

RPA GUIDANCE NOTE: EQUALITY

Introduction

1. This Guidance Note confirms that the Executive has accepted the Public Service Commission's 8th Guiding Principle, Equality (copy attached at Annex 1) and is issued to assist and provide clarification to Departments and public sector employers in the RPA Affected Group (see RPA Circular 02/2007¹) on the practical implementation of the Guiding Principle.
2. Whilst recognising the existing duties under equality legislation, this Guidance Note aims to remind employers that compliance with equality legislation is of fundamental importance and that the centrality of equality values at the heart of RPA reform cannot be stressed enough.
3. The content of this Guidance Note applies to existing and new organisations established by RPA alike and reaffirms the commitment that new organisations established by RPA have no less equality responsibilities than predecessor bodies.

Key Principles

4. As already set in statute and mainstreamed into public service decision-making processes, employers are reminded that they are required to visibly address equality of opportunity, the promotion of good relations and human rights in all decision-making affecting employees throughout the RPA implementation process.
5. Employers should fully consider the recommendations of the equality codes of practice and other guidance issued by the Equality Commission as well as their own sectoral codes and guidance as a first point of reference.
6. Employers should consult with their legal representatives or those tasked with responsibility for equality issues within the relevant public authority and/or the Equality Commission for advice and guidance, where appropriate.
7. In addition to the requirements of equality of opportunity, the promotion of good relations and human rights which are set in statute and which employers should have mainstreamed into their decision-making processes, employers must ensure that any new arrangements for implementing the 8th Guiding Principle on Equality at employer/sector level should be the subject of consultation and negotiation with Trade Unions and other staff representatives.

¹ Currently under review

8. Employers should share “best practice” information and guidance on the mainstreaming and promotion of equality of opportunity, good relations and human rights into the policies, practices and procedures affecting employees.

Action Required

9. All Employers are required to implement the key principles outlined in paragraphs 4 – 8 above at the appropriate point in implementation plans.

RPA CENTRAL UNIT
11th July 2008

Eighth Guiding Principle and Associated Recommendations - Equality



EIGHTH GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS

EQUALITY

Introduction

1. The Commission's role is to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998. In formulating the Guiding Principle and Associated Recommendations, the Commission has also taken account of Government's commitment, as set out in the statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies."
2. Given the extent and complexity of the RPA, the number of individual employers involved and the large numbers of staff affected, the Commission considers that the Executive should remind employers to be aware of, and act upon, their duties under the equality legislation to promote, review and implement employment equality practices in compliance with the legislative requirements and best practice, as the RPA is implemented. The Commission wishes to emphasise that whilst Equality is a fundamental aspect of Employers' Statutory Obligations and is cited in the Commission's sixth Guiding Principle, the Commission believes it is necessary to further accentuate its importance with the development of a Guiding Principle.
3. The Public Service Commission has consulted the Executive, the sectoral Staff Commissions, NIC/ICTU and the Equality Commission about this Guiding Principle on Equality. This is part of a wider set of arrangements which will be required to achieve the Government's commitment to make every possible effort to avoid redundancies in bodies affected by RPA and to safeguard the interests of staff and ensure their smooth transfer into new organisations.

Guiding Principle

4. The Commission recommends that the Executive remind employers that equality of opportunity, the promotion of good relations and human rights must be visibly addressed in all decision-making affecting employees throughout the RPA implementation process.

Associated Recommendations

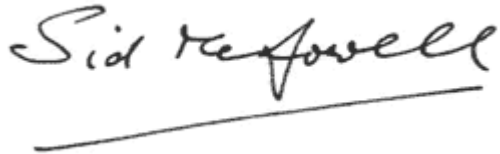
5. The Commission **recommends** that:
 - Employers should pay due regard to the recommendations of the equality codes of practice and other guidance issued by the Equality Commission. A list of the main codes of practice and guidance publications is set out in Appendix 1. However, each organisation should consider its own sectoral codes and guidance as a first point of reference. The Commission's remit is focused on staff matters. Nevertheless it is conscious that the statutory equality responsibilities of employers stretch beyond these into areas such as equity of access to services and promotion of positive attitudes. This is a complex area and the Commission exhorts all employers to pay careful attention to how their decisions impact across the full ambit of their responsibilities.
 - Employers should consult with their legal representatives and the Equality Commission for advice and guidance, where appropriate.
 - The arrangements for implementing this Guiding Principle and Associated Recommendations should be the subject of consultation and negotiation with Trade Unions and other representatives of staff.
 - Employers should share "best practice" information and guidance on the mainstreaming and promotion of equality of opportunity, good relations and human rights into the policies, practices and procedures affecting employees.
 - The Commission recommends that the Executive reaffirm its view that the delivery of equality is a central objective of the RPA and that new organisations will not have any diminished responsibilities in this area whether in relation to the treatment of staff or other matters.

Commentary

6. The Commission re-emphasises the importance of Equality, the promotion of good relations and human rights as the RPA is implemented. The Commission also re-emphasises to employers the statutory equality duties arising from Section 75 of the Northern Ireland Act 1998 and the other equality laws and their specific significance in relation to employment and location issues.
7. The Commission is of the view that boards, senior managers, elected and appointed members in organisations, in particular, should demonstrate personal commitment in driving this Guiding Principle and Associated

Recommendations forward, by for example, delivering team briefs, bulletins, or participating in workshops.

8. The Commission considers that Trade Unions and other staff representatives have an important role in advocating Equality, good relations and human rights and in acting as conduits for information and contributing to the transition process. Equally, all staff have an obligation to embrace the Equality policies of their organisation.

A handwritten signature in cursive script that reads "Sid McDowell". Below the signature is a solid horizontal line.

SID McDOWELL
CHAIRMAN
PUBLIC SERVICE COMMISSION
12 October 2007

Equality Codes of Practice and other important publications (1)

1. **The employment-related equality codes of practice are-**
 - *Fair Employment in Northern Ireland – Code of Practice*
 - *Removing Sex Bias from Recruitment and Selection – A Code of Practice*
 - *Code of Practice on Equal Pay*
 - *Protecting the Dignity of Women and Men at Work – A Code of Practice on Measures to Combat Sexual Harassment*
 - *Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment*
 - *Disability Code of Practice – Employment and Occupation*
 - *Code of Practice for all employers on the avoidance of race discrimination in recruitment while seeking to prevent illegal working [published by the Home Office]*

2. **Other employment-related good practice guidance publications are-**
 - *Sexual Orientation Discrimination in Northern Ireland – The Law and Good Practice*
 - *Age Discrimination in Northern Ireland – The Law and Good Practice for Employers*
 - *Harassment & Bullying in the Workplace*
 - *Equal Pay Review Kit*
 - *Recruitment Advertising – A Good Practice Guide*
 - *A Step by Step Guide to Monitoring – Monitoring your workforce and applicants in line with fair employment regulations*
 - *Employment Equality Monitoring – A Guide*
 - *Section 75 of the Northern Ireland Act 1998 – Guide to the Statutory Duties*

- *Promoting positive attitudes towards disabled people and encouraging participation of disabled people in public life – A Guide for Public Authorities.*
- *A Good Relations Framework - Community Relations Council*

(1) Copies of these publications may be obtained from the Equality Commission.