



# Make Local Services Count

UNISON promoting quality  
local public services

## Using the Public Sector Equality Duties - briefing for lay negotiators

# Using the Public Sector Equality Duties

## A powerful new weapon

All public bodies are now required by law to actively promote equality both for staff and in the services they provide. This gives UNISON negotiators powerful new tools to fight privatisation, efficiency cuts and to win equal pay at local, regional and national level.

There are specific duties around equal pay, but the duties apply as much to race and disability as they do to gender. Public authorities are required to have an equality scheme(s) and should consult and involve affected groups and unions about these. Applying the equality duties should include conducting an Equality Impact Assessment of existing and new policies and practices.

## What is an Equality Impact Assessment?

When a public authority (local council, NHS trust etc) looks at a new proposal or existing policy, it has to consider if it would make life at work more unequal between men and women, between different community groups, or for disabled people. To make a judgment authorities are expected to look at a lot of different information. Examples include gathering and analysing statistics, consulting staff and looking at costs. If authorities find their proposal could make things worse for some groups they have to find ways to remove or minimise the impact.

In fact, the duties go much further than this. They say the authority must not just remove any negative impacts, but actually should always act to enhance and promote equality.

## Case study: equality duties and ... equal pay

The council is planning a commissioning exercise to privatise a big part of the social care directorate. The real reason behind this is to avoid applying a single status equal pay agreement to many low paid women workers and may be a breach of their statutory equality duty. An equality impact assessment would highlight this.



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## Case study: equality duties and ... efficiency savings

The police authority wants to axe a number of police community support officers in the poorer parts of the borough to save money as part of its efficiency plan. The authority knows that a significant number of this

workforce are from BME communities and these workers live in the locality. This proposal would have a detrimental impact on the local economy, may have a major negative effect on BME service users as racial attacks are likely to increase. The public authority may be in breach of the Race Equality Duty.

## Case study: equality duties and ... contracting/shared services

Your primary care trust has good policies on equality and employs some disabled staff. They plan to enter into an arrangement to move their payroll, IT and personnel services to a shared services partnership based 30 miles away at a foundation hospital trust. This will have a major negative effect on disabled staff because local transport services aren't accessible to the relocated site, the trust has sold off most car parking which can't accommodate disabled drivers and disabled staff can't manage the additional travelling time required for them to re-locate. The public authority may be in breach of their statutory Disability Equality Duty.

## 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.

## What can a branch do?

There's a lot of scope for using the duties imaginatively, but to get started branches should make sure they:

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Get a copy of your employer's current equality scheme(s).

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Insist your employer carries out an Equality Impact Assessment of any changes affecting services to the public or terms and conditions of staff.

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Get relevant members (women/disabled members/black members) together to discuss how they can get involved in their employers consultation/involvement exercise to improve the scheme.

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Feed back any examples of good practice to share with other branches.

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Although it is not a legal requirement, try to get your employer to apply the same level of equality protection in the areas of age, sexual orientation and religion and belief.

## Where can I get more information?

UNISON has produced a full guide to the Public Sector Equality Duties (stock no. 2645), which is available from UNISON communications on [stockorders@unison.co.uk](mailto:stockorders@unison.co.uk) or on the web at [www.unison.org.uk/file/16965\\_Equality\\_Guidance.pdf](http://www.unison.org.uk/file/16965_Equality_Guidance.pdf).

Get more information from UNISON's equality unit at [www.unison.org.uk/equality](http://www.unison.org.uk/equality).

Send your examples of good practice to [localservices@unison.co.uk](mailto:localservices@unison.co.uk).