

The Gender Equality Duty - it's not just about women!

The Gender Equality Duty (GED) comes into force in April 2007. It is the biggest change in sex equality legislation in thirty years.

1. INTRODUCTION

The GED requires all public authorities (in England, Scotland and Wales) to promote gender equality and eliminate sex discrimination in carrying out their functions. Instead of depending on individuals to make complaints about sex discrimination, the duty now places the legal responsibility on public authorities to demonstrate that they treat men and women fairly.

Under the GED public authorities also have an obligation to eliminate discrimination and harassment towards current and potential transsexual staff. The GED will extend to trans-sexual service users in December 2007. The GED will affect policy making, public services, and employment practices, such as recruitment and flexible working.

In Northern Ireland, the relevant legislation is the Employment Equality (Sex Discrimination) Regulations (NI) 2005. For further information, please refer to the Equality Commission for Northern Ireland's website at: www.equalityni.org

2. GENERAL AND SPECIFIC DUTIES

The duty is made up of two elements, the 'general' duty and the 'specific' duties. The **general duties** are:

- To eliminate unlawful discrimination and harassment on the grounds of sex; and
- To promote equality of opportunity between women and men.

The **specific duties** demonstrate a means of meeting the general duties. The specific duties for England, Scotland and Wales are different and these differences are outlined in the statutory Code of Practice for England and Wales, and the separate Code for Scotland, which can be found on the Equality and Human Rights Commission's website: www.equalityhumanrights.com.

The English specific duties require each organisation to:

- prepare and publish a **gender equality scheme**, showing how it will meet its general and specific duties;
- in formulating its overall objectives, consider the need to include objectives to address the causes of any **gender pay gap**;
- **gather and use information** on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services (including transsexual staff from December 2007);
- **consult** stakeholders and take account of relevant information in order to determine its gender equality objectives;
- **assess the impact** of its current and proposed policies and practices on gender equality;
- **implement** the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so; and
- **report** against the scheme every year and **review** the scheme at least every three years.

3. WHO IS COVERED BY THE DUTY?

The general duty applies to all public bodies (or public authorities) in England, Scotland and Wales. This includes government departments and executive agencies, colleges and universities, schools, and many publicly-funded museums.

The duty also covers private and voluntary organisations carrying out public functions, such as private organisations running prisons.

The gender equality duty also applies to functions which are carried out by external contractors, as well as those which are carried out directly by the public authority itself.

4. HOW IS THE DUTY ENFORCED?

The duty will be enforced by the Equal Opportunities Commission, and then by the Commission for Equality and Human Rights (CEHR) from October 2007.

The extent to which a public authority has complied with the duty is likely to be assessed on the following criteria:

Information: does the public authority have the information which allows it to understand the impact of its work on women and on men (including transsexual women and men)? For example, is it collecting and analysing gender disaggregated data?

Consultation: have the relevant people inside and outside the authority been involved in appropriate ways, in providing information and identifying gender equality priorities? For example, voluntary and community organisations with specialist knowledge on gender equality would be highly appropriate to consult.

Transparency: has information about of decision-making processes, priorities, actions as well as updates on progress, been widely available through appropriate channels and in a variety of formats?

Proportionality: in addressing the duty, has the public authority put its effort and resources where they will have most impact on gender equality (and have they done enough to find out what the most significant issues are?)

Effectiveness: has action been taken and has it delivered the required outcomes, leading to less discrimination and greater gender equality?

5. HOW DOES THIS AFFECT MY WORK IN THE SECTOR?

When carrying out your work, as a start, you should be asking yourself some of the following questions:

- What are the different issues and priorities for women and men working in the lifelong learning sector?
- Do men and women have different requirements (e.g. childcare facilities or flexible working hours) and is the work I am doing recognising and meeting these different needs?
- How do we recruit staff into the sector and are we likely to get a good gender balance of candidates?
- Is there a gender imbalance in certain curriculum areas? If so, how can I try and rectify occupational segregation?
- Is there a pay gap between men and women doing the same job or jobs of similar value?