

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

- For Resolution -

Thursday 3rd September 2009

Report of: Service Director: Strategic HR & Workforce Strategy

Title: The Equality Bill - HR Implications

Ward: City Wide

Officer Presenting Report: HR Advisor (Equalities in Employment)

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RECOMMENDATION

- (i) To note the contents of this report and the implications for HR within Bristol City Council and;
- (ii) To receive a further report regarding the HR Recruitment Policy changes, once the Bill has been enacted.

Summary

The Equality Bill is expected to come into force during the Autumn of 2010 and is intended to strengthen existing laws and bring forward new measures to fight discrimination. This Bill will replace the majority of current legislation - the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, much of the Equality Act 2006, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, and the Equality Act (Sexual Orientation) Regulations 2007 (all as subsequently amended), plus other ancillary pieces of legislation.

The significant issues in the report are:

The Equality Bill will have implications for Bristol City Council and the HR policies and procedures, which will need to be audited to ensure compliance.

1. Policy

- 1.1 The introduction of this Bill will impact upon Bristol City Council's HR policies and procedures, resulting in some of them being amended.
- 1.2 It will have an impact upon recruiting managers, and upon Councillors and School Governors, who are responsible for 1st and 2nd tier, and Head Teacher appointments.

2. Consultation

2.1 Internal

Any consultation / changes that are required for HR policies and procedures as a result of this Bill will be undertaken in due course.

2.2 External

Consultation regarding the Bill was undertaken by Central Government.

3. Context

- 3.1 There will be one new equality duty - covering disability, race, gender, gender reassignment, age, sexual orientation, religion or belief and will be required to actively promote the new equality duty on the above grounds.
- 3.2 Transparency. The government will use “transparency” in order to achieve targets to reduce the gender pay gap and ethnic minority and disability employment gaps. It is proposed that public bodies will be required to report on areas such as: gender pay, ethnic minority employment and disability employment. This is currently being done within BCC.
- 3.3 Positive action - Employers will be able to choose a job candidate from an under-represented group over one from an over-represented group if they are equally qualified. For example, where there are candidates for senior management jobs within BCC, one white and one BME and they are both equally qualified for the job, it will be lawful to appoint the BME candidate as BME people are under represented at senior management within BCC. The Bill will not allow for positive discrimination, which will remain unlawful. The Recruitment & Selection policy and associated

paperwork / training materials will require modifications. Further training will also be required for recruiting managers, Councillors, and Governors, as above.

- 3.4 Strengthening enforcement - When an employee brings a discrimination claim to an Employment Tribunal, the ET will have the power to make recommendations which will benefit the wider workforce and prevent similar types of discrimination in the future. Tribunals will have the power to recommend organisations change their equalities policies.
- 3.5 It was announced on 11 September 2008 by the Equalities Minister that further diversity laws could be introduced in due course.

4. Proposal

- 4.1 It is proposed work is undertaken between now and Summer 2010 to determine which HR policies need to be amended in light of this Bill and any changes to be consulted upon.
- 4.2 The Policy and training work will be incorporated into the work programme for the Strategic HR Team. It will be referred to the next Joint Employee Relations Board for consultative purposes (re: HR policies) to advise which policies are likely to require amending.

5. Other Options Considered

- 5.1 None considered.

6. Risk Assessment

- 6.1 If we do not consider how the Equality Bill will impact upon our HR policies and procedures, then the Council will be at risk of being in breach of equality law.

7. Equalities Impact Assessment

- 7.1 The Equality Bill will strengthen existing laws and bring forward new measures to fight discrimination for all. Equality impact assessments will be undertaken for the relevant HR policies / procedures that will be amended as a result of this Bill.

Legal and Resource Implications

Legal

The Equality Bill is due to come into force in Autumn 2010. The Council is under a legal obligation to comply with the requirements of the Bill once it has come into force.

(Legal comments from Husinara Jones on behalf of Head of Legal Services).

Financial

(a) Revenue:

There are no financial implications arising from this report, the purpose of which is to advise Committee of the need to update existing policies in order to ensure their compliance with the Equality Bill.

(b) Capital:

N/A

(Advice from Stephen Skinner, Head of Finance, CSS and Chief Executive Depts)

Land

N/A

Personnel

N/A

Appendices

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:

None