




Equality Duties: Role and Contribution

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Why Equality Duties?

- Response to persistence of gender inequality
- Move beyond the individual complaint model
- Pass the initiative from the employee to the employer
- Seek institutional change in workplace policies and procedures
- New ambition in shift from formal to substantive equality
- Gender as gateway, now principally multi-ground



Types of Equality Duties




Preventive Duties

- Take measures to prevent discrimination, sexual harassment, harassment
- Public and private sector



Institutional Duties

- Develop systems to promote equality
- Public and private sector



Mainstreaming Duties

- Have regard to need to promote equality and combat discrimination
- Public sector



Preventive Duties

- ▶ Action required:
 - Inform employees of their rights
 - Workplace regulation or policy
 - Gender pay gap – survey, analyse, action plan
- ▶ Measures to be taken often unspecified
- ▶ Multi-ground, but pay gap is gender focused
- ▶ Sanctions, if in place, as part of equal treatment regime



Institutional Duties

- ▶ Action is goal oriented and requirements vary:
 - Nominate a responsible person
 - Analyse the current situation and review policy and practice
 - Consult with trade union
 - Action plan
- ▶ Action plan unspecified. Where specified, focus on recruitment, career advancement, pay and conditions, work-life balance
- ▶ Gender more prominent, but shift to multi-ground
- ▶ Sanctions, if available, as part of equal treatment regime



Mainstreaming Duties

- Variety of approaches required:
 - Equality impact assessment
 - Equality plans
 - Institutional coordination
 - Integrate in strategic planning
- Limited specification in case of equality plans
- Gender more prominent, but shift to multi-ground
- Sanctions rare, stimulus of funding, peer pressure



Implementing the Duties

- ▶ Create conditions
 - Data gathering for evidence base
 - Systems for participation by those experiencing inequality
 - Capacity building for implementation
 - Networking for peer support and peer learning
 - Monitoring impact



Role of Equality Bodies

- ▶ Seek introduction of legal duties as part of advisory function
 - Policy positions
- ▶ Support implementation of legal duties as part of promotion function
 - Communication
 - Guidance – set standards
 - Training and mentoring
- ▶ Monitor and enforce legal duties as part of enforcement function
 - Casework, ex-officio and representation
 - Adjudication