

Equality checks:

How ECC's schemes comply
with EOC guidance

1 INTRODUCTION

ECC Ltd has produced this guide to enable member Institutions to assess how the development and use of HERA will satisfy the requirements the Equal Pay legislation.

It is not a definitive or legal statement, rather it describes how HERA was developed and outlines how it complies with the Guidance given by the Equal Opportunities Commission in its good practice guide on "*Job Evaluation Schemes Free of Sex Bias.*"

The information provided in this guide outlines the development of the HERA scheme and as such represents the Intellectual Property of the Consortium. Therefore the material should not be released to a third party without the expressed consent of ECC Ltd or Towers Perrin.

Further information or guidance can be obtained from the HERA Managers.

2 Consortium purpose

ECC Ltd is a consortium comprising approximately 130 Universities and Colleges of Higher Education in the UK. It was set up in 1994 to create a competency based approach to the analysis of all roles found in Higher Education supporting a range of human resource management functions.

One of its explicit aims was to promote equal opportunities' policies and good practice, including, but not only, achieving equal pay for work of equal value.

The founding Directors of ECC Ltd were senior HR practitioners in member HEIs, with considerable experience of promoting equality of opportunity.

The scheme's formal documents are copyrighted and carry the following statement:

"Legal Provisions

The provisions of all current UK and EU law must be complied with when analysing roles, and account taken of the employer's legal obligation to ensure fair treatment for all groups and individuals. Under the provisions of the Disability Discrimination Act, a disabled role holder may need extra help in answering the questionnaire. It should always be remembered that the role is being analysed; not the person holding it. Adjustments or changes to the responsibilities to take account of the role holder's disabilities should not adversely affect the assessment of the role requirements. Any variation in points score between role holders with disabilities and others should be examined to ensure that role holders with disabilities are not subject to any unjustifiable discrimination."

3 Consultants

Towers Perrin was appointed as consultant to the Consortium, partly because of their track record in addressing equal opportunity issues. At the time of appointment they were acknowledged by Opportunities 2000 (now Opportunities Now) for their work with the BBC and were working with the Civil Service on the introduction of a job evaluation scheme free from bias.

4 Academic Advisors

The development of HERA was supported by a team of academic advisors, including those with expertise in Equal Opportunities Law, Employment Law, Equal Opportunities Practice and Employee Relations.

5 Trade Union involvement

Regular discussions were held with all the trade unions during the development of HERA. Their actual involvement in the field trials and testing varied, but all were asked to comment on the various drafts of the questionnaire and the development of the scoring system.

The AUT and Unison engaged Sue Hastings, a leading expert in this field, to comment on their behalf. These comments, as well as those expressed by the trade unions, were addressed and incorporated into the development of HERA.

ECC Ltd continues to have productive and positive relationships with the recognised trade unions. Regular liaison meetings are held, the unions contribute to ECC's workshops and other events, and Good Practice Guides are jointly produced.

6 Equal Opportunities Commission

The EOC does not give a seal of approval to any particular scheme. It can only comment and give advice on the use of good practice, particularly during implementation. It does so through its advisory and information services.

The guidance of the EOC was sought in 1996 during the development of HERA. The comments made and advice given were taken into account during final development stages and have informed subsequent guidance given to member institutions during training and in various publications.

The EOC has published a good practice guide on *"Job Evaluation Schemes Free of Sex Bias"*. Appendix 3 of that guide contains a useful checklist.

The questions posed are answered below:

Formulating a Job Evaluation Scheme

- *Is the scheme analytical?*

HERA is an analytical scheme, in that it uses headings to analyse role requirements.

It is also a "points-factor" plan. Each question has a raw score and the headings (called elements in the scheme) are weighted. The way in which the scoring scheme was developed and weightings allocated are described below.

- *Is the scheme appropriate to the jobs it will cover?*

A sample of 100 roles was selected to represent the range of roles found in UK Higher Education Institutions. The roles were identified from staff lists supplied by member institutions to ensure adequate coverage. The sample was checked to ensure that those

Equality checks

roles most frequently held by men and by women were included, as well as making sure that the range of occupations and levels were adequately represented.

Before being used, the roles were carefully defined to ensure consistency of understanding between those involved in the development work.

Holders of these roles and other role holders were asked to outline what was important in their work and to describe what they did. Over 2,000 members of staff in around 60 different HEIs were involved in the initial development of the HERA questionnaire.

The contents of the questionnaire were piloted and comments sought from member HEIs as well as the trade unions.

The scheme was then piloted in six very different types of HEI to ensure it was fit for purpose.

- *If any groups of workers are excluded from the scheme are there clear justifiable reasons for the exclusion?*

No group of workers is excluded. HERA has been designed to cover all occupations in the HE sector.

- *Is there a non-gendered use of generic/benchmark jobs?*

Some HEIs are using samples of roles to inform the design of pay and grading structures, in line with the National Framework Agreement drawn up between the Universities and Colleges Employers Association and the recognised trade unions. Guidance on how to do this is contained in ECC's Good Practice Guide "*Selecting and Using Benchmark Roles*". This was written with the guidance of Sue Hastings and in conjunction with the trade unions.

To our knowledge, no benchmarking is being done against Labour Market rates or roles found in other organisations.

- *Is the steering committee representative of the jobs covered by the scheme and are they trained in job evaluation and avoiding sex bias?*
- *Is the Chair impartial and does he/she have a good knowledge of equality issues?*
- *Are there any trade union representatives on the steering committee?*

It is up to the member institutions to set up their own internal steering groups. In line with the National Framework Agreement and the advice of EOC and UCEA, ECC strongly recommends partnership working. It also stresses the importance of training for all those involved. Training material is published in a manual which is provided to all members of the Consortium. This includes material outlining the dangers of bias and stereotyping.

- *If a proprietary scheme is to be used does the company have equal opportunities guidelines?*

ECC Ltd has the promotion of equal opportunities as one of its main purposes.

Equality checks

Job descriptions

- *Are the job descriptions written to an agreed format?*
 - *Are they assessed to a common standard?*
 - *Are they consistent, realistic and objective?*
 - *Does the format reflect the factor plan?*
 - *Are trained job analysts involved?*
 - *Are the job titles gender neutral?*
 - *Are the job holders involved in writing their own job description?*
 - *Has guidance been provided on the completion of job descriptions?*

Evidence of role requirements is gathered against the 14 elements using pro forma documentation. The evidence is agreed between role holders and managers before being analysed by trained analysts using the HERA questionnaire.

Job titles are known to reflect grades and / or previous understandings of role. This may mean that they are no longer useful or reflect gender assumptions. The job evaluation exercise in some HEIs is being used as an opportunity to re-title and redefine roles, in some cases, to develop generic role descriptors based on the HERA elements.

The role analysts are trained to use the HERA questionnaire and achieve consistency by using the Notes for Guidance and software to provide quality checks.

ECC has produced several documents that can be given to role holders to help them provide the information required for the analysis of their role. The development of communication strategies, including the use of briefing sessions, to inform role holders of the purpose of the exercise and to help them prepare are recommended. A booklet has been produced for role holders explaining what sort of information will be needed and outlining how the process works.

- *Are guidance notes provided?*
- *Do they contain a comprehensive list of elements in the jobs to be assessed?*

The Questionnaire and Notes for Guidance are widely available and a document outlining how the scoring scheme works can be given to role holders. HERA has been built on the principle of openness. Full information was provided to the trade unions throughout the development of HERA and HEIs are encouraged to make the details of the scheme and how it operates freely available to union representatives and employees.

- *Are the people responsible for collating the job descriptions trained in equal opportunities?*

ECC Ltd has produced a set of learning objectives and pre-requisite skills and knowledge needed by role analysts. These include knowledge of equal opportunities legislation and the

Equality checks

underlying causes of inequality. The Training Manual sent to members includes material on equal opportunities issues, particularly the differences of perception.

The training provided by ECC Ltd also outlines the dangers of stereotyping, making assumptions and the pitfalls of using superficial information (such as role titles) to make judgements about role worth and size.

Scheme Awareness

- *Are people covered by the scheme aware of its purpose?*
- *Are staff kept well informed of the progress of the scheme?*

Members are encouraged to develop their own communications strategy. Information about HERA can be found on ECC's web site and via the Trade Unions. Regular newsletters are sent to members, user group meetings are held three times a year and the mail base contains in excess of 300 names. Training events are offered routinely. They are widely publicised and well attended..

Factors

- *Are the factor definitions and levels exact and detailed descriptions provided for each factor?*

Each of the 14 elements (factors) is carefully defined. The definitions were developed as a result of the field research and testing outlined above. The levels are specified in the form of statements or questions. These are expressed in behavioural terms and again were developed as a result of the field research and testing.

The Questionnaire is accompanied by a set of Notes for Guidance. These have been written on the basis of user experience and have been discussed with the trade unions. Each HEI is encouraged to develop its own version of the Notes for Guidance to provide consistency between role analysts and over time and to ensure that the context of the individual HEI is properly taken into account.

- *Do the factors cover **all** important job demands?*

The Questionnaire was piloted with occupants of a wide range of roles found in HE. Role holders and managers are asked to check the records of evidence of role requirements and to provide additional information if they feel the questions have omitted any aspect of the role. No evidence has been provided by users of any serious omissions to date. Further checks will be made when the scheme is reviewed.

- *Is there any double counting?*

No. Role analysts are trained not to use the same example as evidence for more than one element.

- *Do the factors operate fairly?*

During the development phase, the elements were checked to ensure that each operates independently. Further checks will be carried out periodically.

Equality checks

During the development of HERA, checks were made to ensure that no one element favoured any one occupation or cluster of occupations. No evidence of gender bias can be seen from the roles analysed to date. However since roles not role holders are being analysed it is difficult to assess gender bias other than in a general way. Further checks will be made as the scheme is more widely implemented.

- *Are the numbers of factor levels between the factors even and are they realistic?*

The numbers of levels in the each element varies and depends on the element. The need to have different numbers of levels depending on the element was proved during the piloting of the Questionnaire. However, the steps between the levels are of equal size.

The fact that the scheme was developed on the basis of extensive field research and testing, and that a high degree of acceptance was achieved, demonstrates that it is realistic. To date many thousands of roles have been analysed and no adverse comment has been received from users or trade unions.

- *Does any variation between the points reflect real increases in demand?*

The rank order of roles achieved from the use of HERA is reviewed by member institutions. Feedback received to date suggests that the hierarchies are broadly acceptable and demonstrate the real differences between roles.

During piloting, the rank orders created by the different HEIs revealed some changes from the previous hierarchies, highlighting some of the suspected equality issues, thus enabling them to be addressed.

Weighting

- *Is the weighting system suitable for the jobs being covered?*
- *Does the weighting represent the correct factors for the organisation?*
- *Is there a rationale for the weightings?*

The weighting scheme was developed on the advice of Davis and Sauser (1991 and 1993). They recommended in correspondence that the weighting scheme should be developed using a statistically valid technique and one that would be acceptable to those subjected to the scheme.

As a consequence of this advice, the use of labour market and existing hierarchies were rejected as they are known to be gender biased. Taking a negotiated approach was not feasible, so the weighting scheme was developed on the basis of a consultative exercise using Conjoint Analysis.

A statistically representative sample of staff was asked to create a rank order from the sample of one hundred carefully defined roles used in the development of HERA. This hierarchy was used to weight the individual questions. A coefficient of more than 0.7 was achieved.

The sample of staff was also asked to rank the elements in order of their value to Higher Education. This part of the exercise revealed a significant difference of view between the men and women in the sample. This difference existed in the detail of the order of the

Equality checks

elements. It was possible, however, to identify groupings of elements. Therefore it was decided to use these groupings and allocate weightings according to the results of the Conjoint Analysis exercise rather than to smooth out the difference.

A paper explaining how the weightings were derived and how the scoring scheme operates is available to staff and trade unions.

- *Does the weighting explicitly or implicitly perpetuate existing hierarchy?*

The HERA scheme was tested following its development in six HEIs, as noted above. The results suggested that some roles traditionally occupied by men might be overpaid when compared to the HERA total points score. The results also suggested that some of the roles traditionally occupied by women might be under-graded when their current pay was compared to the HERA total points score.

- *Do any high or low weights affect predominantly men or women?*

Checks demonstrated that the element weights work independently and do not favour roles traditionally occupied by men or women.

The elements do cover aspects of work often regarded as that done by women and not generally recognised as being of value to an employer by traditional job evaluation schemes. *Pastoral Care and Welfare* is the main example of this.

Appeals

- *Is there a recognised appeals procedure?*
- *Do staff have a clear understanding of how the appeal procedure can be used?*
- *Is there an appeals panel?*
- *Are they representative of the workforce?*
- *Are they trained in job evaluation and sex discrimination?*
- *Is there equal access to the procedure?*
- *Are appeal results monitored for gender bias?*

The establishment of such procedures is the responsibility of each HEI. The National Framework Agreement concluded between UCEA and the Trade Unions recommends that HEIs establish mechanisms locally to hear appeals against grading decisions.

ECC, in conjunction with the Trade Unions, has published a Good Practice Guide, outlining possible ways of reviewing role requirements, refreshing role profiles and hearing appeals. This includes the formation of panels whose members are trained in the use of HERA and to be impartial.

ECC strongly recommends that procedures are developed locally in conjunction with recognised trade unions. Higher Education has well developed consultative mechanisms locally and nationally and individual members are reminded of the overall commitment to partnership working in many ECC communications.

Equality checks

ECC puts this commitment into practice through joint working (for example in trials and the production of Good Practice Guides) and public events.

It is for each individual HEI to ensure equal access and to monitor the use of appeals and other procedures.

Maintaining and Monitoring a Job Evaluation Scheme

- *Has future responsibility for the scheme been clearly allocated?*

ECC Ltd owns the scheme and the Board has decided that a fundamental review of the scheme will be carried out at a point in the future to ensure that it continues to reflect the value systems of the sector and to ensure that it continues to remain free from bias.

- *Are changes in regradings and the grading structure consistent and non-discriminatory?*

HERA is being used to help design new pay and grading structures, as provided for in the National Framework Agreement. Answering this question, at this time would be premature.

- *Are comprehensive records kept?*
- *Are the outcomes of the job evaluation checked for sex bias?*
- *Are statistics recorded on pay broken down by gender?*
- *Is the collated information checked regularly?*

These questions are essentially matters for each HEI. Many are carrying out equal pay audits and all will be recommended to do so.

The software supporting the use of HERA provides for consistency checking. This enables comparison between roles, individual and groups of elements and questions. The comparison by role can be carried out by individual roles, roles within a sector or a group across part or the whole HEI.

Role analysts are trained to check for consistency over time and with other role holders. HEIs are encouraged to set up steering groups to oversee the whole process and to carry out quality (including consistency) checks.

- *Are existing schemes reviewed to ensure discrimination has not crept in?*

It is the considered view of ECC that many of the existing traditional schemes in use in the sector do contain bias. The feasibility study carried out in 1995 and available on the HERA web site suggested that existing products and approaches were insufficient for the needs of Higher Education. If the converse had been found, the Consortium would not have been established and HERA would not have been created.

Equality checks

Scheme Impact

- *What is the impact of the scheme on women and men?*
- *How many women have moved up and down the grades?*
- *How many men have moved up and down the grades?*

Again it is premature to provide answers to these questions as small numbers of HEIs have so far implemented new pay and grading structures. The results of the 1996 pilot studies revealed that some movement up for those roles traditionally occupied by women could be expected. They also found that some roles traditionally occupied by men would move down. The reasons were thought to be due to the former containing aspects of work not previously valued and the latter having benefited from regradings rather than the payment of market supplements and the use of long pay scales.

ECC is committed to carrying out a review of the impact of the scheme when sufficient data is available from HEI's.

Pay and Benefits

- *Have grade boundaries been drawn without bias?*
- *Do any special payments reward demands already built into the scheme?*

The Good Practice Guide on "Allocation of Roles to Pay and Grading Structures" has been written on the advice of Sue Hastings, a leading practitioner in the field, and in conjunction with the trade unions. This recommends that grade boundaries are based on the results of the job evaluation exercise. It also stresses that as job evaluation relates only to base pay, separate ways of addressing individual performance, market supplements and other related matters need to be agreed. The National Framework Agreement contains provision for these matters to be agreed locally.

- *Is any pay protection (red-circling) free of sex bias?*

The National Framework Agreement also contains guidance on how to address pay protection locally and in agreement with partner trade unions..

- *Are there justifiable reasons for any inconsistency in relation of pay and benefits to the job evaluation results?*

ECC recommends that HEIs establish a local steering group to oversee the implementation of the scheme and to carry out quality checks, including examining the rank order of roles for inconsistencies or for roles that appear to be in the wrong place.

ECC will carry out similar checks when it undertakes its review of the scheme and information becomes available from member HEIs.

References

Davis K R and Sauser W I (1991) Effects of alternative weighting methods in a policy-capturing approach to job evaluation: a review and empirical investigation. *Personnel Psychology* 1991, 44 pp 85-127.

Davis K R and Sauser W I (1993) A comparison of factor weighting methods in job evaluation: implications for compensation systems. *Public Personnel Management* 1993, 22 (1) pp 91-107.

Trade Secret Notice

The information contained in the following pages describes the trade secrets of Educational Competences Consortium Ltd (ECC Ltd) and Towers Perrin as agreed between them and the copyright together with all the proprietary rights to these materials, belong exclusively to Educational Competences Consortium Ltd and Towers Perrin.

This document may be used by an authorised licensee of Educational Competences Consortium Ltd and Towers Perrin solely for its internal business purposes and should be held in strictest confidence.

No portion of it may be reproduced in any form, stored in any retrieval system, transmitted or disclosed to any third party without the prior written consent of Educational Competences Consortium Ltd and Towers Perrin.

All rights reserved

© Educational Competences Consortium Ltd

© Towers Perrin Inc.