

The Equality Act in the workplace: How can you win for members.

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Definition of Equality Bargaining:

“The collective negotiation of provisions that are of a particular interest or benefit to disadvantaged or under-represented groups and/or are likely to facilitate equality at work which can then bring about diversity”.

Check Policies.

- Employers have their own equality policies and standards but problems occur when they are not reflected in the workplace.
- As negotiators we should ensure there is a robust and comprehensive equality policy, cross-referenced with all other policies.

Have policies been equality proofed.

- Performance Management Policies.
- Managing Attendance Policies
- Recruitment, Grading and Selection Policies
- Family friendly and work/life balance policies
- Disciplinary Policies
- Grievance Policies
- Harassment policies
- Standards of Behaviour Policies
- Voluntary Early Release / Early Retirement Schemes
- Redundancy and Relocation.

Publicity, Implementation, training and monitoring

- Negotiations on policy should include agreement on publicity, implementation and monitoring.
- New and amended policies should be circulated to all workers, explaining why they have been adopted.
- Equality should be included in training for managers and for all staff.

Identify & Remove Barriers to Equality.

- The employer will or should hold data on its employees in order to monitor its Equality Duties. A Negotiator / Equality Rep should be given access to this (non-personalised) information in order to carry out their duties.
- As part of the Equality Monitoring operated by the employer to meet its Duties the equality data held should be readily disaggregated in order that detailed comparison between the constituent groups is possible.

Equality Map your workplace

- Equality mapping the workplace is also a very useful tool; whereby an equality Rep would look at the groups it is interested in and note where they are located within the workplace to establish any trends or patterns that may exist.
- This may prove invaluable when considering any potential implications when undertaking Equality Impact Assessments.

Who does it?

- As mapping is about gathering information, all activists should be involved together with your Branch Organisers. Branch Organisers should already map the workplaces in terms of male/female ratios and member/non member.
- Equality Mapping extends this process further to collate data from our diverse groups to ensure, unions are tackling under-representation.
- What is most important is that you undertake the mapping exercise with the intention of collecting as much information as you can to help you plan your recruitment and organising work and build a stronger branch.
- An essential part of mapping exercise is to test if employers are putting into practice what they are putting onto paper.

Equality Impact assessments

- An EIA is a tool to ensure their policies and the way they carry out their functions do what they are intended to do.
- There is a perception among some public sector employers that, they will now be able to “get away” with avoiding EIA’s.
- **Is there a legal obligation to carry out an equality impact assessment?**
- Whilst there is no legal obligation to carry out an EIA under the Equality Act 2010, Public Bodies will have to set out how it has assessed the impact of its policies, practice and related decisions on all of the protected characteristics.

Equality Impact Assessments.


- EIA's is a systematic approach to assessing whether policy, decision or practice meets the General Duty to:
- Eliminate unlawful discrimination.
- Promote equality of opportunity.
- Promote good relations between different social groups.

Equality at work.

- Equality impact assessments are a way of helping identify indirect discrimination. They are not a means to an end, not the end in itself.
- Properly conducted EIA's will provide evidence that due regard has been paid to the general duty. An EIA should not just be a tick box exercise but evidence as to how it has addressed its specific statutory duties.

What Departmental Trade Union Side (DTUS) and Negotiators should look for:

- Is the purpose of the financial proposal clearly set out?
- Has the EIA considered available evidence.
- Have those likely to be affected by the proposal been consulted and involved?
- Have potential positive and negative impacts been identified?
- Course of Action does the EIA suggest? Is it justifiable?



Actions

- Remind the employer of their statutory obligations to assess the impact on equality groups of any proposals, cuts in services or redundancies BEFORE making any decisions otherwise they may face action / notice served by EHRC or even judicial review proceedings.
- Enforcement
- Monitoring and Enforcement
