

Response ID ANON-N9WN-TU5G-H

Submitted to Law Commission Consultation on Employment Law Hearing Structures

Submitted on 2019-01-31 15:09:38

About you

What is your name?

Name:

Jo Chimes

What is the name of your organisation?

Organisation:

I am responding in an individual capacity.

What is your email address?

Email:

[REDACTED]

What is your telephone number?

What is your telephone number?:

[REDACTED]

Are you responding to this consultation in a personal capacity or on behalf of your organisation?

Personal response

If you want the information that you provide to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances.

If you want the information that you provide to be treated as confidential, please explain to us why you regard the information as confidential. As explained in our privacy notice, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances. :

The exclusive jurisdiction of employment tribunals

Consultation Question 1: We provisionally propose that employment tribunals' exclusive jurisdiction over certain types of statutory employment claims should remain. Do consultees agree? (Please see paragraph 2.57 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 2: Should there be any extension of the primary time limit for making a complaint to employment tribunals, either generally or in specific types of case? (Please see paragraph 2.61 of the consultation paper.)

Yes, in specific types of cases

Please expand on your answer. :

I agree with the Women and Equalities Select Committee that the three-month time limit for pregnancy and discrimination claims should be extended to six months.

If so, should the amended time limit be six months or some other period?:

Consultation Question 3: In types of claim (such as unfair dismissal) where the time limit can at present only be extended where it was "not reasonably practicable" to bring the complaint in time, should employment tribunals have discretion to extend the time limit where they consider it just and equitable to do so? (Please see paragraph 2.62 of the consultation paper.)

Yes

Please expand on your answer. :

Restrictions on the jurisdiction of employment tribunals - discrimination

Consultation Question 4: We provisionally propose that the county court should retain jurisdiction to hear non-employment discrimination claims. Do consultees agree? (Please see paragraph 3.24 of the consultation paper.)

Other

Please expand on your answer. :

I welcome the careful consideration that the Law Commission has given in this consultation to jurisdictional issues that arise from the Equality Act 2010.

In brief: whilst the current arrangements might be a least worst option in the short term, there are some areas, particularly in social security and housing, where the County Court may not be most appropriate court or tribunal to have exclusive jurisdiction for discrimination claims. For this reason, I suggest that this question needs to be considered in a larger context.

I would suggest that this question should be considered as part of a larger review of the jurisdictional issues for all discrimination claims brought under the Equality Act 2010: namely, work, services, public functions, premises, education, associations, equality of terms etc. This would give a fuller and more helpful picture, one which does not emerge when this question is looked at through the restricted lens of a employment and 'non-employment' binary division. I suggest it is more helpful to consider the different issues for each type of discrimination claim, in turn: services, public functions etc. It does not give a nuanced and clear picture to take all other claims apart from employment in one lump, and that approach does not facilitate solutions.

There are hidden but widespread jurisdictional problems when claimants wish to bring Equality Act claims if they also have claims under related social welfare law. This is particularly acute in welfare benefits and (to a lesser extent) housing cases. It is important not to assume that the current jurisdiction arrangements for discrimination claims in the County Court are the same, and have the same issues, for all social welfare law areas.

The consultation helpfully describes the particular difficulties that arose from the Malcolm case, but there are also more fundamental structural difficulties with the Equality Act. Whilst this may not be an appropriate time to make larger legislative changes to the Act, it is important to recognise these deeper issues, to avoid unhelpful smaller changes which could compound these hidden problems.

Fortunately, the provisions of the Equality Act that deal with 'work'/ employment issues have been developed alongside, and with consideration of the related employment legislation. It is also one of the reasons why the ET is so effective at hearing employment claims and employment discrimination claims. Whereas, the provisions relating to services and public functions in the Equality Act, which are relevant for welfare benefits, appear to benefit less from considerations of their interaction with 'ordinary' social security law: both in terms of jurisdiction and also in terms of the interplay between different rights (to take just one example, see Reg 97(6) of The Universal Credit Regulations 2013 and Section 20 Equality Act 2010.) This can make it comparatively harder to acquire judicial expertise to hear those other discrimination claims. As well as requiring training and knowledge of discrimination law, and social security law, a judge will face an added difficulty in resolving the interplay of these disparate areas of law.

There are very real practical jurisdictional problems for disabled people who wish to bring discrimination claims that relate to social security issues. The First Tier Tribunal, which hears social security claims, does not have jurisdiction to hear Equality Act claims (A-K v SoS Work and Pensions (2017 UKUT 420). A claimant trying to solve one welfare benefits problem may wish to appeal under social security law (FtT), and/ or bring a discrimination claim relating to services and or public functions (County Court), and /or bring a public law challenge by way of Judicial Review (whether s149 Equality Act 2010 or other public law challenge) (in the High Court), and /or use the protection of the Human Rights Act.

This claimant faces a bewildering set of hurdles and choices, with a multiplicity of different jurisdictions, different costs regimes, different procedures and time limits, some adversarial (party and party), some inquisitorial. (Beyond the jurisdiction point, it should also be noted that the 'conflicts' between statutory regimes that have developed separately (outside of the work/ employment context) can be hard to understand and resolve and though Schedule 22 Equality Act 2010 is intended to help, this can be an additional difficulty for an unrepresented claimant.)

Claimants in those circumstances are likely to be in a vulnerable situation, and may struggle to get specialist advice: most generalist advisers would simply not know where to start to solve these questions. . This is one of the main drivers behind the very low numbers of discrimination claims in services and public functions in the County Court: if we fail to recognise this issue because there are few claims, we take the risk that our actions will increase the barriers. If the County Court retains jurisdiction for discrimination claims other than employment discrimination, then those jurisdictional issues, which are a huge barrier to justice for those who experience discrimination in other settings, will still remain. This is particularly important where this affects people in vulnerable situations bringing challenges against public bodies, arising from social security or housing issues.

I very much welcome the proposal for appropriate training on discrimination law and concepts to be given to County Court judges.

Further consideration should be given to mitigating or removing the problems caused by the current jurisdictional arrangements for services, public functions and premises discrimination claims. This consideration might be undertaken, through evidence -based investigation and consultation, by the Equality and Human Rights Commission (under s11 Equality Act 2006 or otherwise), the Women and Equalities Select Committee, as well as the Law Commission. Such an investigation might include consideration of the following:

- a. the most appropriate and effective venue for each of the different kinds of discrimination claim (work, services, public functions, premises etc) that can be brought under the Equality Act 2010, with particular consideration to the venue for related claims. The aim would be to simplify the current highly 'awkward' arrangements that exist for claims other than 'work'/ employment.
- b. the appropriate fees and costs regime for discrimination claims (acknowledging that discrimination is a fundamental right)
- c. the appropriate kind of hearing for discrimination claims (i) between private individuals (ii) and individual and the state. Should these be adversarial and/or inquisitorial?
- d. what is the most effective venue for discrimination claims against the state that also involve public law and /or human rights issues?

Consultation Question 5: Should employment tribunals be given concurrent jurisdiction over non-employment discrimination claims? (Please see paragraph 3.32 of the consultation paper.)

No

Please expand on your answer. :

I do not think that employment tribunals should be given concurrent jurisdiction over 'non-employment' discrimination claims with the County Court.

(For clarity, paragraph 3.32 refers to concurrent jurisdiction with the County Court, so although the question itself does not specify, I am assuming that is not envisaged that the employment tribunals should have concurrent jurisdiction over, for example, education claims.)

It is important to consider the advantages and disadvantages of concurrent jurisdiction for each kind of Equality Act claims which fall under the rubric of 'non-employment' discrimination claims, so that there is careful, and separate consideration of jurisdictional issues for services claims, public functions, premises etc.

I agree it is preferable for a judge to have relevant specialist knowledge and experience. Whilst employment judges have considerable experience in discrimination law, it is uncommon for them also to have the specialist knowledge and experience required to hear cases in other areas of law, aside from employment. By giving employment tribunals concurrent jurisdiction, the employment tribunal judges would need to also have expertise in for example, social security and housing law, as well as discrimination law (and employment law). I suggest that this would be impractical, not cost effective, and inefficient.

I note the consultation does not mention where appeals would be heard for these discrimination cases. I note the consultation does not mention jurisdictional issues that might arise out of related public law or human rights challenges, and how those might be heard.

Giving concurrent jurisdiction to the employment tribunals for 'non-employment' claims would create problems for claimants, in addition to those I describe in my answer to Question 4. It would add also an extra layer of confusion about how and where to access justice - in an area of law where the Equality Act is already greatly under-used. It would create confusion about the availability of legal aid, fees, costs regimes, rules of procedure and evidence, and time limits.

Consultation Question 6: If employment tribunals are to have concurrent jurisdiction over non-employment discrimination claims, should there be power for judges to transfer claims from one jurisdiction to the other? (Please see paragraph 3.33 of the consultation paper.)

No

Please expand on your answer. :

For the reasons given in my answers to Questions 4 and 5, I do not think the employment tribunals should have concurrent jurisdiction for 'non-employment' discrimination claims - namely services, public functions, premises, associations etc.

If so, what criteria should be used for deciding whether a case should be transferred: (1) from county courts to employment tribunals; :

I do not think it is helpful to speculate about transfer of cases between the county court and employment tribunal, and the criteria for doing so, without the benefit of a more in depth analysis of the jurisdictional issues of the different kinds of discrimination claims that can be brought under the Equality Act 2010, and the impact on claimants, and respondents.

and/or (2) from employment tribunals to county courts?:

Please see my replies above.

Should county courts be given the power to refer questions relating to discrimination cases to employment tribunals? :

Please see my replies above.

Consultation Question 7: If employment tribunals are to have concurrent jurisdiction over non-employment discrimination claims, should a triage system be used to allocate the claim as between the county court or the employment tribunal? (Please see paragraph 3.34 of the consultation paper.)

Other

Please expand on your answer. :

Please see my replies above regarding concurrent jurisdiction, and the need for further in depth consideration of the questions posed.

If so, what form should this triage take?:

Consultation Question 8: Do consultees consider that employment judges should be deployed to sit in the county court to hear non-employment discrimination claims? (Please see paragraphs 3.40 of the consultation paper.)

Other

Please expand on your answer. :

I think that the proposal for some form of cross ticketing of judges is potentially a way forward to solve some (not all) of the issues I have noted.

If it were possible to include judges from across the courts and tribunals service (ie beyond county court and employment tribunal, to include social security judges for example), this option could be used to build, develop and create the expertise necessary to hear the different kinds of discrimination claims. For example, a judge could be ticketed to hear employment claims - with expertise in employment discrimination claims and employment rights - as currently happens in employment tribunals. This could be developed so that a judge could be ticketed for example to hear social security discrimination claims - with expertise in services and public functions discrimination as well as social security law. Or, a judge could be ticketed to hear premises discrimination and housing law claims. However this only addresses one aspect: it would improve judicial decision making, which would be a very good thing, but considerable problems would still remain unsolved, and these problems create real practical barriers to justice.

Consultation Question 9: If consultees consider that employment judges should be deployed to sit in the county court, should there be provision for them to sit with one or more assessors where appropriate? (Please see paragraph 3.41 of the consultation paper.)

Other

Please expand on your answer. :

This presents a further option to consider alongside the options suggested in my reply to Question 8. It would help to share, build and develop judicial expertise, but is only a partial solution, with many other jurisdictional and practical problems remaining.

On the question of the use of assessors, I would commend the suggestions made recently in the Legal Action Group magazine, in the January 2019 issue: <https://www.lag.org.uk/?id=205940>. Rules and guidance on the use of assessors (and their fees) in discrimination claims is currently unclear, and could and should be clarified.

Other restrictions on the jurisdiction of employment tribunals

Consultation Question 10:Should employment tribunals have jurisdiction to hear a claim by an employee for damages for breach of contract where the claim arises during the subsistence of the employee's employment? (Please see paragraph 4.14 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 11:Should employment tribunals have jurisdiction to hear a claim for damages for breach of contract where the alleged liability arises after employment has terminated? (Please see paragraph 4.16 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 12: We provisionally propose that the current £25,000 limit on employment tribunals' contractual jurisdiction should be increased. Do consultees agree? (Please see paragraph 4.28 of the consultation paper.)

Not Answered

Please expand on your answer.:

Consultation Question 13:What (if any) should the financial limit on employment tribunals' contractual jurisdiction be, and why? (Please see paragraph 4.30 of the consultation paper.)

Please provide your answer below. :

Consultation Question 14:If the financial limit on employment tribunals' contractual jurisdiction is increased, should the same limit apply to counterclaims by the employer as to the original breach of contract claim brought by the employee? (Please see paragraph 4.31 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 15: Do consultees agree that the time limit for an employee's claim for breach of contract under the Extension of Jurisdiction Order should remain aligned with the time limit for unfair dismissal claims? (Please see paragraph 4.39 of the consultation paper.)

Not Answered

Please expand on your answer. :

Should a different time limit apply if tribunals are given jurisdiction over claims that arise during the subsistence of an employee's employment? :

Consultation Question 16: We provisionally propose that employment tribunals' contractual jurisdiction should not be extended to include claims for damages, or sums due, relating to personal injuries. Do consultees agree? (Please see paragraph 4.44 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 17:We provisionally propose that the prohibition against employment tribunals hearing claims for contractual breaches relating to living accommodation should be retained. Do consultees agree? (Please see paragraph 4.46 of the consultation

paper.)

Not Answered

Please expand on your answer. :

Consultation Question 18:We provisionally propose that the prohibition against employment tribunals hearing breach of contract claims relating to intellectual property rights should be retained. Do consultees agree? (Please see paragraph 4.49 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 19:We provisionally propose that the prohibition against employment tribunals hearing claims relating to terms imposing obligations of confidence (or confidentiality) should be retained. Do consultees agree? (Please see paragraph 4.59 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 20:We provisionally propose that the prohibition against employment tribunals hearing claims relating to terms which are covenants in restraint of trade should be retained. Do consultees agree? (Please see paragraph 4.60 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 21:We provisionally propose that employment tribunals expressly be given jurisdiction to determine breach of contract claims relating to workers, where such jurisdiction is currently given to tribunals in respect of employees by the Extension or Jurisdiction Order. Do consultees agree? (Please see paragraph 4.64 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 22:If employment tribunals' jurisdiction to determine breach of contract claims relating to employees is extended in any of the ways we have canvassed in consultation questions 10 to 20, should tribunals also have such jurisdiction in relation to workers? (Please see paragraph 4.65 of the consultation paper.)

Not Answered

Please expand on your answer. :

If consultees consider that there should be any differences between employment tribunals' contractual jurisdiction in relation to employees and workers, please provide details.:

Consultation Question 23:We provisionally propose that employment tribunals should not be given jurisdiction to determine breach of contract disputes relating to genuinely self-employed independent contractors. Do consultees agree? (Please see paragraph 4.67 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 24:We provisionally propose that employment tribunals should continue not to have jurisdiction to hear claims originated by employers against employees and workers. Do consultees agree? (Please see paragraph 4.70 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 25:We provisionally propose that employers should continue not to be able to counterclaim in employment tribunals against employees and workers who have brought purely statutory claims against them. Do consultees agree? (Please see paragraph 4.73 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 26:Should employment tribunals have jurisdiction to interpret or construe terms in contracts of employment in order to exercise their jurisdiction under Part I of the ERA 1996? (Please see paragraph 4.78 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 27:Should employment tribunals be given the power to hear unauthorised deductions from wages claims which relate to unquantified sums? (Please see paragraph 4.99 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 28:Where an employment tribunal finds that one or more of the “excepted deductions” listed by section 14(1) to 14(6) of the Employment Rights Act 1996 applies, should the tribunal also have the power to determine whether the employer deducted the correct amount of money from an employee’s or worker’s wages? (Please see paragraph 4.105 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 29: Should employment tribunals be given the power to apply setting off principles in the context of unauthorised deductions claims? (Please see paragraph 4.108 of the consultation paper.)

Not Answered

Please expand on your answer. :

If so: (1) should the jurisdiction to allow a set off be limited to liquidated claims (ie claims for specific sums of money due)? :

(2) should the amount of the set off be limited to extinguishing the employee’s claim?:

Consultation Question 30:We provisionally propose that employment tribunals should continue not to have jurisdiction in relation to employers’ statutory health and safety obligations. Do consultees agree? (Please see paragraph 4.116 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 31:We provisionally propose that employment tribunals should continue not to have jurisdiction over workplace personal injury negligence claims. Do consultees agree? (Please see paragraph 4.118 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 32:We provisionally propose that employment tribunals should retain exclusive jurisdiction over Equality Act discrimination claims which relate to references given or requested in respect of employees and workers and former employees and workers. Do consultees agree? (Please see paragraph 4.124 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 33: Do consultees consider that employment tribunals should have any jurisdiction over common law claims (whether in tort or contract) which relate to references given or requested in respect of employees and workers (and former employees and workers)? (Please see paragraph 4.125 of the consultation paper.)

Not Answered

Please expand on your answer. :

Concurrent jurisdiction

Consultation Question 34:Should employment tribunals and civil courts retain concurrent jurisdiction over equal pay claims? (Please see paragraph 5.36 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 35:Should the time limit for bringing an equal pay claim in employment tribunals be extended so that it achieves parity with the time limit for bringing a claim in the civil courts? (Please see paragraph 5.38 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 36: What other practical changes, if any, are desirable to improve the operation of employment tribunals' and civil courts' concurrent equal pay jurisdiction? (Please see paragraph 5.39 of the consultation paper.)

Please provide your views below. :

Consultation Question 37:Should the current allocation of jurisdictions across employment tribunals and the civil courts regarding the non-discrimination rule applying to occupational pension schemes remain unchanged? (Please see paragraph 5.49 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 38:The present demarcation of employment tribunals' and civil courts' jurisdictions over the TUPE Regulations 2006 should not be changed. Do consultees agree? (Please see paragraph 5.58 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 39:The present demarcation of employment tribunals', civil courts' and criminal courts' jurisdictions over the Working Time Regulations should not be changed. Do consultees agree? (Please see paragraph 5.67 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 40:Do consultees agree that the present demarcation of employment tribunals', civil courts' and criminal courts' jurisdictions over the NMW should not be changed? (Please see paragraph 5.79 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 41: We provisionally propose that the present demarcation of employment tribunals' and civil courts' jurisdictions over the Blacklists Regulations should not be changed. Do consultees agree? (Please see paragraph 5.87 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 42: Should the £65,300 cap applying to employment tribunal claims brought under the Blacklists Regulations be increased so that it is the same as the cap on compensatory awards for ordinary unfair dismissal claims, as amended from time to time? (Please see paragraph 5.88 of the consultation paper.)

Not Answered

Please expand on your answer. :

Are consultees aware of any cases affected by the £65,300 cap on compensation which have had to be brought in the civil courts?:

Consultation Question 43:Should members of trades or professions who are aggrieved by the decisions of their qualifications bodies be able to challenge such decisions on public law grounds in the High Court and separately be able to claim unlawful discrimination in the employment tribunal? (Please see paragraph 5.94 of the consultation paper.)

Not Answered

Please expand on your answer. :

If not, please would consultees explain why and what changes they would make.:

Consultation Question 44:Should any other changes be made to the jurisdiction of employment tribunals or of the civil courts in respect of alleged discrimination by qualifications bodies? (Please see paragraph 5.95 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 45:Should a police officer who is aggrieved by the decision of a police misconduct panel be able to challenge that decision by way of statutory appeal to the Police Appeals Tribunal and separately to complain that the decision is discriminatory in an employment tribunal? (Please see paragraph 5.97 of the consultation paper.)

Not Answered

Please expand on your answer. :

If consultees take the view that the answer is “no”, what changes do they suggest?:

Restrictions on orders which may be made in employment tribunals

Consultation Question 46:Our provisional view is that employment tribunals should not be given the power to grant injunctions. Do consultees agree? (Please see paragraph 6.7 of the consultation paper.)

Not Answered

Please expand on your answer. :

Consultation Question 47:Should employment tribunals have the power to apportion liability between co-respondents in discrimination cases, so that each is separately liable to the claimant for part of the compensation? (Please see paragraph 6.13 of the consultation paper.)

Not Answered

Please expand on your answer. :

If so, on what basis should tribunals apportion liability? :

Consultation Question 48:We provisionally propose that employment tribunals should be given the power to make orders for contribution between respondents in appropriate circumstances and subject to appropriate criteria. Do consultees agree? (please see paragraph 6.20 of the consultation paper.)

Not Answered

Please expand on your answer. :

If so, we welcome consultees' views as to appropriate circumstances and criteria.:

Consultation Question 49:If respondents are given the right to claim contribution from one another in employment tribunals, do consultees consider that... (Please see paragraph 6.21 of the consultation paper.)

this right should precisely mirror the position as regards common law claims brought in the civil courts?:

or be modified to suit the employment context? If the latter, we would be grateful to hear consultees' views on appropriate modifications.:

Consultation Question 50:Should employment tribunals be given the jurisdiction to enforce their own orders for the payment of money? (Please see paragraph 6.28 of the consultation paper.)

Not Answered

Please expand on your answer. :

If so, what powers should be available to employment tribunals and what would be the advantages of giving those powers to tribunals instead of leaving enforcement to the civil courts? :

The employment appeal tribunal's jurisdiction

Consultation Question 51:Should the EAT be given appellate jurisdiction over the CAC's decisions in respect of trade union recognition and derecognition disputes? (Please see paragraph 7.18 of the consultation paper.)

Not Answered

Please expand on your answer. :

If such an appellate jurisdiction were created, do consultees agree that it should be limited to appeals on questions of law?:

Consultation Question 52: We provisionally propose that there is no need to alter or remove the EAT's current jurisdiction to hear original applications in certain limited areas. Do consultees agree? (Please see paragraph 7.22 of the consultation paper.)

Not Answered

Please expand on your answer. :

An employment and equalities list?

Consultation Question 53: We provisionally propose that an informal specialist list to deal with employment-related claims and appeals should be established within the Queen's Bench Division of the High Court. Do consultees agree? (Please see paragraph 8.8 of the consultation paper.)

Other

Please expand on your answer. :

Please see my answers above, on the need for further consideration of matters relating to discrimination claims that are not employment, eg services, public functions, premises etc.

If so, what subject matter should come within its remit?:

Consultation Question 54: What name should it be given: Employment List, Employment and Equalities List or some other name? (Please see paragraph 8.9 of the consultation paper.)

Other

Please expand on your answer. :

If the intention is to ensure that specialist judges hear employment cases, then the name Employment List is appropriate.

I think it would also be potentially useful to create an additional Equality List (not Equalities - see the name of the Act), with specialisms within that list for services, work, public functions etc.

I do not think it would be helpful to have a combined Employment and Equalities List. That would continue the 'erasure' of the importance of claims made under the Equality Act that are not about employment: they should be treated with due seriousness and given their own weight and importance.