

# The Gender Equality Duty:

How the ECC toolkit will help



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The ECC team provides expert support. We do this with a deeply held belief that our work has a positive impact on the results our members are able to achieve. These are not just HR results, but the achievements of the organisation overall.

Please call us to talk about how we can help you achieve your objectives.

ECC Ltd  
3 Gray's Inn Square  
London WC1R 5AH  
Tel: 020 7430 8368  
Email: [contactus@ecc.ac.uk](mailto:contactus@ecc.ac.uk)

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## **CONTENTS**

Introduction	4
Section 1	5
Background	5
Gender equality schemes	6
Enforcement	6
Employment	6
Pay	7
Other issues	9
Actions	10
Section 2	11
How the toolkit helps	11
Ensuring fair recruitment practices	11
Progression	12
Work-based training and development opportunities	14
Concentration of women and men into particular areas of work and addressing it where it exists	15
Tackling pay discrimination	16
Promoting and managing flexible working, widening access to part-time work at all levels within the organisation and supporting part-time workers	17
Eliminating discrimination towards pregnant women and successfully managing pregnancy and return from maternity leave	18
Grievance and disciplinary procedures	19
Redundancy	19
Further support	20

### INTRODUCTION

This guide has been produced to demonstrate how the use of HERA and FEDRA can help ECC's member organisations achieve the objectives they are required to identify under the Public Sector Equality Duties. This guide does not aim to provide an authoritative summary of the duties, as required by each of the member countries. These can be obtained from the Equal Opportunities Commission's web site ([www.eoc.org.uk](http://www.eoc.org.uk)). Nor does it aspire to provide legal opinion.

The Equality Challenge Unit has issued sector specific guidance, which can be obtained from its web site - [www.ecu.ac.uk](http://www.ecu.ac.uk) and JNCHES has issued guidance on Equal Pay Reviews. This can be obtained from UCEA's web site – [www.ucea.ac.uk](http://www.ucea.ac.uk). The Higher Education Equal Opportunities Network and "Close the Gap" in Scotland also provide information relevant to the sectors we serve. We are grateful for the advice given by our partner trade unions in the production of this guide.

The Code of Practice and guidance notes issued by the EOC indicate each organisation is responsible for auditing the current position of men and women and finding ways of addressing any imbalance and removing unfair discrimination. Section 1 below summarises this guidance as it highlights where organisations should examine how their policies and practices affect the position of men, women and transgender people. While public authorities are required to publish their schemes, outlining the actions they intend to take, it is accepted these will differ between organisations to reflect their different starting positions, contexts and cultures.

Section 2 of this Good Practice Guide will suggest ways in which our toolkits can be used by our member organisations both to find ways of remedying any adverse discrimination and improving the balance between men and women in their workforces. The particular issues relating to transgender people also need to be taken into account. The suggestions we make do not intend to be exhaustive. They are intended to help you develop your own action plans and we look forward to working with you on the extension and advancement of your use of our toolkit.

Whilst the focus of the guide addresses issues relating to gender, employers also need to be aware of their responsibilities to address other forms of discrimination. Making use of the practices suggested here will go a long way to satisfying meeting these requirements but special consideration may be needed to deal with issues that are specific to certain groups. Employers are referred to the advice issued by ECU and the Council for Racial Equality and Disability Rights Commission when developing their responses to the legislative requirements.

In particular, when analysing and sizing roles occupied by people with disabilities, differences between the general role requirements and those being carried out by the individual need to be understood. Legislation permits consideration to be given to individual circumstances and needs but this is a complex area so it is advisable to involve a specialist and discuss the situation with the individual involved before making any final decisions.

### SECTION 1

#### Background

The general duty covering the whole of the UK came into force on 6 April 2007. Each country in the UK has the responsibility for developing its own approach and will be producing its own code of practice as there are slightly different requirements.

The general duty places the legal responsibility on public authorities to demonstrate that they treat men, women and transgender people fairly by having regard, when carrying out their function, for the need

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

The **English** specific duties require each public authority to publish its scheme by 30 April 2007 and to:

- Prepare and publish a gender equality scheme showing how it will meet its general and specific duties and setting out its gender equality objectives;
- Gather and use information on how policies and practices affect gender equality in the workforce and delivery of services;
- Consult stakeholders (i.e. employees, service users and others including trade unions) 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 action set out in its scheme within three years unless it is unreasonable or impractical to do so.
- Report against the scheme every year and review the scheme at least every three years.

The **Scottish** Specific Duties require, by 29 June 2007, each organisation to:

- Gather information on how their work affects men and women;
- Consult employees, service users, trade unions and other stakeholders;
- Assess the different impact of policies and practices on both sexes and use this information to inform their work;
- Identify priorities and set gender equality objectives;
- Plan and take action to achieve gender equality objectives;
- Publish a gender equality scheme, report annually and review progress every three years.

Listed bodies with 150+ staff are required to publish an equal pay policy statement by 28 September 2007 and report on progress every three years.

## Gender Equality Duty – how the ECC Tool Kit will help

The **Welsh** specific duties are still being finalised at the time of writing.

### Gender equality schemes

Gender equality schemes should show how the organisation will meet its general and specific duties and include gender equality objectives. They should also set out the actions the organisation has taken or intends to take to assess the impact of its policies and practices, or their likely impact, on gender equality. 'Policies and practices' covers all the proposed and current activities which the authority carries out, including employment and service delivery.

### Enforcement

Each organisation is required to publish its scheme. Responsibility has shifted. Instead of an individual having to prove they have suffered unfair discrimination, it will be up to the organisation to demonstrate that it is not discriminating. Public authorities are required to demonstrate their compliance with the duty by equality of outcome rather than by treating men and women in the same way, as this in practice has not led to equality.

The EOC (then the Commission for Equality and Human Rights) will actively enforce compliance with the duty by examining:

- **Information:** does the organisation have the information which allows it to understand the impact of its work on women and men?
- **Consultation:** have the relevant people inside and outside the organisation been involved?
- **Transparency:** has the information been made widely available?
- **Proportionality:** have efforts and resources been used in the areas where they will have most impact on gender equality?
- **Effectiveness:** has the action taken delivered the required outcomes leading to less discrimination and greater gender equality?

Compliance notices, enforceable through the courts, may be issued by the Equal Opportunities Commission and Commission for Equality and Human Rights.

### Employment

The duty requires public authorities to:

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

## Gender Equality Duty – how the ECC Tool Kit will help

Public authorities are obliged to consider the policies they develop and services they deliver with the different needs of women and men in mind. The position of transsexual men and women also needs the same consideration.

Carrying out a gender impact assessment is a legal requirement. Carrying out the assessment will allow organisations recognise the relevance of gender equality to each of their functions, including employment. However, assessment is not an end in itself; it should be used to identify issues and where action is needed to fulfil the gender equality duty.

The assessment should cover existing policies and practices as well as ones which are yet to be developed. If it is impractical to assess all policies and practices at the outset, organisations are recommended to set out a timetable so that the impact of their principal activities can be assessed over the period of the first three-year scheme. When new policies and practices are being developed, the gender impact should be considered early, to inform the process and enable any necessary changes before final decisions are reached.

### **PAY**

Organisations have a duty, when formulating their gender equality objectives, to consider objectives that will address the causes of any gender pay gap. This should be done in consultation with employees and others, including trade unions.

The gender impact assessment should gather information that shows if there is a gender pay gap and if so identifies the main cause or causes. Organisations are also expected to investigate if their policies contribute to the gender pay gap in the GB workforce as a whole, or whether they could be amended to help close that pay gap.

The main factors which contribute to the pay gap are:

- discrimination, including pay discrimination (often inadvertent, but still unlawful);
- the impact of women's disproportionate share of caring responsibilities (which often results in women undertaking part-time work which is often poorly paid and often restricts career continuity and progression);
- the concentration of women in particular occupations ('occupational segregation'), usually characterised by lower levels of pay than in those numerically dominated by men.

The gender equality duty does not require an equal pay reviews. However, the statutory Code of Practice on Equal Pay recommends this as the most effective way of establishing whether pay policies and pay systems are discriminatory. Commitment to carrying out such an audit was part of the JNCHES 2006 pay agreement.

If an organisation does not include a gender pay gap objective, reasons should be given in the scheme documents. If an organisation fails to demonstrate that it has

## Gender Equality Duty – how the ECC Tool Kit will help

adequately collected and analysed information to establish whether or not there is a gender pay gap in its workforce, or fails to take action if there is a problem, it risks being found to be non-compliant with the duty, and subsequent enforcement action.

Public authorities are required to comply with the Equal Pay Act. Even if they do not set their own pay systems, they are still legally liable for the implementation of those pay systems. Ideally, the equal pay review should explore any potential differences that could be ascribed to employment status, race, disability, age as well as gender.

The fundamental components of an equal pay review are:

- comparison of the pay of women and men doing equal work, checking for one or more of:
  - like work;
  - work rated as equivalent;
  - work of equal value
- identification of any equal pay gaps, including by differences between part-time and full-time workers' pay
- elimination of those pay gaps that cannot satisfactorily be explained on grounds other than sex.

The issues relevant to any gender pay gap can be checked by:

- monitoring where women and men work in their organisation, what hours they work and at what grade. This will map any segregation by seniority and by types of work and will highlight the possible impact of caring responsibilities.
- using any annual staff monitoring exercise to ask staff if they have caring responsibilities, and whether this is for children or for older people.

Pay information can also be collected across a selected sample of staff to see if women and men carrying out the same jobs or jobs of equal value are receiving equal pay. Such approaches should be discussed with the trade unions. Sampling may indicate a problem which suggests the need to proceed to a full pay review.

If a full pay review is not carried out, a screening process may be helpful to identify areas known to pose a high risk of pay discrimination. These may include:

- **starting salaries:** to investigate whether women and men recruited to the same jobs or jobs of equal value are appointed on the same starting salary and whether any differences relate to sex-based factors
- **progression:** to examine whether incremental pay scales inadvertently discriminate against women who may be less likely to have continuous service
- **promotion and regrading:** to check whether more men than women are moved to higher pay scales as a result of the promotion or regrading processes

## Gender Equality Duty – how the ECC Tool Kit will help

- **contribution payments:** whether payments made for higher-level contribution are given disproportionately to more men than women.

The EOC has produced a Toolkit to help employers carry out their review. The Government has also issued advice.

The review can be widened to include an impact assessment to investigate the possibility of discrimination occurring in other areas in addition to pay. These could include participation in training and development, the results of appraisal, disciplinary and grievance (including complaints of harassment) etc.

If the organisation is truly committed to eradicating unfair discrimination and opening up opportunities to people from all parts of the community, it may wish to carry out an appraisal of its culture. This would reveal practices that favour members of certain groups and disadvantage others. A classic example of this is the long hours culture characterised by frequent breakfast meetings, the expectation that employees regularly work into the evenings and at weekends.

### OTHER ISSUES

Women are significantly more likely to work part-time than men, often because of childcare and other caring responsibilities. Part-time work in Britain is characterised by particularly low rates of hourly pay and reduced access to promotion and development opportunities. The lack of availability of suitable childcare restricts women's employment choices. Support to female and male employees with childcare responsibilities, through providing more flexible working and training opportunities or childcare provision or subsidy, will also contribute to the promotion of equality of opportunity between women and men.

Employers who have strongly segregated workforces may be at higher risk of having equal pay claims taken against them.

- Horizontal segregation can crowd women into female-dominated occupations, often at lower rates of pay than men who have similar levels of skill but have jobs in a different type of work e.g. catering assistants and security officers.
- Vertical segregation limits career development that would enable women to progress up career structures and to earn more.

In a highly segregated workforce, it can be easy for pay arrangements to evolve in which women are paid less than men when they are doing work of equal value, giving rise to equal pay tribunal claims. The extent of occupational segregation in the workforces should be mapped. The use of broad categories rather than true occupational groups can serve to conceal segregation and bias in the distribution of men and women across the pay range. Based on evidence and in consultation with employees and trade unions, organisations should consider whether it is appropriate to set objectives to address this.

### Actions

While each organisation should identify what is needed to achieve its own objectives, possible actions may include:

- Ensuring fair recruitment practices – including progression
- Work-based training and development opportunities
- Avoiding the concentration of women and men into particular areas of work and addressing it where it exists
- Tackling pay discrimination
- Promoting and managing flexible working
- Widening access to part-time work (including job shares) at all levels within the organisation and supporting part-time workers
- Managing leave for parents and carers
- Eliminating discrimination towards pregnant women and successfully managing pregnancy and return from maternity leave
- Eliminating harassment including sexual harassment
- Grievance and disciplinary procedures
- Redundancy
- Retirement

The rights of transgender staff should be given the same consideration as those of men and women in all the above areas.

Some of the issues can be complex and not everyone appreciates the impact of their actions and decisions. Managers, in particular may require training and support to help them carry out their responsibilities and to act fairly. Organisations are responsible for actions carried out by managers in their name and may be liable, even if a manager has failed to comply with policy and laid down procedures. The safest way to prevent this situation arising is to ensure that briefing, training and supportive guidance is given to all who have responsibility for making decisions that impact the employment of others.

The ways in which the use of the HERA and FEDRA toolkit can support the development and implementation of action plans in each of the above (where relevant) will be described below.

### SECTION 2

#### How the toolkit helps

The use of ECC's toolkit provides a coherent framework that links employment practices directly to an organisation's human resource management strategy. HERA and FEDRA's contents (their elements and questions) provide a structure for the design and analysis roles, using evidence of the requirements needed by the organisation to achieve its objectives to define the role. The profiles thus created can be used to form teams, operating units and develop career paths. They enable the roles to be sized so differences in level can be readily identified and allow individuals to understand what is expected of them in their current role and what may be expected in roles at higher levels they may aspire to occupy. The HERA and FEDRA schemes also support appraisal, development and performance management through their associated competency frameworks using evidence of achievement rather than impression, personality or prejudice.

The HERA and FEDRA schemes were developed in ways that ensure they are as free as is feasible from gender and other forms of unfair bias. If used in accordance with the guidance published by ECC, they will provide the analytical approach required by legislation to demonstrate equal pay for work of equal value. Their use for the analysis of roles also supports workforce impact assessment to highlight where men and women may be clustered into any particular roles or levels of the organisation.

#### Ensuring fair recruitment practices

The recruitment and selection processes are the gateway through which new entrants to an organisation must pass. Many traditional practices, perhaps unwittingly, serve to reinforce stereotypical images of roles and the sorts of people required to perform them effectively. The messages sent out to potential candidates influence their decisions about submitting an application and the way the selectors assess those applications determine who passes through the decision gateways.

Unless the images, messages and practices are carefully considered at the outset, the subsequent decisions may be based on criteria that could be unjustifiable as well as discriminatory. The HERA and FEDRA approach provide the means for defining roles and specifying the behaviours needed for effective performance using criteria that are free from gender bias and directly related to the requirements of the role in question.

The use of the toolkit can provide the opportunity to review the role when a vacancy arises. Managers can be asked to confirm the definition of role requirements is still relevant and fit for purpose using evidence of the activities the role holder will be required to carry out. The same approach can be used for newly emerging roles. The structure provided by the elements and questions can challenge assumptions about the type of work and its level of demand. Rather than take a backward perspective, managers are encouraged to look forward. This can free them from

## Gender Equality Duty – how the ECC Tool Kit will help

preconceived ideas and ensure the definition of the role is based on the future needs of the organisation.

Thus, managers will be able to think fundamentally about the way in which the role could be performed. For example, a frequent assumption is that the role holder will be required to be office-based, working standard hours. This need not be the case; other working arrangements may be possible. The active consideration of how the role needs to be carried out by reviewing in detail its core content can encourage managers to open the role to people who want to work on a part-time, job share or flexible basis.

The role specification, created from the in-built competency framework, is a neutral definition of skills and behaviours required for effective performance. Its use will challenge ideas about the sort of person required. The use of neutral terms for the recruitment literature will encourage applications from those with backgrounds different to those of previous role holders.

Once the role has been defined and analysed, the toolkit automatically creates a role specification containing descriptors of the behaviours and skills required for effective performance. The specification, coupled with the clear definition of the role content, informs the recruitment process and extends thinking about how to broadcast the existence of the vacancy and encourage applications from non-traditional applicants.

The role definition and specification provide a structured framework for subsequent decision making and support the use of rigorous selection processes designed to explore the candidates' range of abilities and expertise rather than the traditional forms of assessment, which rely heavily on initial impressions, the candidates' descriptions of their own abilities and assumptions.

All those involved in the recruitment and selection process should be trained to follow the procedure and to use the criteria. This training should include raising awareness of the causes of discrimination and illustrate ways of avoiding discriminatory decisions. It is also good practice to ensure that those involved in the process are not drawn exclusively from one group by, for example, including men women and members from other minority communities in the decision-making.

## Progression

There is still some evidence of the belief within organisations that different groups of staff should be allowed different opportunities for progression. Whilst there may be a case for providing different types of learning opportunity, depending on need (see below), the equal pay legislation is clear: all staff whose roles are evaluated under an analytical approach as being of equal value should receive the same pay and have equitable access to the same opportunities for advancement. Thus, career progression opportunities should be available to all those occupying roles sized at the same level equitably regardless of staff group. The gender equality duty strengthens

## Gender Equality Duty – how the ECC Tool Kit will help

this requirement by placing the onus onto employers to demonstrate that the impact of pay progression does not have an unequal impact on men and women.

Progression and career advancement in higher education are often limited to highly prescribed pathways based on traditional categories, sometimes called job families. These have been used as basis for hierarchical grading structures and categorisation of the workforce which some have described as a caste system. This broad-brush approach is now widely seen as old fashioned and restrictive. The position of the job family in the overall hierarchy, career pathways within it and the decision points used to control progression, in some cases, may be based on gender-based assumptions about the value of the constituent roles' contribution to the work of the organisation.

Properly used, job families can be defined to bring together roles found within the organisation, with related skill sets and similar types of activity albeit at different levels of demand. An example of this approach can be seen in the National Library of Academic Role Profiles. This contains three career routes, each with five levels. Progression can up straight up a route, across routes, possibly involving movement across at the same level, as the individual broadens their experience and gains additional skills.

A similar approach can be adopted for other groups. For example, the overall group of "Technician" can be seen to contain several related occupations, such as IT Engineers, Workshop/Engineering Technician, Laboratory/Scientific Technician, and Fine Art Technician. The detail of career development may be different for each occupation but the comparative level of demand as demonstrated by their role size would provide the link to the grading structure.

However, the use of very broad generic role profiles can conceal clustering by gender and limit the toolkit's potential to support a range of HR functions and promote the equality of opportunity. For example, the generic profiles for Campus Support Operative Level 1 covers 52 people and the Level profiles 2 contain eight post holders made up of 26 women and 26 men and 5 women and 5 men respectively. However further analysis shows:

- Level 1 contains 20 women and 6 men Cleaners and 6 women and 20 men Porters;
- Level 2 is made up of four Cleaning Supervisor posts (3 women and 1 man) and six Porter Security Operatives occupied by two women and four men.

Thus, there are more career progression opportunities for the Level 1 Porters than there are for the female cleaners.

The use of specific role definitions can support the review of the routes that lead individuals to senior posts. Moreover, traditional promotion paths need not necessarily reflect the organisation's needs for the future and may be more accessible and more acceptable to men than women. For example if promotion has been based on an assessment of performance which values long working hours and

## **Gender Equality Duty – how the ECC Tool Kit will help**

high profile activities but does not recognise enabling the development and achievement of others, women may not be encouraged to put themselves forward, believing their chances of success to be low.

Reviewing the role definition and specification for senior roles will help to ensure they reflect the real as opposed to assumed requirements of the organisation. The use of traditional and stereotypical language may convey implicit images of the sort of person required to perform the role. This is more likely in those roles that have been traditionally occupied by men or women for the language of the role description and specification could convey that a member of the same sex is being sought.

Clear and up to date definitions of role requirements that do not use descriptions that favour one gender over the others but based on factual definitions of the role and required behaviours and skills will enable individuals to understand demands of roles. This will help them decide whether to aspire for progression and identify what action they need to take to get there. The role descriptions and specification produced by the HERA and FEDRA schemes also provide explicit criteria based on requirements of role and organisation. These support the recruitment, selection and promotion processes and provide a structure to support decision-making.

If women are under-represented at certain levels, it is legally possible for an employer to take action to help women compete on equal footings with men. This is known as positive action. Positive discrimination (i.e. favouring women over men, even if they have been disadvantaged and under-represented) is illegal. Positive action includes running management development training targeted at women as a way of encouraging them to apply for promotion and inviting applications from groups currently under-represented in the workforce.

### **Work-based training and development opportunities**

It may be appropriate, as part of the impact assessment, to check whether women have the same access to training and development facilities as men. The impact assessment should include an examination of who has access to which type of development opportunity, by level, staff group, role and gender. It should also include the informal development or networking opportunities that take place at conferences and meetings as well as formal training event.

Access to training and development opportunities are not available fairly to all staff, despite the provision in the National Framework Agreement to extend them. Still, participation in training and development activities can depend on staff group, level and the individual's ability to claim the right to resources. Participation and resources, therefore may not be distributed according to individual and organisation need.

Appraisal, performance and personal review schemes exist in most organisations but implementation practice varies considerably. This is partly driven by the fear of

## **Gender Equality Duty – how the ECC Tool Kit will help**

punitive rather than developmental approaches being taken. It is also affected by the reluctance on the part of both staff and managers to take part in such reviews.

If an organisation has no structure for the identification of development needs and if certain groups or levels of staff control access to resources and opportunities, there is a greater risk of women being disadvantaged. This is because women are more likely to occupy in low paid roles with less opportunity to obtain resources. They could be reluctant to attend events that may involve stays away from home (especially if they have caring responsibilities) and they are less likely to push for access to limited resources.

The HERA and FEDRA schemes provide a structured approach to identifying development needs. The definition of role requirements links to the competency framework through the software's career map function. This sets out the behaviours expected of a competent role holder and plots career routes through a hierarchy of related roles. The hierarchy can be built along traditional career paths or be specially constructed to suit the organisation's strategic and business plans. The software produces reports that highlight areas where development action is required for progression. This shifts from an individual driven approach to one that focuses on the requirements of the role.

To many, development and training still means attending formal courses and conferences. Using the role definition as a basis for identifying development needs creates a stronger link to work activities. Doing so can widen thinking about the nature of development opportunities and encourage the use of a wider range of opportunities including coaching, projects and assignments and the reflection on experience. Using work-related development opportunities can serve to widen access without adding significantly to the development budget as well as making participation easier for those working part-time or flexibly.

The HERA and FEDRA schemes contain a competency framework. The use of this allows individuals and managers to pay attention to the areas that will make a difference. This is done through the structured assessment of performance against role requirements. Thus, targeted action to be taken to resolve performance problems and address any skill gaps. It also focused the use of development resources onto the areas that matter to individual, team and organisational achievement

### **Concentration of women and men into particular areas of work and addressing it where it exists**

Development need not necessarily result in upwards movement. Part of redressing imbalance in the distribution of men and women across the organisations structure and encourage women to move into roles traditionally occupied by men and men into role traditionally occupied by women will require some sideways movement. The HERA and FEDRA schemes allow roles to be compared across a level as well as between the levels in the hierarchy. The role descriptions and specifications, being

## **Gender Equality Duty – how the ECC Tool Kit will help**

based on the requirements of the role and using the common structure provided by the elements, can challenge some of the traditional assumptions about what is involved in a particular role and what skill set is required for effective performance.

Role definition using a structure free from gender bias challenges traditional, stereotypical groupings of staff to be modernised by focusing on roles required by the organisation.

Builds career routes within existing and accepted occupational career structures but also allows flexible career paths to be created to support individual as well as organisational development needs and plans.

### **Tackling pay discrimination**

The HERA and FEDRA schemes provide the means of evaluating all roles found within higher and further education organisations. This approach complies with legal requirements thus allows pay and grading structures to be built in ways that reflect organisational values and needs as well as ensuring base pay complies with the equal pay for work of equal value requirements.

Both schemes are analytical. They were developed in ways that satisfy the EOC's code of practice on job evaluation by being constructed from the results of field research. This included sampling roles traditionally occupied by men and women as well as those where imbalance in distribution was not evidence. Checks were carried out with a broad based constituency and care taken to ensure that men and women were fully involved in the process. The weighting scheme was also developed in a consultative fashion and the outcomes checked for differences between men and women. Where these were found, steps were taken to ensure both perspectives were fully represented in the scoring mechanism. The impact on roles traditionally occupied by men and women were tested in trials; these revealed that some of the roles traditionally held by women had been under-graded and some of those traditionally held by men over paid. Anecdotal accounts coming from those organisations using the schemes confirm these findings by describing how some traditionally male dominated roles have been subject to red circling and some traditionally female dominated roles have been uplifted.

The continued use of the schemes for the management of pay and grading structures and decisions about pay can help control grade drift. Their use can also ensure that claims for regrading are based on evidence relating to the requirements of the role in question. This can serve to reduce the pressure for additional pay being driven by personal factors. Moreover, the involvement in the manager, through the verification of that evidence, should ensure the growth in role size is linked to the changing business requirements and expectations of the organisation.

Similarly grading new roles, which frequently in the past were estimated on a best guess basis, will, in future, be based on proper analysis relating to the level of demand of the likely activities required to be carried out by the incoming role holder.

## **Gender Equality Duty – how the ECC Tool Kit will help**

The analytical structure of the schemes provides the mechanism for comparing the new role to existing roles. This again ensures pay decisions are transparent and based on explicit criteria, already been checked for gender bias.

The use of the schemes provides transparency to pay decisions as basing the grade structure on role size demonstrate equal pay for work of equal value. As base pay is related to role requirements, the other components of the reward package can be similarly based on genuine material factors. ECC provides a labour market data service through its partner organisation that allows recruitment and retention payments to be based on objectively justifiable criteria that relate directly to current market rates and dynamics.

The use of the tool kit can also support the impact assessment. The software produces a series of reports. These support consistency checks and allow for the detailed examination of the way in which each of the elements have been scored and highlight any differences between raters' assessments. The reports also provide the means for comparing and contrasting the difference and similarities in roles and their relationship across and up and down the organisation.

### **Promoting and managing flexible working, widening access to part-time work at all levels within the organisation and supporting part-time worked**

One of the common assumptions about roles, particularly new one, is the notion that they have to be performed by someone working full time. The "presentism" culture that has grown up usually implies full time means working more than the hours stated in the contract of employment. A detailed analysis of a role's requirements can separate the level of the role's demand from the hours required to complete the component tasks to the standards required for effective performance.

The fact that the schemes enable managers to stand back from their assumptions about roles can help raise questions about WHAT is involved in each role and HOW each role is performed. Freeing them from accepted wisdom can support the introduction of more flexible working patterns. Focusing on the level of demand can also make sure that those working hours less than full time are assessed on the value of the role they are occupying rather than on the number of hours in their contract.

The use of an analytical approach for the design and definition of roles can also help an organisation move away from traditional demarcations. Historically these were based on occupational grouping rather than on the needs for the effective organisation of work. Multidisciplinary team working is commonplace in higher and further education organisations but often the use of labels has served to separate staff working together rather than forge teams working towards the achievement of shared objectives. Often this results in a caste based system in which relationships are corroded by a sense of injustice and unfairness.

## **Gender Equality Duty – how the ECC Tool Kit will help**

The use of HERA and FEDRA to construct roles using work requirements as the basis for their design can unit rather than divide role holders. This is simply because the comparative worth of each role and the value of each role holders' contribution are demonstrably related to the work required to be carried and the needs of their part of the organisation.

Using the analytical approach for the design of teams and roles can also challenge existing stereotypes and assumptions about the sort of person required to carry them out. This questioning can focus on the level of work and skill mix, thus leading to the creation of roles that contain:

- the variety required for job satisfaction;
- the degree of self control required to give a sense of ownership;
- the knowledge of results required to reduce the sense of worthlessness;
- a balance of skills, including scope for development, to enable role holders have a sense of direction and opportunity for growth.

This bottom up approach can support fundamental questioning about the type of person required to perform roles to the standard required and their attendance pattern. Roles can then be constructed in ways that open them up to occupants from a wider range of backgrounds and shift focus from measuring attendance to assessing effectiveness.

### **Eliminating discrimination towards pregnant women and successfully managing pregnancy and return from maternity leave**

Women on maternity leave often miss opportunities and find keeping up to date with change difficult during their period of absence. Despite the best efforts of the employer, manager and colleagues to keep the woman informed of what is going on, it can be difficult to translate those changes to the role she will return to hold.

There are legal imperatives that require employers to maintain contact with employees on maternity leave so they are kept in touch with changes and developments. As well as generally information to enable them to keep up to date, they should be aware of alterations to the role they hold.

The definition of the role and its specification can provide a useful channel to explain what has altered during the time the individual has been away and what it will mean in practice on her return. This will help to ensure any needed retraining or updating will be focused on the aspects of the role that have altered.

This is even more important if the woman is returning to work part-time, occupy a job-share or move to a different role. In the later case, this role should be at the same level of pay, the same terms and conditions and of the same nature.

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The emphasis on role requirements can also help plan the return to work and support phasing in that return. This can be also helpful to people with disabilities or those whose dependent requires particular levels of care.

If it is not possible for the woman to return to the role she occupied before taking maternity leave, the career map aspect of the schemes will support the assessment of the individual's skills and help identify suitable alternative work. Again, this facility can also help make adaptations so that people with disabilities can work to the full level of their abilities.

### **Grievance and disciplinary procedures**

Many disputes between employees and their employers arise from misunderstandings and different expectations, often regarding the nature of the work an individual is required to do. The use of HERA and FEDRA can help to clarify role requirements and highlight areas where disagreements exist. This can help to separate the influence of personality factors from those relating to perceptions of role demands.

The framework provided by the schemes also supports more focused and structured discussions between managers and role holders and teams. Managers often find it hard to communicate to role holders, particularly when issues of performance are involved. This can be exacerbated if sex differences are involved. It is now well known that men and women take different approaches to their work, use different constructs and sometime different assumptions. All of these can lead to a breakdown in communications. The HERA and FEDRA schemes provide a language, free from gender bias that can be used to open up discussions about perceptions of role requirements and the behaviours needed for effective performance. The structure can highlight areas where change in behaviour or level of work is required to resolve the dispute.

Disputes between team holders about who does what and how the work is done can be explored using evidence of role requirements to structure the discussion. This can facilitate agreements on tangible aspects leaving other disagreements to be resolved in appropriate ways.

### **Redundancy**

The aim of most responsible employers is to reduce if not avoid the need for redundancy. This is achieved by engaging in good quality business planning, designing and modifying roles required to achieve objectives and putting in place resourcing, development and succession plans to ensure the organisation has available the skills and knowledge required for effective performance of those roles.

The capacity of the HERA and FEDRA schemes for scenario planning and modelling roles can support the creation of these plans. They can help individuals understand

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what the likely changes will mean to them and enable them to construct relevant development plans to help them move along with the organisation.

The software contains a financial modelling component that allows the impact of changes to role size to be costed. This can assist planning and manage grade drift, often a cause of unwitting pay inequality. The managed growth of roles will also ensure career paths can be made available equitably and in transparent ways.

### **Further support**

ECC offers a comprehensive consultancy service available to member organisations. This can help with the examination of policies and the construction of HR systems and practices, using the HERA and FEDRA toolkit to contribute to the achievement of the organisation's gender equality aims.

Further information can be obtained from our web site – [www.ecc.ac.uk](http://www.ecc.ac.uk) – or from [katie@ecc.ac.uk](mailto:katie@ecc.ac.uk).

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