

**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

Employment Conditions Committee: 15 January 2007

Report of the Chief Executive

GENDER EQUALITY DUTY

Background

1. The Equality Act 2006 introduces the equivalent of a lawful overarching obligation on public authorities in relation to the Gender Equality Duty which comes into affect in April 2007. The Duty is intended to address the fact that despite 30 years of individual legal rights to sex equality, there is still widespread discrimination (both intentional and unintentional) and persistent gender inequality. Seemingly neutral policies and practices can have a significantly different effect on women and on men, often contributing to greater gender inequality and poor policy outcomes. Individual legal rights are not enough by themselves to change this and the Duty is intended to improve this situation.
2. The Duty has implications for the Council both as a service provider and as an employer (and for the purpose of employment, there is also an obligation towards current/potential employees who are transgender). The Gender Equality Duty is similar to the existing duties on Race and Disability Equality and all 3 have the same intention behind them, requiring public authorities to take action to tackle discrimination, to prevent harassment and to ensure that their work promotes equality of opportunity across all their functions.
3. The purpose of the Duty is to create balances and equitability for women and men in employment and services, and acknowledges that needs may vary. The Duty aims to make gender equality central to the way that public authorities work in order to create better informed decision making, clearer understanding of service users varied needs, more effective targeting of policy and resources and more effective use of talent within the workforce.

Issues

4. Within the Gender Equality Duty, there is a twin-point General Duty plus detailed Specific Duties that require addressing in order for the Council to achieve compliance. These are indicated below-

General Duty –

- ♦ Eliminate unlawful discrimination and harassment
- ♦ Promote equality of opportunity between women and men

The duty to eliminate unlawful discrimination will also cover breaches of the Equal Pay Act 1970 and this links directly with the current Council wide job evaluation process which is nearing completion.

Specific Duties –

- ♦ Develop and publish a Gender Equality Scheme
 - ♦ Develop and publish a policy on equal pay arrangements
 - ♦ Ensure that new legislation, policies, employment and service delivery changes, are assessed for gender impact
5. Regarding the development of a Gender Equality Scheme, this is to include an Action Plan indicating how the Council will meet its obligations within a 3 year period. The intention is to create an explicit obligation to take action, and the Action Plan must be reviewed within the said 3 year period.
6. The detail of the Gender Equality Scheme means that the Council is required to:
- ♦ Draw up a scheme identifying gender equality goals and show the action to be taken to implement them (the Action Plan)
 - ♦ Consult employees and stakeholders as appropriate in setting gender equality goals and scheme
 - ♦ Publish the gender equality goals and scheme
 - ♦ Monitor Progress and publish annual reports on progress
 - ♦ Review the goals and schemes every three years

Proposals

7. The Required Work Programme includes:
- ♦ The production of a Council wide Gender Equality Scheme and service area specific Action Plans.
 - ♦ A consultation and involvement programme including
 - An online questionnaire for both service users and staff to complete
 - A paper random sample of 2,000 residents in Cardiff to whom the questionnaire will be sent
 - A pair of public consultation events that will detail any issues identified and ways forward. These have now been arranged for 1-3 pm on 21 February and 6-8pm on 22 February, both in City Hall,
 - A staff consultation event to further detail any issues identified and ways forward. Events have now been arranged for 12-2 on 26 February and 5.30-7.30pm on 27 February, both in County Hall
 - ♦ The gender impact assessment on all aspects of employment including recruitment, career progression, and pay gap discrepancies.
 - ♦ Partnership between the Equalities team and Service Areas as active participants in the Scheme's development and in carrying out gender equality impact assessments on current and future Council functions, policies, and service delivery themes.
 - ♦ Cascading awareness of the requirements and opportunities of the new Duty to all appropriate Council employees and Members.
 - ♦ Allocation of resources to manage gender equality awareness training for all appropriate Council employees and Members.

- ♦ Availability and promotion of new Equality Impact Assessment tool and guidance, which incorporates all equality strands, to Service Areas (training is provisionally planned for February and March
- ♦ Design and implementation of guidelines to ensure that Council contractors show good practice in gender equality as part of their recruitment, employee relations and HR activity.

Benefit to Service User/Investment for Reform

8. The Gender Equality Duty and underpinning legislation have been introduced to correct historical inequalities that exist between women and men in employment and service provision. It recognises the (still) disparity between women and men when it comes to opportunities and service provision. The aim of the Duty is clear, and Cardiff Council is bound both to take due regard of the General Duty, and to carry out the Specific Duties.
9. Benefits to service users would include more accessible services tailored to their specific needs; that men and women are making greater use of services that their sex had previously underused; both genders feel effectively engaged in decision and policy making around issues that have a direct effect on them; harassment/sexual harassment is dealt with promptly and systematically; reported levels of discrimination reduces and is eventually eliminated; and both, are represented at all levels of the workforce and in all areas of work.

Council Policies Supported

10. This report supports the Council's Corporate Plan and also its Equal Opportunities Policy Statement. Other initiatives which are also supported are Employer of Choice, Work Life Balance and Job Evaluation/Single Status.

Legal Implications

11. These are set out in the body of the report.

Financial Implications

12. Any costs associated with the implementation of the Gender Equality Scheme will be met by Service Areas from within their existing budgets and supported where appropriate by staff in Human Resources. Equal pay issues will be addressed as part of the roll out of the Job Evaluation Scheme and the full implementation of the national Single Status Agreement. This will be considered in a future report as the financial implications of the agreement become known.

Human Resource Implications

13. There are significant HR implications in the development and implementation of this new scheme which will impact on all Service Areas. The general duties in themselves will necessitate a range of HR and service delivery issues. The specific duties will necessitate impact assessments being carried out, consultation and involvement by

employees and stakeholders in producing the scheme and action plan and outline arrangements for monitoring and reviewing the impact and effectiveness of the scheme.

14. Implications in relation to reviewing HR policies are likely to include policy impact assessment, monitoring arrangements and awareness raising/training for employees and members so that all understand how the gender equality scheme will affect their work and they are equipped with the skills to implement the duty in their work.
15. There will also be a need for gender equality issues and their budgetary implications to be considered at the beginning of the policy making process. The equal pay issues will be addressed as part of the roll out of the Job Evaluation scheme and full implementation of the national Single Status Agreement.

Trade Union Comments

16. The Trade Unions welcomed the need for the Council to continue to address gender issues via the implementation of this duty and the associated action plan. They highlighted the issues that the Council would be required to address via the work underway in implementing job evaluation and the national Single Status Agreement. They also referred to high profile equal pay cases being taken by no-win, no-fee solicitors in the North East and the significant settlements being secured for affected staff.

RECOMMENDATIONS

17. It is recommended that:
 - (i) the Council supports this report and the Work Programme associated with the development of a Gender Equality Duty Scheme.
 - (ii) a further update report be submitted to a future meeting of this committee to evaluate the effectiveness of implementation of the Scheme.
 - (iii) a progress report be submitted to this committee on the outcomes and findings of the pilot job evaluation exercise.

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