

**Developing survey questions on sexual identity:
The legal and policy framework**

Colin Hand and Peter Betts

Data Collection Methodology - Social Surveys

Office for National Statistics

May 2008

[Blank page]

Contents

1	Introduction.....	2
2	Overview.....	3
3	Equality legislation: sectors, domains and equality grounds.....	5
3.1	Employment and vocational training.....	5
3.2	Goods, facilities and services, disposal and management of premises, exercise of public functions and education in schools.....	6
4	General and specific duties and the requirement to collect data.....	7
4.1	The general duty: eliminate unlawful discrimination and harassment, promote equality and good relations through proactive measures.....	7
4.2	The specific duty: the requirement to collect data.....	8
4.3	The devolved regions.....	8
5	Imperatives on ONS: the potential for extending the duty to collect data to sexual orientation and expectations to provide benchmark data and model questioning.....	10
5.1	Effect of lack of benchmark statistics.....	11
5.2	Discrimination Law Review and Single Equality Bill.....	11
5.3	The duty of the UK Statistics Authority.....	12
5.4	The Equalities Review.....	12
5.5	Guidance on best practice in collecting data on sexual orientation.....	13
5.6	Defining and interpreting the legislative terminology.....	14
5.7	Legal constraints.....	14
6	Conclusions.....	15
	References.....	15
	Appendix I – Key Legislation.....	16

1 Introduction

There is an increasing demand for data on sexual orientation or identity across central government departments, local government, public service providers (e.g. police & health authorities), lesbian, gay and bisexual (LGB) service providers, the LGB population, academia and other research organisations. In 2005 ONS conducted a consultation about the inclusion of a question on sexual orientation on the 2011 Census. ONS concluded that it would be inappropriate to implement such questioning at that time¹.

Subsequently, in 2006 ONS initiated a project that aimed to provide advice on best practice with regard to data collection in this field, and also examine the feasibility of providing benchmark data². The primary outputs from this project will be a question, or suite of questions, asking people to self-identify to a particular sexual orientation, along with advice on administration. Alongside the question(s), a user guide will be produced discussing the conceptual issues as well as the methodological issues, such as context and mode effects. These outputs will be focused on the social survey context.

Data Collection Methodology (DCM) branch was commissioned to develop, test and evaluate questioning on sexual identity for implementation in a government social survey context, with particular reference to the Integrated Household Survey. This paper forms part of the initial exploratory phase of the research (see Wilmot 2007).

The purpose of this paper is to summarise the legal and policy context in which this project is being conducted. It also examines the implications of existing law, relating to equality strands, on:

- the creation of demand for data on sexual orientation; and
- whether there is any obligation on ONS, as a government department responsible for collecting and publishing official statistics about the UK's

¹ See http://www.statistics.gov.uk/about/consultations/2011Census_response.asp

² See <http://www.statistics.gov.uk/about/data/measuring-equality/sexual-identity/default.asp>

society and economy, to produce benchmark statistics and/or guidance on collecting such information.

In turn, this knowledge will inform the design of ONS's questioning and guidance on its administration and discussion of related issues.

We are very grateful to all those who have provided comment and advice on this paper, in particular to the Government Equalities Office at the Department for Work and Pensions (formerly the Women and Equalities Unit).

Disclaimer: whilst every effort has been made to ensure its accuracy, this paper is intended only to summarise the existing legislation and discuss issues relevant to ONS's development project. It should not be considered a definitive guide to the law or to ONS's duties regarding the collection of data on sexual orientation.

2 Overview

The past forty years have seen legislation and public administration in the United Kingdom, relating to equality and discrimination, move towards the goal of achieving equal opportunities for all. Equality legislation has developed in Great Britain prohibiting discrimination and harassment, to varying degrees, on six grounds: race and ethnicity; gender; disability; religion or belief; sexual orientation; and age.

The intentions and effects of prohibitions and duties in the legislation for each of the equality strands have evolved over time. The first anti-discrimination legislation to be introduced by the Government was the Race Relations Act (RRA) 1965. This made it unlawful to refuse anyone access on racial grounds to public places such as pubs, restaurants, cinemas, public transport or any place run by a public authority (but not shops or boarding houses). The RRA 1976 repealed that Act and prohibited discrimination on the grounds of race in the workplace and when providing goods and services to the public or a section of the public. With respect to gender, prohibitions were applied through the Sex Discrimination Act (SDA) 1975 and to those with disabilities under the Disability Discrimination Act 1995. The first anti-discrimination legislation relating to religion or belief, sexual orientation and age prohibited discrimination in the workplace only, and did not extend to the provision of goods and

services. However the Equality Act 2006 extended the prohibition of discrimination to the provision of goods and services on the grounds of religion or belief and provided an order-making power for regulations to prohibit discrimination in the provision of goods and services on the grounds of sexual orientation. The resulting legislation, The Equality Act (Sexual Orientation) Regulations 2007 came into force on April 30th 2007, alongside the protections from discrimination on grounds of religion or belief contained in Part 2 of the Equality Act.

The development of legislation relating to race (i.e. a duty to have due regard to the need to eliminate unlawful race discrimination and promote race equality and good relations) has provided a basis to develop similar duties on other grounds (e.g. disability and gender). The rationale for these duties is to ensure proactive measures are taken to try and prevent discrimination taking place rather than providing a remedy of compensation after the breach. As part of the Race Relations (Amendment) Act 2000, the public sector duty on race equality requires public authorities to collect data on staff.

From December 2006 and April 2007, similar requirements on public authorities (to those that exist under the race duty), namely to have due regard to the need to eliminate unlawful discrimination and promote equality, have come into effect through the public sector duties to promote disability and gender equality respectively. The publication of the Government Green paper 'A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain' in June 2007 suggests that legislation may be extended. However it is not known what effect any future legislation will have on public sector duties and calls for public authorities to monitor sexual orientation.

The narrow question of legal requirements for monitoring raises broader and potentially more substantial issues of public service delivery. The ability of public authorities to plan and tailor their services may be inhibited without statistics about their lesbian, gay and bisexual population. This is particularly important given the relative invisibility and uneven geographical distribution of lesbian, gay and bisexual communities, which can complicate more consultative methods of local needs assessment.

(A summary of the legislation discussed in the following sections can be found at Appendix I.)

3 Equality legislation: sectors, domains and equality grounds

Equality legislation applies to public authorities both as employers and as providers of goods, facilities and services on all grounds except age, where we do not yet have discrimination legislation outside the work place.

A public authority is defined as a person who has functions of a public nature. The legislation covering race, sex and disability requires public authorities to discharge certain positive equality duties. The public authorities which are subject to the general race equality duty are specified in Schedule 1A to the Race Relations Act 1976.

Public authorities include providers of health and education services and local authorities as well as government departments, police and armed forces. However, the general disability and gender equality duties are imposed on public authorities generally, which follows the Human Rights model. The specific duties are imposed on the specific bodies which are listed in secondary legislation in relation to all three duties.

3.1 Employment and vocational training

In order to work towards eliminating all forms of discrimination in employment and training, the Council of the European Union established the Employment Equality Directive 2000³. This Directive established a framework for equal treatment in employment and training regardless of religion or belief, disability, age, or sexual orientation. Discrimination on grounds of race, ethnic or national origin, in and out of the workplace, was already outlawed in the Race Directive (2000/43/EC), and was implemented by amendments to the RRA: Race Relations Act 1976 (Amendment) Regulations 2003.

³ See [Employment Equality Directive 2000/78/EC](#)

The Employment Equality Directive 2000/78/EC was implemented in England, Wales and Scotland⁴ through the Employment Equality (Sexual Orientation) regulations 2003, the Employment Equality (Religion or Belief) regulations 2003, and the Employment Equality (Age) regulations 2006.

In relation to disability, the Directive was implemented by the Disability Discrimination Act 1995 (Amendment) Regulations, the Disability Discrimination Act 1995 (Pensions) Regulations 2003 and the Disability Discrimination Act 1995 (Amendment) (Further and Higher) Education Regulations 2006 (S.I. 2006/1721).

Protections against sex discrimination were further strengthened across Europe by the Equal Treatment Amendment Directive, 2002/73/EC, which was implemented by amendments to the SDA: Employment Equality (Sex Discrimination) Regulations 2005.

The introduction of the Employment Equality (Age) Regulations 2006 completed the prohibitions on discrimination in employment and training across all six equality strands. Precise prohibitions vary across the legislation and certain exemptions apply in a variety of situations.

3.2 Goods, facilities and services, disposal and management of premises, exercise of public functions and education in schools

The phrase ‘goods, facilities and services’ is used across equality legislation to describe a wide range of activities conducted by both the public and the private sector. There is no specific definition of this phrase, which has allowed courts to take a broad view of what should be included. It can include access to public places such as hotel accommodation; provision of services such as healthcare, education or transport; or goods such as insurance. The legislation has a non-exhaustive definition of ‘facilities and services’ and expressly states that it includes the services of any local or public authority.

⁴ Northern Ireland has separate legislation implementing this directive: Employment Equality (Sexual Orientation) regulations (Northern Ireland) 2003; Employment Equality (Age) regulations (Northern Ireland) 2006.

The Race Relations Act 1976 prohibited discrimination on grounds of race in employment and when providing 'goods, facilities and services' to the public or a section of the public, including access to public places such as hotels, restaurants, public transport or any place run by a public authority. The Sex Discrimination Act 1975 and the Disability Discrimination Act 1995 extended this protection to gender and disability.

The Equality Act 2006 extended protection from discrimination on the grounds of religion or belief in the provision of goods, facilities and services, the disposal and management of premises, exercise of public functions and education in schools. It also included a regulation making power to extend similar protections from discrimination on grounds of sexual orientation. These protections, in the form of the Equality Act (Sexual Orientation) Regulations 2007 came into force on 30 April 2007, alongside the protections on grounds of religion or belief contained in Part 2 of the Equality Act 2006.

There is currently no legislation prohibiting discrimination on the grounds of age in the provision of goods, facilities and services, the disposal and management of premises, exercise of public functions and education in schools. The Government is considering whether there is a case for introducing legislation in this area as part of the consultation on proposals for a Single Equality Bill, which the Government has made a manifesto commitment to introduce during this Parliament. The consultation closed on 4 September 2007.

4 General and specific duties and the requirement to collect data

Equality legislation creates general and specific duties for public authorities to fulfil (although the specific duties only apply to certain public authorities).

4.1 The general duty: eliminate unlawful discrimination and harassment, promote equality and good relations through proactive measures

Public authorities have a general duty to have due regard, when carrying out their functions, to the need to eliminate unlawful discrimination and promote equality and good relations on the grounds of race, gender, and disability. For disability there is an

additional duty to eliminate harassment, and promote positive attitudes towards disabled persons and to encourage their participation in public life, while the gender duty refers to eliminating unlawful harassment.

4.2 The specific duty: the requirement to collect data

The Race Relations Act 1976 (Statutory Duties) Order 2001 (along with a separate Order for Scotland), made under powers in the RRA 1976, created a specific duty for public authorities to monitor the recruitment and career progression of staff by reference to the racial groups to which they belong, and the impact of its policies on people of different racial groups. Under this duty, public authorities are required to publish information on the results of any assessments, consultations and monitoring they carry out to see whether their policies have an adverse impact on race equality. There is a requirement to ensure that the public have access to this information. Therefore there is a requirement for public authorities to collect data on staff and users of their public services, in order to fulfil this statutory race equality duty. A public authority has to set out its arrangements for assessing its policies, monitoring its policies, publishing results etc. as part of its race equality scheme.

There are no specific monitoring requirements in either the gender duty or the disability duty, although in order to fulfil the general and specific duties public bodies are given guidance on the value of monitoring, and the disability duty sets out arrangements to gather such information. Public authorities may also need to bear in mind that while there is no specific duty to collect data under either general duty, it may be necessary to collect such data in order to discharge this duty successfully.

4.3 The devolved regions

Since 1998 legislative powers have been devolved to the Greater London Authority, Wales, Scotland and Northern Ireland. However, only the latter has a distinctive equality law framework (in Great Britain, discrimination law is reserved to Westminster).

Nonetheless, a number of distinctive duties exist in relation to each of the devolved bodies. However, none of these are underpinned by specific duties enforceable by

compliance notices so it is a different type of model to the public sector duties discussed above.

Greater London Authority

The Greater London Authority Act 1999 created a duty for the Mayor of London and the Assembly, as well as other specified London authorities, to exercise their functions by having due regard to the need to promote equality of opportunity for all persons irrespective of race, sex, disability, age, sexual orientation or religion, to eliminate unlawful discrimination and to promote good relations between persons of different racial groups, religious beliefs and sexual orientation. Under Section 33 of the Act, the Mayor is required to report annually on equality of opportunity, across all equality strands, in respect of all procedures and policies, in the Mayor's Annual Equalities Report. The Act states that this report shall include an assessment of how effective those arrangements have been in promoting equality of opportunity. Such assessment implies that the Greater London Authority has accepted a commitment to collect data on sexual orientation of staff and service users, in order to meet the fulfil the requirements of the Act.

Wales

The Government of Wales Act 2006 places a duty on the Welsh Assembly to make appropriate arrangements with a view to ensuring that Assembly proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people. It also imposes a duty on Welsh Ministers to make appropriate arrangements with a view to ensuring their functions are exercised with due regard to the principle that there should be equality of opportunity for all people. There are no specific duties to collect data but Welsh Ministers must publish an annual report setting out an assessment of how effective their arrangements were in promoting equality of opportunity.

Scotland

Although equality legislation is reserved, the Scotland Act 1998 provides an exception in relation to the encouragement (other than by prohibition or regulation) of equal opportunities and allows the imposition of duties on office-holders in the Scottish Administration and Scottish public authorities to ensure that functions are

carried out with due regard to the need to meet equal opportunity requirements. There is no specific duty to collect data; however there is recognition of a need for more robust statistical monitoring of sexual orientation, in order to underpin the Scottish Parliament's Equality Strategy⁵.

Northern Ireland

The Northern Ireland Act 1998 states that all public authorities in exercising their functions have a duty to have due regard to the need to promote equality of opportunity between all equality groups. This covers the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, between men and women, between persons with a disability and those without, between persons with dependants and persons without, including between persons of different sexual orientation. Under this Act, all public authorities who are designated must set out in an 'equality scheme' the authority's arrangements for assessing the impact of its policies on the promotion of equality of opportunity. These schemes are approved by the Equality Commission for Northern Ireland. However, there is no specific duty to collect data and it is worth noting that the Census Office for Northern Ireland do not ask questions about sexual orientation.

5 Imperatives on ONS: the potential for extending the duty to collect data to sexual orientation and expectations to provide benchmark data and model questioning

The existing legislation as summarised above places no direct duty on public authorities to collect data on the sexual orientation of staff or service users. By extension, there appears to be no express requirement for ONS to produce benchmark data at national and sub-national levels.

However, there are imperatives leading ONS, as the executive office of the UK Statistics Authority, to consider whether it should develop questioning on sexual orientation, with guidance on its administration and discussion of related issues, and produce benchmark statistics.

⁵ For example the Scottish Executive's Equality Strategy states "The Scottish Executive recognises the importance of making sure that information on different equality groups (disaggregated data) is available to inform and support the process of mainstreaming and developing work on equality."

The first imperative is that public authorities may consider that lack of benchmark statistics would cause them to fail in their existing duties (see 5.1 and 5.3)
Furthermore there is the potential for new legislation which extends the public sector equality duty with regard to sexual orientation (see 5.2).

The second imperative is that ONS may be expected to consider the conceptual and methodological issues and to develop model questioning under its functions and duties in the Statistics and Registration Service Act (2007) (see 5.3) and following the Equalities Review commissioned by the Cabinet Office (see 5.4).

5.1 Effect of lack of benchmark statistics

The ability of public authorities to plan and tailor their services to meet the diverse needs of their local lesbian, gay and bisexual population may be inhibited without appropriate statistics.

The lack of any reliable public statistics on sexual orientation will also make it hard for the new Commission for Equality and Human Rights to monitor outputs and resource allocations by each equality strand, as noted by the Communities and Local Government Select Committee in its recent report on Equality, and make it impossible to know whether the recommendations from the Equalities Review (see 5.4) have been met, reliant as they are on measurable outcomes, supported by statistical evidence.

5.2 Discrimination Law Review and Single Equality Bill

The Government made a manifesto commitment to introduce a Single Equality Bill during the current Parliament. In February 2005 the Government launched the Discrimination Law Review (DLR) to undertake a fundamental review of discrimination legislation in Great Britain, with a view to bringing forward proposals for a clearer and more streamlined equality legislation framework, which produces better outcomes for those who experience disadvantage and discrimination. The Green paper ‘A Framework for Fairness: Proposals for a Single Equality Bill for

<http://www.scotland.gov.uk/library3/social/wtem-05.asp>

Great Britain’ was published June 2007. Under consideration was a proposal to extend the public sector general duties (as described in 4.1) to sexual orientation. In the paper, one of the ‘key principles which underpin effective performance’ of these duties is ‘use of evidence... in order to understand where disadvantage and discrimination are occurring ...and to monitor progress towards ...achievement [of equality objectives]’. Consultation on the proposals closed in September 2007 and the Government’s response is under consideration. The potential for new legislation to require public bodies to monitor sexual orientation – and cause them to require benchmark statistics - is not known.

5.3 The duty of the UK Statistics Authority

In April 2008 the UK Statistics Authority (UKSA) was created, with ONS as its Executive Office. UKSA was known as the Statistics Board during the period of its development and in the Statistics and Registration Service Act 2007. Section 9 of the Act places a duty on the Board to *‘(1). ... (a) develop and maintain definitions, methodologies, classifications and standards for official statistics, and (b) promote their use in relation to official statistics. (2) The Board may in particular for the purposes of this section give guidance and advice to persons responsible for official statistics. (3) The Board may publish guidance and advice given under this section.’*

Furthermore, ONS might be expected to provide benchmark statistics for use by public authorities in fulfilling their duties under equality legislation. ONS is obliged as a result to consider whether to collect data on sexual identity. A public authority might challenge ONS on the basis that the lack of data caused them to fail in their duties under equality legislation. This may be done through provisions in the relevant legislation or through Judicial Review.

5.4 The Equalities Review

The Cabinet Office commissioned an Equalities Review, which was published in February 2007⁶. The aims of the Equalities Review were to: provide an understanding of disadvantage; make practical recommendations on key policy priorities for the public and other sectors; and inform the modernisation of equality legislation, towards

⁶ The equalities review is available at: <http://archive.cabinetoffice.gov.uk/equalitiesreview/>

a Single Equality Act; and the development of the new Commission for Equality and Human Rights. It recommended that the ONS should lead a cross-Government review of data needs for measuring equality. The Equalities Review noted that “*data by sexual orientation are particularly poor*” and concluded that “*the Government and devolved administrations should also consider how best to collect data on sexual orientation...*” Consequently ONS conducted a Review of Equality Data, and published a report in October 2007. It recommended that ONS complete, with urgency, the development of questioning on sexual orientation and urged its harmonisation on social surveys across government⁷.

5.5 Guidance on best practice in collecting data on sexual orientation

The production of guidance on best practice in collecting information on sexual orientation by the ONS would provide an impetus for harmonisation, and enhance the capacity of public authorities to collect good quality information on sexual orientation, enabling them to improve the design and delivery of their services.

Any guidance would need to explain how the data collected are affected by the concept that is measured (for example, the dimension of sexual orientation, which ONS proposes to be identity, rather than attraction or behaviour – see section 5.6); the data collection context (for example, household surveys, employer surveys; whether proxy data collection is allowed); and the method of data collection (for example interviewer-administered or self-completion).

The ONS development will address issues relating to the design and administration of questioning on sexual orientation in a manner that is conducive to yielding a high and accurate response. It focuses on the context of household surveys. Such issues include the feasibility of asking about a person’s sexual identity by proxy, privacy in the household interview environment (with particular reference to interviewing two or more people together), and whether there is a need to explain why this information is being collected. The possibility must remain that conceptual and methodological problems will lead to the conclusion that it is not feasible to ask about sexual orientation in certain contexts or environments. Thus any data produced might be

⁷ <http://www.statistics.gov.uk/about/data/measuring-equality/default.asp>

subject to limitations in its accuracy and therefore use. Furthermore, the project will not fully address possible issues relating to other situations and further research might be required. For example, people's willingness to provide personal information in a work context may be different from that in a survey context.

5.6 Defining and interpreting the legislative terminology

Any guidance or suggested questions for monitoring sexual orientation, should take into account how sexual orientation is defined for the purposes of discrimination law.

The Equality Act states that “sexual orientation” means an individual's sexual orientation towards (a) persons of the same sex as him or her, (b) persons of the opposite sex, or (c) both.’ A similar definition can be found in Employment Equality (Sexual Orientation) Regulations 2003. Such a definition allows flexibility in the dimension of sexual orientation which can be measured – for example, identity, attraction or behaviour.

5.7 Legal constraints

A further question that will need to be dealt with is whether asking the question, particularly on a compulsory basis, would be compatible with people's human rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life). The European Court of Human Rights has interpreted the concept of “private life” in Article 8 of the Convention (Right to respect for private and family life) widely to provide protection against discrimination on grounds of sexual orientation. This is a conditional, not absolute right, and may be interfered with in a proportionate manner where necessary to do so for certain prescribed purposes.

Should it be decided that sexual orientation be asked on the Census at some point in the future, there is the question of whether it is possible to amend Census legislation to permit a voluntary question. Such an amendment was previously made regarding the question on religion. The amendment removed the sanction to impose a penalty for failure to provide the information required, in effect making it voluntary. However this was due to European laws which make it unlawful in the EU for the state to

require an EU citizen to make their religious affiliation manifest. The potential need for an amendment to allow for objections to a question on sexual orientation made on the basis of invasion of privacy is not known.

6 Conclusions

The lack of coherent statistics on sexual orientation serves as a barrier to those seeking to plan service delivery effectively, allocate resources properly and secure equal access to services amongst the LGB community.

Although there may not currently be a statutory duty to collect data on sexual orientation, there is a strong policy imperative for improving data collection on sexual orientation, evident in the Census consultation and the Equalities Review. It is important that central and local government have the knowledge and capacity to provide services that meet the needs of the population.

Collecting data on a sensitive and subjective issue such as sexual orientation is potentially difficult. Therefore guidance should be developed with the consultation of potential users and stakeholders, not just to ensure that organisations in both the public and the private sector have the ability to collect good quality data, but to harmonise data collection strategies to facilitate comparative analysis.

It is therefore desirable and timely, to develop clear guidelines on how organisations in both the public and private sector in England and Wales, and the devolved regions, can monitor sexual orientation, through the collection of data.

References

Wilmot A. (2007), ONS, 'In search of a question on sexual identity'. Paper presented at the 62nd annual conference of the American Association of Public Opinion Research (AAPOR), May 2007.

Appendix I – Key Legislation

Legislation	Summary
Race Relations Act 1965	Initial equality legislation created to prohibit discrimination based on race or colour. Did not apply to the workplace.
Sex Discrimination Act (as amended) 1975	Prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the exercise of public functions and disposal and management of premises. No duty to collect data. (See also Gender Equality Duty below).
Race Relations Act 1976	Further equality legislation created in particular to introduce prohibitions on discrimination in the workplace.
Disability Discrimination Act 1995	An Act to make it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises; to make provision about the employment of disabled persons; and to establish a National Disability Council.
EU Employment Directive (2000/78)	Prohibits discrimination on the grounds of sexual orientation, religion or belief, disability and age. It covers conditions for access to employment, self-employment and occupation and working conditions.
Race Relations (Amendment) Act 2000 [this amended the RRA 1976]	Outlawed discrimination in all public authority functions not previously covered by the RRA, with only limited exceptions. It placed a general duty on specified public authorities to promote race equality and collect data on race ethnicity of staff, job applicants and service users.
Employment Equality (Sexual Orientation) Regulations 2003	Prohibits discrimination (in employment and vocational training) on the grounds of sexual orientation. No statutory duty to collect data. This implements the 2000/78 Directive
Employment Equality (Religion or Belief) Regulations 2003	These regulations outlaw discrimination in employment and vocational training on the grounds of religion or belief. Implements the 2000/78 Directive
Disability Discrimination Act 2005 [this amended the DDA 1995]	Imposes a disability equality duty (in force from December 2006) on public authorities
Equality Act 2006	Extends the prohibition of discrimination on the grounds of religion or belief to the provision of goods facilities and services and exercise of public functions. Also gives the power for regulations to be created giving the same protection on the grounds of sexual orientation.
Employment Equality (Age) Regulations 2006	These regulations outlaw discrimination in employment and vocational training on the grounds of Age. There will be no statutory duty to collect data. It is a negative duty – not to discriminate. Implements Directive 2000/78
Equality Act (Sexual Orientation) Regulations 2007	Regulations created under the Equality Act 2006. Extends the prohibition of discrimination on the grounds of sexual orientation to the provision of goods facilities and services and exercise of public functions.

Legislation	Summary
Gender Equality Duty	From April 2007 the Equality Act 2006 amended the Sex Discrimination Act and created a duty for public authorities to have due regard to the need to promote equality of opportunity. While there is no specific duty to collect data under the general duty, it may be necessary to collect such data in order to discharge this duty successfully