientation, transgender identity or disability – the Offences (Aggravation by Prejudice) (Scotland) Act 2009.

The Scottish Government continues to support actions initiated by the previous Labour/Liberal Democrat administration including:

- ‘All our futures: Planning for a Scotland with an ageing population’ published in March 2007 under the previous Labour/Lib Dem administration, but endorsed and taken forward by the SNP administration. The main commitments have been implemented.

- The national concessionary bus travel scheme, which was introduced on 1 April 2006 to provide free travel for people aged sixty or over and eligible disabled people who are resident in Scotland, and a national concessionary travel scheme for young people, which provides a third off bus and rail travel, was introduced on 8 January 2007.

- The LGBT Hearts and Minds Agenda Group, set up in 2006, to consider ways of tackling negative and discriminatory attitudes towards LGBT people. The group published recommendations in 2008, which the current Scottish Government responded to later in the same year. The Scottish Government continues to support work through the national LGBT organisations on a number of themes in line with the Hearts and Minds Agenda.

- Funding the Close the Gap partnership to address occupational segregation, a major contributor to the gender pay gap.

Current issues

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

The Scottish Government introduced the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill on 16 June 2011. The Bill seeks to introduce two new criminal offences. One which will criminalise the full range of offensive and threatening behaviour, including sectarian behaviour at, or in connection with football matches, and one which criminalises threatening or inciting serious violence and threats which incite religious hatred (see SPICe Briefing 11/48). Initially the Bill was subject to emergency legislative procedure, in order to pass the Bill before the football season began in July. However, the First Minister announced that the timetable would be extended to allow further scrutiny (OR 23 June 2011), with the aim of passing the Bill by the end of 2012.

Same-sex marriage

The Scottish Government has begun a consultation on same-sex marriages (closes 9 December 2011). The Ministerial Foreword states the Government’s position.

‘We tend towards the view that religious ceremonies for civil partnerships should no longer be prohibited and that same sex marriage should be introduced so that same sex couples have the option of getting married if that is how they wish to demonstrate their commitment to each other. We also believe that no religious body or its celebrants should be required to carry out same sex marriages or civil partnership ceremonies.’ (Scottish Government 2011c)
Two sets of regulations are expected under the Equality Act 2010. The Scottish Government has begun a consultation on a revised set of draft regulations for the specific equality duty required by S.153 of the Equality Act 2010, with a view to laying the regulations by the end of 2011 (Scottish Government 2011d). The consultation closes 25 November 2011.

Section 37 of the Equality Act 2010 gives Scottish Ministers the power to make regulations which entitle a person to make changes to the common parts of a building to suit the needs of disabled person living there. A consultation on the use of regulation making powers ran from January to April 2011 (Scottish Government 2011e). Following the consultation, regulations are being prepared for formal introduction in the Scottish Parliament.

**SCOTTISH PARLIAMENT**

In 1998 the Consultative Steering Group (CSG) made recommendations on the operation and rules of procedure of the Scottish Parliament. The CSG placed a strong emphasis on the need for the Scottish Parliament to promote equal opportunities for all, and that equal opportunities should be mainstreamed into the work of the Parliament. It also recommended the establishment of the Equal Opportunities Committee as a mandatory committee.

**EQUAL OPPORTUNITIES COMMITTEE**

The Equal Opportunities Committee of the Scottish Parliament is required by standing orders (rule 6.1.5). It has a remit to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament. The definition of ‘equal opportunities’ is that which is contained in the Scotland Act 1998 (see above).

Previous Equal Opportunities Committees have carried out a number of inquiries including work on Gypsy/Travellers, disability, female offenders, migration and trafficking, and post legislative scrutiny of the Mental Health (Care and Treatment) (Scotland) Act 2003. The Committee has also implemented mainstreaming equality guidelines in the work of parliamentary committees.
KEY EQUALITIES STATISTICS FOR SCOTLAND

This section brings together some key statistics on a range of characteristics to provide a current picture of Scotland’s population. There are a number of limitations for certain areas, and in particular, data on LGBT groups are not widely collected. The sources used provide further information on each group.

SCOTLAND’S POPULATION

The latest estimate of Scotland’s population (at June 2010) is 5,222,100. The population grew by around 28,100 in the 12 months between 1 July 2009 and 30 June 2010, an increase of 0.5%. The increase is mainly due to around 25,000 more people coming to Scotland than leaving, and around 5,200 more births than deaths. Scotland’s population has been fairly stable over the past 50 years. It peaked at 5.24 million in 1974 before falling to 5.05 million in 2002. It then increased each year to reach 5.22 million in 2010. Again, that increase has mainly been the result of more people moving to Scotland than leaving (GROS 2011a).

Population projections show the total population rising to 5.54 million in 2033. This projection is based on existing trends and makes no allowance for the future impact of government policies and other factors. Longer term projections show the population peaking in 2033 and then slowly declining (GROS 2009a).

AGE

The age structure of Scotland’s population is changing. Between 2000 and 2010 there has been a decrease of 7% in the number of children aged under 16, and an increase of 14% in the number of people aged 75 and over. There has also been a rise of 14% in the 45-59 age group, and a 13% increase in the 60-74 age group (GROS 2011b).

Future projections on the population estimate that those between the ages of 60-74 will increase from a base of 776,000 in 2008 to 1,028,000 in 2033, and those aged over 75 years will increase from 393,000 in 2008 to 724,000 in 2033. Based on these estimates 13% of the population will be 75 and over, and 18.5% will be aged between 60 and 74 (GROS 2009a).

Table 2 shows the projected population of Scotland (2008-based), by age group: 2008-2033 ('000s)

<table>
<thead>
<tr>
<th></th>
<th>2008 (base)</th>
<th>2013</th>
<th>2018</th>
<th>2023</th>
<th>2028</th>
<th>2033</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Ages</td>
<td>5,169</td>
<td>5,271</td>
<td>5,360</td>
<td>5,442</td>
<td>5,505</td>
<td>5,544</td>
</tr>
<tr>
<td>0-15</td>
<td>914</td>
<td>906</td>
<td>923</td>
<td>933</td>
<td>918</td>
<td>900</td>
</tr>
<tr>
<td>16-29</td>
<td>953</td>
<td>965</td>
<td>912</td>
<td>869</td>
<td>868</td>
<td>889</td>
</tr>
<tr>
<td>30-44</td>
<td>1,065</td>
<td>1,006</td>
<td>1,009</td>
<td>1,068</td>
<td>1,064</td>
<td>1,008</td>
</tr>
<tr>
<td>45-59</td>
<td>1,068</td>
<td>1,132</td>
<td>1,139</td>
<td>1,049</td>
<td>990</td>
<td>995</td>
</tr>
<tr>
<td>60-74</td>
<td>776</td>
<td>830</td>
<td>894</td>
<td>954</td>
<td>1,019</td>
<td>1,028</td>
</tr>
<tr>
<td>75+</td>
<td>393</td>
<td>433</td>
<td>484</td>
<td>570</td>
<td>647</td>
<td>724</td>
</tr>
</tbody>
</table>
DISABLED PEOPLE

The Scottish Household Survey estimates that 33% of households contain at least one person with a long-standing illness, health problem or disability. This figure covers all household members, including children. Households comprised of older people are more likely to contain someone with a long-standing health problem or disability. Around a fifth of the working age population have a long-standing illness, health problem or disability.

The gender split of those with a long-term health issue or disability is 54% female and 46% male overall, with proportionately more ill or disabled women than men in the over 70 age group (37%, compared with 29% of ill or disabled men). Men are more prevalent in the slightly younger group, with 22% of ill or disabled men in the 60-69 age group compared with 19% of ill or disabled women.

ETHNICITY

Table 3 shows the figures from the Scottish Household Survey for 2009/10 illustrate the ethnicity of the Scottish population based on adults in private households (Scottish Government 2011f).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>%</th>
<th>Numbers, based on GROS population estimates for 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>96.8</td>
<td>5,054,992</td>
</tr>
<tr>
<td>Scottish</td>
<td>81.5</td>
<td>4,256,011</td>
</tr>
<tr>
<td>Other British</td>
<td>11.7</td>
<td>610,985</td>
</tr>
<tr>
<td>Irish</td>
<td>0.7</td>
<td>38,869</td>
</tr>
<tr>
<td>Any other White background</td>
<td>2.9</td>
<td>161,011</td>
</tr>
<tr>
<td>Any mixed background</td>
<td>0.2</td>
<td>11,104</td>
</tr>
<tr>
<td>Asian</td>
<td>2.1</td>
<td>116,594</td>
</tr>
<tr>
<td>Indian</td>
<td>0.5</td>
<td>27,760</td>
</tr>
<tr>
<td>Pakistani</td>
<td>0.7</td>
<td>38,865</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>0.1</td>
<td>5,552</td>
</tr>
<tr>
<td>Chinese</td>
<td>0.4</td>
<td>22,208</td>
</tr>
<tr>
<td>Any other Asian background</td>
<td>0.4</td>
<td>22,208</td>
</tr>
<tr>
<td>Black</td>
<td>0.4</td>
<td>22,208</td>
</tr>
<tr>
<td>Caribbean</td>
<td>0.1</td>
<td>5,552</td>
</tr>
<tr>
<td>African</td>
<td>0.3</td>
<td>16,656</td>
</tr>
<tr>
<td>Any other Black background</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Any other background</td>
<td>0.5</td>
<td>27,760</td>
</tr>
<tr>
<td>Base 24,982</td>
<td>100</td>
<td>5,222,100</td>
</tr>
</tbody>
</table>

3.2% of adults in Scotland are non-white, and adults of Asian ethnic origin represent the biggest non-white group (2.1%) (Scottish Government 2011f).

Asylum seekers

As of March 2011, there were just over 2,450 asylum seekers living in five different local authorities in Scotland. Glasgow City Council is currently the only local authority in Scotland that accommodates dispersed asylum seekers. Almost 60% of all asylum seekers in Scotland are
nationals of just five countries: People’s Republic of China (30%), Pakistan (11%), Iran (7%), Nigeria (6%) and Iraq (5%) (COSLA Strategic Migration Partnership).

According to the Scottish Social Attitudes Survey 2010 (Scottish Government 2011g) there is little sign that the incidence of discriminatory attitudes towards people from ethnic minority groups has changed in any consistent manner during the last four years. The proportion who thought that a black or Asian person would be unsuitable as a primary school teacher has changed little, increasing from 4% to 6%, while the proportion who said they would be unhappy if a close relative formed a relationship with a black or Asian person has fallen slightly from 11% to 9%. Meanwhile, at 45%, the proportion who in 2010 agreed that 'Scotland would begin to lose its identity if more black and Asian people came to live in Scotland', was almost exactly the same as the 46% who did so in 2006.

Gypsies/Travellers

Recent data on the number\(^2\) of Gypsies/Travellers in Scotland estimates there to be typically around 700 Gypsies/Travellers households in Scotland throughout the summer months (Britain, A. et al, 2010). However, a recent review suggests that the twice yearly count may capture as little as a third to a half of the total Gypsies/Travellers population in Scotland due to the undercounting of the housed Gypsies/Travellers population which is known to be very significant in some parts of Scotland.

Gypsies/Travellers are not a homogenous group and can include English Gypsies, Irish Travellers, Welsh Travellers and European Roma. This term refers to all travelling communities who regard ‘travelling’ as an important aspect of their ethnic/cultural identity. Gypsies/Travellers are protected under equalities legislation (EHRC 2010).

The Scottish Social Attitudes Survey 2010 found that discriminatory attitudes towards Gypsies/Travellers were common. For example, 46% of people think a Gypsy/Traveller is unsuitable for primary teaching and 37% would be unhappy about a Gypsy/Traveller joining their family circle (Scottish Government 2011g).

RELIGION

There is little up to date information on the religious background of Scotland’s population. Two questions on religion were included for the first time in the 2001 Census of Scotland, on a voluntary basis. The first question asked about current religion and the second asked about religion of upbringing.

Analysis of the 2001 Census results (Scottish Government 2005) found that just over two-thirds (67%) of the Scottish population reported currently having a religion. More than six out of ten people said that their religion was Christian (65%): 42% Church of Scotland, 16% Roman Catholics and 7% Other Christian. Examples of other Christian include Methodist, Greek Orthodox and Church of England.

After Christianity, Islam was the most common faith with 42,600 people in Scotland describing their religion as Muslim. This is followed by people from Other religions (27,000), Buddhists (6,800), Sikhs (6,600), Jews (6,400) and Hindus (5,600). These groups each accounted for less

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\(^2\) Since 1998, a twice yearly count (in January and July) has been undertaken in Scotland. These counts offer an indication and estimate of trends in accommodation, travelling patterns and population size of the Gypsies/Traveller community in local authority sites, unauthorised encampments and private sites.
than 1% of the Scottish population. Even with these groups added together they still account for less than 2% of the overall population.

The 2011 Census included a voluntary question on current religion, but not on religious upbringing.

According to the Scottish Social Attitudes Survey (Scottish Government 2011g) there has been no significant change in discriminatory attitudes towards Muslims since 2006. Just under half (49%) now agree that ‘Scotland would begin to lose its identity if more Muslims came to live in Scotland’, almost identical to the 50% who were of that view in 2006.

There also appears to have been no change in the incidence of discriminatory attitudes towards other minority religious groups. In 2010, 18% said that they would be unhappy if a close relative were to form a relationship with a Hindu – not very different from the 19% that said this in 2006. Meanwhile, 9% expressed unhappiness at the prospect of a close relative entering into a long-term relationship with someone who is Jewish, again little different from the 10% that did so in 2006.

**LGBT PEOPLE**

LGBT people are estimated to make up 5% of the Scottish population, around 250,000 people (Scottish Government 2008b).

Data from the Scottish Social Attitudes Survey 2010 (Scottish Government 2011g) shows a consistent fall in discriminatory attitudes towards gay men and lesbians over the past ten years. Much of the change in attitudes has occurred in the past 5 years, and the authors suggest that the Civil Partnership Act 2004 may have had a considerable impact.

**Table 4** shows the trends in attitudes towards same sex relationships, 2000-10.

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2004</th>
<th>2005</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Always/mostly wrong</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Sometimes wrong</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Rarely wrong</td>
<td>8</td>
<td>7</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Not wrong at all</td>
<td>29</td>
<td>37</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Sample size</td>
<td>1663</td>
<td>1637</td>
<td>1549</td>
<td>1495</td>
</tr>
</tbody>
</table>

The Gender Identity Research and Education Society conducted research on the number of people who have sought medical care for gender variance. Their figures suggest that prevalence is around 20 per 100,000, ie, 0.002% of the UK population. This represents around 12,000 people, of whom 7,500 have now undergone transition (2008 and 2011).

There has been little change since 2006 in the incidence of discriminatory attitudes towards someone who has had a sex change operation. In 2006, 30% thought that someone who had had a sex change operation would be unsuitable as a primary school teacher; the figure in 2010 was 31%. Meanwhile, 49% now say they would be unhappy at the prospect of a close relative
forming a relationship with someone who had had a sex change operation, little different from the 50% who expressed that view in 2006 (Scottish Government 2011g).

MARRIAGE AND CIVIL PARTNERSHIP

It is estimated that 48% of Scotland’s population age 16 and over are married (GROS 2009b). Following a decline from over 40,000 marriages a year in the early 1970s, the annual total levelled out at around 30,000 in the mid-1990s, but fell each year from 2005 to 2009 (GROS 2011a).

The average age at marriage has risen for both men and women. For first marriages, the average age for men has risen from 30.5 in 2000 to 32.5 in 2010, and for women the average age has risen from 28.6 in 2000 to 30.7 in 2010 (GROS 2011a).

The Civil Partnership Act 2004, which applies throughout the UK, came into force on 5 December 2005, allowing same-sex couples to register their partnership.

During 2006, the first full year of operation, 1,047 civil partnerships were registered in Scotland. In 2007, 688 partnerships were registered. According to GROS, this decrease was expected, because many long-standing relationships would have been registered as civil partnerships in the first full year of registration. In 2008 and 2009, there were further decreases to 525 and 498 registered partnerships respectively and in 2010 there were 465 registrations – 197 male couples and 268 female couples (GROS 2011a).

GENDER

According to Scottish Household Survey data for 2009/10 (Scottish Government 2011f) there were more female (52%) than male (48%) household members, similar to previous years.

In terms of employment, men of working age are mainly employed either full-time (55%) or are self-employed (10%). Women’s participation in the labour market has increased over the years, with over a third (35%) in full-time employment, and 22% in part-time employment. Twelve percent of working age women do not participate in the labour market because they are looking after their home or family. In total, 69% of men and 61% of women are in some form of paid work.

A higher proportion of women than men work in lower managerial and professional, intermediate and in semi-routine occupations. In contrast, men are more often employed in lower supervisory and technical and in routine occupations and, reflecting the higher levels of self-employment among men, to be small employers or own account workers.

The Annual Survey of Hours and Earnings (ASHE) uses the median as its headline gender pay gap statistic. ASHE shows a Scottish gender pay gap of 7.2% in 2010, down from 8.6% in 2009 (comparing the hourly earnings of full-time male and female workers, excluding overtime).

The Scottish Government, and its partners, have historically used the mean figure. It is argued that the mean better represents the nature of the gender pay gap, and that the median figures underplay the fact that there are a few extremely high earning staff, mostly men, and that many women are clustered in low paid professions. This gives a full-time pay gap of 11.9% in 2010, down from 12.4% in 2009 (Scottish Government Equal Pay).
Table 5 illustrates the pay gap between women's and men's gross hourly earnings excluding overtime, Scotland, 2007-2010 (Employees on adult rates whose pay was not affected by absence)

<table>
<thead>
<tr>
<th>Pay Gap</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Full-time</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>14.8%</td>
<td>13.1%</td>
<td>12.4%</td>
<td>11.9%</td>
</tr>
<tr>
<td>Median</td>
<td>11.9%</td>
<td>10.8%</td>
<td>8.6%</td>
<td>7.2%</td>
</tr>
<tr>
<td><strong>Part-time</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>7.0%</td>
<td>-2.7%</td>
<td>-0.5%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Median</td>
<td>-2.1%</td>
<td>-10.9%</td>
<td>-7.2%</td>
<td>-8.3%</td>
</tr>
<tr>
<td><strong>All</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>18.5%</td>
<td>16.3%</td>
<td>16.0%</td>
<td>16.3%</td>
</tr>
<tr>
<td>Median</td>
<td>20.4%</td>
<td>17.7%</td>
<td>17.7%</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

Source: Annual Survey of Hours & Earnings (Scottish Government 2011h)
ANNEXE

Standards in Scotland’s Schools etc. Act 2000 Annual statement of education improvement objectives prepared by local education authorities must include an account of how they will encourage equal opportunities (s.5). Applies to education authorities.

The Housing (Scotland) Act 2001 To encourage equal opportunities in relation to their functions and powers under the Act (s.106). Applies to Scottish Ministers, local authorities and Registered Social Landlords.

Regulation of Care (Scotland) Act 2001 The Council shall, in the exercise of its functions, act in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (s.1 and s.43). Applies to Scottish Commission for the Regulation of Care and the Scottish Social Services Council.

Mental Health (Care and Treatment) (Scotland) Act 2003 Listed persons shall discharge their function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements (s.3). ‘The persons who are bound by the requirements of section 3 are the Scottish Ministers; Mental Welfare Commission; a local authority; a Health Board; a Special Health Board; the managers of a hospital; a mental health officer; a patient’s responsible medical officer; a medical practitioner; and a nurse’.

Local Government in Scotland Act 2003 In securing best value, must have regard to equal opportunities requirements along with economy, efficiency and effectiveness (s.1(d)). Applies to Scottish Ministers and local authorities.

The Public Appointments and Public Bodies etc. (Scotland) Act 2003 Commissioner for Public Appointment’s strategy must include how Scottish Ministers are to encourage equal opportunities in the public appointments system (s.2(10)). Applies to CPA and Scottish Ministers.

Commissioner for Children and Young People (Scotland) Act 2003 The Commissioner must act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements (s.5) Commissioner for Children and Young People.

National Health Service Reform (Scotland) Act 2004 Requires Health Boards, Special Health Boards and the Common Services Agency to perform their functions in a manner that encourages equal opportunities and the observance of equal opportunity requirements. Applies to Health Boards, Special Health Boards and the Common Services Agency and Scottish Ministers.

Antisocial Behaviour etc (Scotland) Act 2004 Listed persons shall discharge their function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements. Applies to any person discharging a function under the Act (s.140).

Transport (Scotland) Act 2005 Requirement to prepare a strategy explaining how a body will encourage equal opportunities and in particular observance of equal opportunity requirements (s.5(2)). Applies to Regional Transport Partnerships.

The Charities and Trustee Investment (Scotland) Act 2005 OSCR must perform its functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements (s.1(8)). Applies to the Office of the Scottish Charity Regulator.

Further and Higher Education (Scotland) Act 2005 Must perform its functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements, Part 1, s.21 (i) and (ii). Applies to the Further and Higher Education Council.

Police, Public Order and Criminal Justice (Scotland) Act 2006 A person discharging a function by virtue of this Act shall discharge that function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements, Part 4, s.100. Applies to the Scottish Police Services Authority.
The Planning (Scotland) Act 2006 The Scottish Ministers and planning authorities must perform their functions under this Act in a manner which encourages equal opportunities and, in particular, the observance of the equal opportunity requirements. Part 10, s.51, (i) and (ii). Applies to Scottish Ministers and Planning Authorities
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