



**SUBMISSION BY AMICUS ON THE  
WOMEN AND EQUALITY UNIT'S CONSULTATION**  
*Advancing Equality for Men and Women:  
Government proposals to introduce a public sector duty  
to promote equality*

**Introduction**

1. Amicus is the UK's largest private sector trade union and the fastest growing union in the public sector. With over 1.2 million members Amicus has members in a range of industries including, financial services, manufacturing, print and media, the voluntary and not for profit sectors, local government and NHS health professionals.
2. We welcome the opportunity to respond to the Women and Equality Unit's consultation on *Advancing Equality for Men and Women: Government proposals to introduce a public sector duty to promote gender equality*. As the duty requires the public sector to promote and take action to achieve gender equality, it has the potential to bring about real change for women at work and in the provision of goods, facilities and services.
3. The recent announcement by Meg Munn MP that the specific duties will be extended to education is to be welcomed as it is vital that gender equality is mainstreamed within our education system. Achieving equality requires a systematic approach of which education plays a key role.

**Key Issues**

4. In general Amicus welcomes the public sector duty because it should focus on action and outcomes, but there are areas where we have concerns. We believe that the duty to promote equality and eliminate discrimination and harassment should be extended to all equality strands. If we are to work towards equality for all in society then we should not have different standards for equality strands as this will perpetuate inequalities creating a hierarchy of rights in the UK.

5. Equally, it is vital that the duty to promote equality should be extended to the private and voluntary sectors. Women in the public sector earn on average more than their counterparts in the private sector. The gender pay gap in the private sector is nearly 10% bigger than in it is for public sector workers and it is even worse for part-time workers in this sector with a pay gap of 45%. <sup>1</sup> A duty to promote equality in the private and voluntary sector is important if we are to make progress on closing the gender pay gap. At the very least it should be made clear that the public sector duty encompasses public/private hybrids such as the not for profit sector and Higher Education employers who benefit from government funding.
6. However, it is essential that the Government provides sufficient funding for the public sector to implement the gender duty. **Please refer to 13.1 for our evidence in this area.**
7. We are concerned about the lack of reference on working in partnership with trade unions in implementing and monitoring the gender duty. The legislation should ensure that it is a requirement that trade unions are fully consulted and involved in all stages of the implementation and monitoring of the gender duty.
8. Amicus has worked extensively with employers on promoting equality for our members and trade unions have valuable experience and expertise that we can bring to employers in this area. Amicus is heading the Dignity at Work Project, the world's largest anti-bullying project, which is working with employers such as BT, BAE systems and the Royal Mail to build cultures in which respect for individuals is regarded as an essential part of the conduct of all those who work in the organisation. Additionally, we are a key partner in the Disability Champions Project which was set up in 2003 which has been successful in identifying and training Amicus representatives and shop stewards to promote disability equality in the workplace. These projects are both examples of what can be achieved when trade unions and employers work together to change practices and cultures in workplaces which is vital if we are to achieve gender equality.
9. The specific duties are weak and in their current form are unlikely to have a significant impact on women working in the public sector. The pay specific duty needs amendment to require strategic action from all public bodies to address the key causes of the pay gap – discrimination, occupational segregation, the unequal impact of caring responsibilities and

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<sup>1</sup> ASHE Survey, 2005

long working hours. There should also be a duty on public authorities to carry out equal pay audits and train staff on gender equality.

10. Transsexual people are particularly vulnerable to discriminatory treatment and clear guidance will need to be given that public authorities will be required to eliminate unlawful discrimination and harassment on grounds of gender reassignment in employment and vocational training.
11. However initially, there will be no corresponding provision in the provision of goods, facilities and services or the exercise of public functions in the non-employment fields. It would be simpler to avoid the staggered approach and introduce this provision from the date of the implementation of the gender duty.
12. Amicus is concerned that the gender equality duty does not deal with the promotion of equality of opportunity between transsexual people and non-transsexual people and believes that this should be included in the final regulations.

### **13. Gender Equality – the general duty**

- 13.1 **However, it is essential that the Government provides sufficient funding for the public sector to implement the gender duty. Amicus's experience of the implementation of the new job evaluation scheme and equal pay in local authorities has proved difficult because there has been no funding to achieve equal pay. This contrasts with the NHS where funding for Agenda for Change has addressed complex and historic gender discrimination in pay. Failure to provide funding for pay equalisation so that some people lose out in pay terms as part of the process, sets up a conflict between equality and other fundamental rights, such as pay and subsistence. This undermines other equality initiatives in the public sector and risks undoing the advances that have been made in gaining acceptance of the principle of gender equality. If the public sector is to give sufficient time, resources and money to implementing the gender duty then this must not come from existing budgets. The Government should provide additional funds, otherwise the duty will not be given the priority needed if it is to bring about real change for women.**

- 13.2 We welcome that all public authorities will be required to consider gender equality when setting their priorities across their organisation and will need to take steps to deliver it. This is an important step in mainstreaming gender equality in the public sector. Additionally, promotion of equality of opportunity should be an aid to treating men and women fairly and meeting their diverse needs.
- 13.3 The Government needs to emphasise the business benefits of achieving gender equality in guidance given to public authorities. Although, there may be initial costs to implement the gender duty, in the long term the organisation will benefit, as it will be utilising the full talent of its workforce and be viewed as an employer of choice.

#### **14. Specific Duties**

- 14.1 We are concerned that the specific duties will not apply to all public bodies. We would argue that the specific duties would not be onerous for smaller bodies, such as Parish Councils and advisory committees, and that they should be covered by the specific duties because of the impact that they have on people's lives.
- 14.2 We welcome that the specific duties will be focussed on outcome, but we are concerned that allowing "a significant level of discretion in determining how they should comply with the duty's obligations" may lead to some bodies taking insufficient action. The Government must ensure that clear guidance and training is given to public authorities on the gender equality duty and how to work towards gender equality in their organisation. The Government cannot rely on there being sufficient expertise within an organisation in this specialist area to be able to implement the duty effectively.
- 14.3 Additionally, Amicus believes that the specific duties are weak in their current format and in particular, will not deliver effective action on equal pay as it only requires public bodies to implement an equal pay policy which are already present in much of the public sector. The legislation should require a duty to take action across all the causes of the main causes of the gender pay gap.
- 14.4 We would argue that there should be a mandatory requirement for all sectors to carry out an equal pay audits and to take action to address issues arising from equal pay audits. Discrimination in pay systems is a major concern to Amicus in all sectors and equal pay audits are a key method to identify pay discrimination and bringing more transparency to pay systems.

- 14.5 The gender equality duty needs to include a requirement to implement an action plan to address all the major causes of the gender pay gap, i.e. pay discrimination, occupational segregation, the impact of caring responsibilities and the long hours' culture. In particular, more work needs to be done by Government to address the long hours' culture. At present women still have the major responsibility for caring and housework. This results in them unable to work the long hours that are required in management and some occupations. The long hours' culture must be addressed if we are to achieve equality for all at work. Reasonable working hours would allow women to have more choice about the work that they do, but would also allow many men to take a bigger role in caring and in house work. Public bodies also need to address the part-time pay gap of 40% which results from the lack of part-time jobs available in the higher paid roles. Trade unions should be involved and consulted at all stages and the plan should be published and a progress report given regularly to all employees.
- 14.6 It is necessary that the Government ensures a strategic approach to the gender duty and leaving public authorities to prioritise their own goals and targets will not lead to systematic change, but to separate and unconnected initiatives. Organisations should have clear enforceable specific duties, which prioritise the key areas for action to ensure that coordinated action is taken to implement the duty. The specific duties should still allow for action at an organisational and local level, but there does need to be a public sector wide strategy to address major issues such as equal pay, job segregation and work-life balance. This will require leadership, co-ordination and monitoring at central Government level.
- 14.7 Policy levers, such as the Comprehensive Spending Review for 2007 and its associated Public Service Agreements, should be used to ensure action on the key issues to achieve gender equality. The Government should implement a government-wide gender equality strategy for tackling the major causes of the gender pay gap.
- 14.8 Amicus welcomes the proposals for gender impact assessments to help achieve gender equality, which Amicus believes, should relate to public bodies' principal activities, major new initiatives and employment and training policies. Public bodies should be given clear guidance, which should include a focus on outcomes when undertaking impact assessments.

13.9 Procurement is a useful lever towards achieving gender equality and public bodies should be under a requirement to ensure that contractors meet the standards set by the gender duty. Therefore, we are disappointed that the consultation emphasises the consideration of “value for money” on the issue of procurement. Although, this issue should be considered it is equally important that contractors should be promoting gender equality in their organisations and that this should be monitored by the public authority on a regular basis. We await the draft EOC guidance in this area to make further comment in this area.

We would welcome the opportunity to discuss the issues further at any level. Our contact details are as follows:-

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