

Investigation into the Labour Party

Terms of reference

In accordance with paragraph 3 of Schedule 2 to the Equality Act 2006.

Statutory Investigation under section 20 and Schedule 2 of the Equality Act 2006 into The Labour Party by the Equality and Human Rights Commission.

Background

1. The Commission suspects that The Labour Party ('the Party') may have itself, and/or through its employees and/or agents, committed unlawful acts in relation to its members and/or applicants for membership and/or associates.

Scope of investigation

2. The investigation will consider whether the Party carried out such unlawful acts.
3. The investigation will need to be effective but proportionate. The investigation will focus on the Party's response to a sample of complaints of alleged unlawful acts that have taken place since 11 March 2016. However, the investigation may consider the Party's response to such complaints that have taken place prior to this date, if it is considered necessary and appropriate.
4. In examining the evidence the Commission will look at such issues as it considers appropriate, which may include any or all of the following:

- a. Whether unlawful acts have been committed by the Party and/or its employees and/or its agents
 - b. The steps taken by the Party to implement the recommendations made in the reports on antisemitism by Baroness Royall, the Home Affairs Select Committee and in the Chakrabarti Report
 - c. Whether the Rule Book and the Party's investigatory and disciplinary processes have enabled or could enable it to deal efficiently and effectively with complaints of race and/or religion or belief discrimination and racial harassment and/or victimisation, including whether appropriate sanctions have been and/or could be applied; and
 - d. Whether the Party has responded to complaints of unlawful acts in a lawful, efficient and effective manner.
5. The Commission will publish a report of its findings and may make recommendations in accordance with Schedule 2 paragraph 16 of the 2006 Act.

Communications concerning this investigation

6. Any communications concerning this investigation may be sent in confidence to LPI@equalityhumanrights.com

Interpretation

7. For the purposes of these terms of reference the following definitions apply:
- a. 'The 2006 Act' means the Equality Act 2006
 - b. 'The 2010 Act' means the Equality Act 2010
 - c. 'The Labour Party' means the unincorporated association called The Labour Party governed by the Rule Book including those component parts of its structure referred to at Paragraphs 1 and 2 of Clause II, and Clause IX of Chapter 1

of the Rule Book 2019 (for the avoidance of doubt this includes the NEC, NCC, CLPs and BLPs) but excluding organisations affiliated to it

- d. 'The Rule Book' means the Labour Party Rule Book operative at the material time
- e. 'The Commission' means the Commission for Equality and Human Rights (commonly known as the Equality and Human Rights Commission)
- f. 'Agent' has the same meaning as in the 2010 Act
- g. 'Associate' has the same meaning as in the 2010 Act
- h. 'Association' has the same meaning as in the 2010 Act
- i. 'BLP' means a branch of a CLP as defined in the Rule Book
- j. 'CLP' means a Constituency Labour Party as defined in the Rule Book
- k. 'Employee' has the same meaning as in the 2010 Act
- l. 'Member' has the same meaning as in the 2010 Act
- m. 'NCC' means The Labour Party's National Constitution Committee as defined in the Rule Book
- n. 'NEC' means The Labour Party's National Executive Committee as defined in the Rule Book
- o. 'Protected act' has the same meaning as in the 2010 Act
- p. 'Protected racial characteristic' means Jewish ethnicity
- q. 'Protected religion or belief characteristic' means Judaism

- r. 'Race discrimination' means direct discrimination or unjustified indirect race discrimination (as those terms are defined in the 2010 Act) because of the protected racial characteristic
 - s. 'Religion or belief discrimination' means direct discrimination or unjustified indirect religion or belief discrimination (as those terms are defined in the 2010 Act) because of the protected religious characteristic
 - t. 'Harassment' means harassment (as that term is defined in the 2010 Act) where the harassment relates to the protected racial characteristic
 - u. 'Victimisation' means victimisation (as that term is defined in the 2010 Act) where the protected act relates to the protected racial characteristic and/or the protected religious characteristic
 - v. 'Unlawful acts' means race discrimination and/or racial harassment and/or religion or belief discrimination and/or victimisation, as defined herein.
8. In the course of the investigation, the Commission may have regard to the International Holocaust Remembrance Alliance's working definition of antisemitism and associated examples, while recognising it is a non-legally binding definition.

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