



Equality and redundancy

It is illegal to discriminate against someone on grounds of gender, race, disability, age, sexual orientation and religion or belief. The public sector equality duties go even further – they require public bodies have due regard to the need to positively promote equality:

- for staff and service users
- in the areas of race, disability, and sex (including equal pay and transsexual people on the grounds of their gender reassignment)
- in all their policies and practices.

Private contractors providing public services are also required to ensure gender and disability equality, but only in so far as they provide public services.

This might seem a bit irrelevant where jobs are being cut, but equality can play a big role in campaigns against redundancies, and in redundancy situations. *Any proposals to make staff redundant or to cut services must have an equality impact assessment carried out on them by the council, school or other public body.* This gives UNISON a strong tool to use to minimise redundancies, ensure members are treated equally, and to ensure the union and the local community are fully involved in any proposals.

Some groups of workers may be more likely to be discriminated against in redundancy situations (disabled workers and women, for example, or black and young workers). For instance, cutting or outsourcing social care services may have a negative impact on ensuring equal pay for women workers. Creating a shared services centre in an out-of-town business park with poor transport links may disadvantage disabled staff.

Some groups may suffer multiple discrimination. For example, residential care cuts may specifically hit elderly women as service users. Cutting services to poorer parts of an area may also have an adverse impact on black and minority ethnic workers in deprived communities.

It is important to keep an open mind because there may be unexpected impacts. If a proposal could make things worse for some groups, the authority has to look for ways to minimise its impact.

In July 2008, the High Court ruled that Ealing Council had acted unlawfully in cutting funding to the domestic violence support group Southall Black Sisters, because it had not carried out an equality impact assessment. The community group was supporting a community under-served by mainstream services.

A quick guide to equality impact assessments

Employers carry out equality impact assessments, not the union. UNISON's role is to ensure rigorous data collection, methodologies and conclusions. While the law only requires the assessment to include gender, race and disability, it is good practice for it to cover age, sexual orientation and religion or belief as well.

Data collection

An equality impact assessment is not rocket science. It is a matter of looking at available data and other information, consulting with people directly affected, and asking hard questions about the impact of a change. The Green Book contains a sample equality impact assessment at part 4.11, Section 1-6. The Scottish Government has published a helpful equality impact assessment Tool that be accessed at: <http://www.scotland.gov.uk/Topics/People/Equality/18507/EQIAtool>

An equality impact assessment should use any available data to examine the impact of redundancies on service users and staff. Major changes may require collecting new or specific data to assess the impact on a variety of issues or workers. It is common for employers to have data on the age, sex, and race of the workforce. But a lack of data should not stop an equality impact assessment looking at possible implications.

Try to ensure UNISON is represented on the working group carrying out the equality impact assessment, and that the final result is made public. Members and service users who may be specifically affected should be consulted.

Assessing the redundancy impact

The main assessment is whether the data shows the redundancy will have a more negative impact on one specific group (staff and/or service users) than another. UNISON can use this process to build its links with the local community too.

The impact on service users

- Which service users will be affected by any cuts? Will any groups be specifically affected? How will this negative impact be reduced?

The workers at risk

- Is the makeup of the workforce under threat different from the workforce overall? Would redundancies have a negative impact on one group in particular? Have alternative options been compared and considered to minimise any discrimination? Can the selection pool be altered? Do all affected workers have genuinely equal opportunities for retraining or redeployment?

The selection criteria

- Are the criteria (or the selection matrix) for determining who will be made redundant transparent and fair? It is unlawful to discriminate against fixed-term or part-time workers, and against workers for trade union activities.

What if the equality duties are ignored?

The new Equality and Human Rights Commission can issue an enforcement notice on the authority if it fails to comply with its statutory equality duties.

Equality duties checklist

- get a copy of your employer's current equality scheme(s)
- insist your employer carries out an equality impact assessment of any changes affecting services to the public or terms and conditions of staff
- get relevant members (women/disabled/black members) together to discuss how they can get involved in their employer's consultation/involvement exercise to improve the scheme
- feed back any examples of good practice to share with other branches
- recruit as many members as possible.

Where can I get more information?

UNISON has produced a short information leaflet on public sector equality duties (stock no. 2667 from UNISON communications - email: stockorders@unison.co.uk) and full guide (stock no. 2645), which is also available on the web at unison.org.uk/file/equalityguidance.pdf