



8th 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.

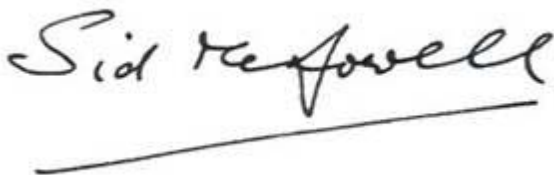
- Employers should consult with their legal representatives and the Equality Commission for advice and guidance, where appropriate.
- The arrangements for implementing this Guiding Principle and Associated Recommendations should be the subject of consultation and negotiation with Trade Unions and other 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 black ink that reads "Sid McDowell". The signature is written in a cursive style and is positioned above a solid horizontal line that serves as a separator.

SID McDOWELL – PUBLIC SERVICE COMMISSION

CHAIRMAN – 12 OCTOBER 2007

APPENDIX 1

Equality Codes of Practice and other important publications¹

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.