

Background

1. The Equality and Human Rights Commission (the Commission) welcomes the opportunity to provide evidence to the Women and Equalities Committee on the gender sensitive parliament inquiry. The Commission is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. As part of this role we highlight issues of concern, inform and guide good practice, engage others in solutions and influence change in employment practice.

Summary

2. Unequal representation in our political institutions reflects and accentuates inequality in society and the narrower the range of backgrounds, the narrower the range of experiences that are brought to bear in political decision making. This can ultimately result in exclusive and unresponsive political systems.
3. There has been progress in women's representation at Westminster, but the Commission has long-standing concerns regarding a lack of gender diversity (as well as relating to other protected characteristics such as race and disability) amongst elected representatives. We believe that in order for the UK Parliament to effectively represent Britain, those who are elected to Parliament need to be as diverse as those communities it represents. Taking steps to improve conditions within Parliament by creating a more inclusive and supportive environment will ensure that existing MPs are able to remain, and those who want to achieve elected office will be able to do so. However, despite numerous reviews^{1 2} and research³ recommending similar changes to secure better outcomes for women in politics and Parliament, there has been little progress to date.
4. Below we set out our suggestions on how Government, Parliament and political parties can take steps to create a more inclusive and responsive working environment, including by preventing and responding to workplace harassment, increasing flexibility, and reforming parental leave.
5. We believe that wider action on the part of political parties is also required to address the structural issues that contribute to a lack of representative electoral candidates, including reviewing selection processes and resource requirements to ensure a more diverse pool of candidates, and collecting and reporting on the diversity data of electoral candidates to improve transparency and accountability.

¹ [The Good Parliament Report](#) 2016

² [Sexual harassment in Parliament](#) Fawcett Society 2019

³ [Diversity of candidates and elected officials in Great Britain](#) EHRC 2019

6. Key recommendations

The Commission recommends that the Government should:

- Introduce a mandatory duty on employers to take reasonable steps to protect workers from harassment and victimisation in the workplace, enforceable by both individuals and the EHRC, and to reintroduce section 40 provisions on third party harassment to provide a greater degree of protection for individuals against harassment.
- Support women to participate fully in parliament by making paternity and shared parental leave a day one right for MPs and employees and introducing ring fenced 'use it or lose' parental leave for fathers to encourage take up without disadvantaging mothers, including for agency and self-employed workers in Parliament. The Government should also introduce a new right to paid carers leave.
- Enact section 106 of the Equality Act so progress towards greater electoral candidate diversity can be monitored and measured.

Our response

Making Parliament a more inclusive workplace

Address bullying, sexual harassment and other forms of harassment

7. Sexual and other forms of harassment are one of the key challenges facing those working in Parliament. The Dame Laura Cox DBE Inquiry⁴ found that bullying, harassment and sexual harassment are a feature in the lives of many who work in or with Parliament, predominantly for women, whether MPs or staff. This echoes the findings in our report on ending sexual harassment in the workplace⁵ which found that nearly all people who were sexually harassed are women with the most common perpetrator of sexual harassment being a senior colleague.
8. Women in elected office are also subject to disproportionate abuse and intimidation, particularly online. As we noted in our submission to the Committee on Standards in Public Life inquiry into the intimidation and abuse of MPs, analysis of the online abuse experienced by women MPs in the run up to the 2017 general election indicated that black and Asian women MPs in Westminster received 35% more abusive tweets than white women MPs, with Diane Abbott MP receiving nearly a third of all online abuse recorded in that survey, indicating that the intersection of race and gender drives particularly high levels of abuse⁶.

⁴ [Bullying and harassment of House of Commons Staff](#) 2018

⁵ [Turning the Tables: ending sexual harassment at work](#) EHRC 2018

⁶ [Response to Call for Evidence: Intimidation of Parliamentary candidates](#) EHRC 2017

9. One of the key challenges facing Members of Parliament is that they have no formal employment status, and as such are not protected against discrimination by the employment provisions in the Equality Act 2010⁷. However, political parties have specific obligations to protect their members from discrimination, harassment and victimisation.
10. MPs' staff are directly employed and while they are afforded protection as a result of their employment status, may find it difficult to raise concerns or to challenge behaviour because of the power imbalance between MPs and their staff which leaves many individuals believing that alleged inappropriate behaviour would not be addressed because of their position of influence.
11. This is exacerbated by not having clear processes to report alleged incidents. We know that many individuals who experience sexual and other forms of harassment also fear that they will be victimised as a result of reporting, such as losing their job, and that this is particularly acute where the perpetrator holds decision-making power⁸.
12. There are clearly broader cultural and structural failings within politics to address harassment. The Commission's research into barriers to participation in standing for election to local government in Scotland⁹ found that parties often failed to take action in response to complaints of harassment and that this is a barrier to people developing and realising ambitions to stand for elected office. These findings are in keeping with the Commission's survey¹⁰ about sexual harassment at work, which found that in around half of the cases where individuals reported the incident, employers took no action.
13. Similarly, there is a lack of explicit protection available for those working in Parliament in a voluntary capacity, and we agree with the findings of the WEC's earlier report into Sexual Harassment in the Workplace¹¹ that there is no reason why an organisation that makes use of volunteers and interns should not be responsible for ensuring that they too can work in an environment free from harassment, especially as they can be some of the most vulnerable people in an organisation¹².
14. In our response¹³ to the Dame Laura Cox DBE Inquiry we welcomed the greatly improved approach to dealing with harassment and sexual harassment outlined in the Independent Complaints and Grievance Scheme Delivery Report, and a subsequent agreement by the House of Commons Commission to deal with non-recent cases on an equal footing to recent

⁷ [Sexual harassment in Parliament](#) Fawcett Society 2019

⁸ [Turning the Tables: ending sexual harassment at work](#) EHRC2018

¹⁰ [Turning the tables: ending sexual harassment at work](#) EHRC2018

¹¹ [Sexual harassment in the workplace inquiry report](#), Women and Equalities Committee 2018

¹² The Commission believes the services provisions could be interpreted to protect volunteers in some circumstances, but this has not yet been tested in the courts.

¹³ [Written submission to the Independent Inquiry into the Bullying and Harassment of House of Commons staff](#) EHRC 2019

cases. However, the complex mix of employment and party member status, and the lack of clear areas of responsibility to uphold standards suggests that reform is required.

15. **We recommend that the relevant employment provisions in the Equality Act 2010 should be extended so that MPs, interns and volunteers have access to legal protections against harassment.** We also recommend, as per our response to the Government's consultation into sexual harassment in 2019¹⁴, **that the rules around internships are tightened, to ensure greater protection in the workplace for an often vulnerable or insecure type of worker.**
16. In addition, **we continue to urge Government to introduce a mandatory duty on employers to take reasonable steps to protect workers from harassment and victimisation in the workplace, enforceable by both individuals and the EHRC, and to reintroduce section 40 provisions on third party harassment to provide a greater degree of protection for individuals against harassment by clients, customers and other individuals.** A preventative duty would relieve the burden on MPs' staff who report harassment and instead put the onus on the employer to effectively prevent and resolve harassment.
17. As noted above, political parties have obligations under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation. But our research into the barriers facing candidates in local elections showed that parties needed to be better at ensuring cultures and behaviours met the standards set out in formal party rules. We know that women in particular felt that this was not always done¹⁵, and that a failure to respond to reports of discrimination, harassment, or inappropriate behaviour was a barrier to their participation and progression.
18. In order to respond effectively to harassment, political parties should ensure that all members, including candidates and elected officials, and current and potential employees are aware of their obligation to prevent harassment. Parties should have easily accessed and promoted harassment policies setting out the steps they will take to address harassment complaints whether for members or employees. Parties should also invest in training for those involved in handling complaints in order to give advice and handle the complaint in a transparent and consistent way. The Commission has detailed guidance¹⁶ on how to prevent and respond to sexual harassment and harassment in the workplace, which we recommend political parties adopt in their codes of conduct.

Increase flexibility

19. As part of the Commission's wider work on employment we have consistently encouraged greater flexibility in the workplace. Our research¹⁷ has found part time and flexible working

¹⁴ [EHRC responses to the consultation on sexual harassment in the workplace](#) EHRC 2019

¹⁵ [Investigation into antisemitism in the Labour Party](#) EHRC 2020.

In this report we did note the good work the Labour Party had done to create a bespoke process to deal with sexual harassment which had not been the case for antisemitism or racism.

¹⁶ [Sexual harassment and harassment at work: Technical guidance](#) EHRC2020

¹⁷ [Fair Opportunities for All :A strategy to reduce pay gaps in Britain](#) EHRC2018

- are important ways of enabling many people to participate in the labour market, for example those with caring responsibilities, young people and disabled people. There are parallels here with the challenges facing under-represented groups who want to participate in politics.
20. We believe that Parliament and political parties should be at the fore-front of creating a more flexible, family-friendly workplace and providing an exemplar environment for those working within.
21. Parliamentary practices like unpredictable hours and lack of maternity leave have resulted in a ‘motherhood gap’ in Parliament. The ‘motherhood gap’ underlines historical messages about motherhood being incompatible with public life. The lack of certainty around dates of the parliamentary calendar makes it difficult for MPs to plan ahead, which is particularly concerning in regards to child care arrangements and planning for school holidays. While political life can be unpredictable, people with caring responsibilities need a degree of clarity and structure and may be unable to attend late night sittings. Fawcett Society¹⁸ have recommended Parliament to set session dates in advance and to conduct a review of sitting hours. A change in the structuring of activity would enable parliamentarians with children greater flexibility and accommodate those with caring responsibilities.
22. The Covid-19 pandemic and the social distancing measures required have led to many employers implementing flexible working measures to carry on functioning. Parliament was no exception to this where video conferencing was eventually introduced to keep the business of government running by moving to a virtual parliament. This ‘Hybrid Parliament’ allowed MPs who couldn’t be physically present due to caring responsibilities, travel restrictions, or shielding, to carry on representing their constituents from home and continue to be involved in many Parliamentary activities. We agree with the assessment of the Centenary Action Group¹⁹ that this is a once in a life time opportunity to modernise working practice in Parliament, and we are keen to see continued flexibility in the way Parliament operates in the long-term, as this would open the doors to a more diverse range of people who want to take part in political life, particularly women, carers and disabled people who cannot always take part in person.
23. Similarly, we believe that steps should be taken to make proxy voting permanent. In the past female MPs have been criticised for not voting in Parliament and abstaining on several votes, as a result of being on maternity leave. And in an extreme example an MP delayed the birth of her child to participate in a key vote. Currently proxy voting is available for 6 months for those on parental leave. We would encourage Parliament to extend the right to proxy voting to 52 weeks to align with the statutory maternity leave period.

¹⁸ [Written Submission from Fawcett Society](#) 2019

¹⁹ [The Remotely Representative House: Lesson Learning from the Hybrid Commons](#) 2021

The report found that given the option of some flexibility women will take it up. During the height of the first wave of the pandemic, the House of Commons Library found that female MPs were much more likely than male MPs to use virtual participation during ‘hybrid proceedings’. In addition, more than half of women MPs took advantage of proxy-voting, due to Covid-19 medical reasons and caring responsibilities, which are overwhelmingly shouldered by women.

24. Proxy voting could have an important role in encouraging male Members of Parliament to take paternity leave, which sets an example for others in the country. The UK Parliament can set an example that promotes diversity and inclusiveness, which would show leadership in this area²⁰.

Maternity, Paternity and Parental Leave

25. We welcome the introduction of the Ministerial and other Maternity Allowances Act 2021²¹ which is an important and timely first step in facilitating women's participation in politics. However, for Parliament to be more inclusive, the Commission believes all MPs should have access to paternity and shared parental leave. Our research has found fathers increasingly want to play a greater and more active role in bringing up their children, but current parental leave offers are failing to meet this demand because of the complexity of the Shared Parental Leave scheme, ineligibility, low financial incentive, and concerns about employer attitudes. These barriers to parental leave for fathers reinforce gendered assumptions about caring responsibilities, and result in a disproportionate burden of childcare and other unpaid work on mothers²². **The EHRC recommends that the Government makes paternity and shared parental leave a day one right for MPs and employees and introduce ring fenced 'use it or lose' parental leave for fathers to encourage take up without disadvantaging mothers, including for agency and self-employed workers. The Government should also introduce a new right to paid carers leave, available to MPs and workers.**

Build a more diverse Parliament

26. Making changes within Parliament is only one dimension of improving the experiences of women and other under-represented groups. Whilst representation of women is steadily increasing in Parliament the rate of growth remains slow. Women currently make up only 34% of all MPs, and further work is required to ensure that Parliament is fully representative and reflects and works for everyone in Britain.²³

27. Although there have clearly been a number of positive approaches by political parties to increase the representation of women, from the introduction of quotas, all-women shortlists and reserved places for hopeful candidates²⁴, there remain a number of barriers to achieving an equal proportion of seats for women at all stages in the political journey. These include a failure to promote diversity in party selection processes, or to address the lack of resources, particularly time and finances, available to prospective candidates, or even recognising that there are barriers leading to under-representation of certain protected

²⁰ [Centenary Action Group written evidence to Procedure Committee Inquiry into proxy voting](#)

²¹ [Ministerial & other Maternity Allowances Act 2021](#)

²² EHRC (2018), [Fair opportunities for all: a strategy to reduce pay gaps](#)

²³ [Women in politics and public life](#) House of Commons Library 2021

²⁴ EHRC (2019), Barriers to participation in standing for election to local government in Scotland. The report notes that while respondents recognised that steps were being taken to address the under-representation of women, there was a lack of understanding or action to address the under-representation of other protected characteristics, such as ethnicity or disability.

characteristics among election candidates. Action is required on the part of political parties to ensure that these barriers are understood and addressed.

28. Further, there is a lack of robust information on the diversity of candidates, which makes it difficult for political parties to fully understand which groups may be struggling to progress into elected office. In the absence of a mandatory requirement on political parties to report on the diversity of their candidates, there are significant shortcomings in the ways the data about candidates and elected representatives are currently collected, collated and reported. For example, data are not systematically gathered by either political parties, or elected bodies such as parliaments and councils. Where data collection is undertaken, it is undermined by a lack of consistency in data collection processes, resulting in a fragmented, incomplete picture across protected characteristics that means we are unable to assess the wider diversity of candidates and representatives in Britain.

29. Section 106 of the Equality Act 2010 would require political parties to collect and publish information relating to the protected characteristics of candidates for the UK Parliamentary, National Assembly for Wales and Scottish Parliament elections. However, section 106 has not been brought into force. **The Commission urges Government to enact section 106 so progress towards greater electoral candidate diversity can be monitored and measured** as this would provide political parties and others with the necessary data to properly inform action to address and eliminate the barriers facing under-represented groups, and contribute to increasing diversity in all areas of political life.

Further information

The Equality and Human Rights Commission is a statutory body established under the Equality Act 2006. Find out more about our work on [our website](#).

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