

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE – 27 MARCH 2007

GENDER EQUALITY DUTY

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the Gender Equality Duty which comes into place on 6 April 2007.

2. BACKGROUND

- 2.1 The Equality Act 2006 amends the Sex Discrimination Act 1975 and places on Public Authorities, including the Council, new duties in relation to the elimination of sex discrimination and the promotion of sex equality through all of their activities.
- 2.2 Under the legislation, the Council has placed upon it a General Duty and Specific Duties. The purpose of these duties is to put in place a framework for the Council to carry out its functions more effectively and to tackle discrimination and its causes in a proactive way. The General Duty requires the Council not only to have due regard to Gender equality when making decisions in the future but also to address issues which may arise from decisions which it has taken in the past which may not having given due regard to Gender equality. The Specific Duties require the Council to detail how it will meet the General Duty.
- 2.3 In addressing the new requirements placed on the Council it should be recognised that the Council already has in place a range of policies and procedures underpinning the delivery of services to all members of the community and many of these already take account of gender implications. It is the intention that these existing arrangements be built upon and enhanced to meet the new requirements laid down by the legislation. Similarly, the Gender Equality Scheme and the accompanying Action Plan which will be produced will lay out the key actions which will be taken over the three year span of the Scheme. These key actions will be supported by the identification of specific actions which will be taken at a corporate and departmental level.

3. GENERAL DUTY

- 3.1 The General Duty requires the Council, when carrying out its functions, to have due regard to the need to:
- Eliminate unlawful discrimination and harassment; and

- Promote equality of opportunity between men and women.

Unlawful discrimination means:-

- Direct and indirect discrimination against women and men, in employment and education, in goods, facilities and services in the exercise of public functions;
- Harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave;
- Discrimination on the grounds of gender reassignment in employment and vocational training;
- Direct and indirect discrimination in the employment field on the grounds that a person is married or a civil partner;
- Victimisation.

4. SPECIFIC DUTIES

4.1 To assist in meeting the General Equality Duty certain Specific Duties are placed on the Council. In summary, the Specific Duties state that:-

- The Council should produce and publish a Gender Equality Scheme identifying its gender equality goals and action to meet them in consultation with employers and stakeholders;
- The Council should monitor and report on progress annually;
- The Council should review the Scheme at least every three years;
- The Council should conduct and publish gender impact assessments of all major policy developments and publish their criteria for conducting such impact assessments.
- Develop, publish and regularly review an equal pay policy, including measures to address promotion, development and occupational segregation;
- The Council must within three years of the Scheme being published, take the steps set out in the action plan (unless it is unreasonable or impractical for it to do so) and put into effect the arrangements for gathering and making use of the information.

- The Council must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

5. GENDER EQUALITY SCHEME

5.1 In accordance with the legislative requirements a Gender Equality Scheme requires to be produced by the Council by 29 June 2007.

5.2 The Gender Equality Scheme will lay out:-

- a. The Council's gender equality objectives and what evidence has been used to develop these objectives;
- b. How the Council consulted staff and service users in setting objectives;
- c. How the Council will assess the impact of the organisation's policies and practices on gender equality;
- d. the Council's arrangements for gathering information in relation to employment and service delivery;
- e. what action the Council will take to meet its objectives over the next three years

6. POLICY AND LEGAL IMPLICATIONS

6.1 The approval of the Gender Equality Scheme will enable the Council to meet its statutory obligations and its policy objectives in relation to ensuring equality and diversity for all its citizens.

7. COMMUNITY PLAN

7.1 The Gender Equality Scheme and its related Action Plan will contribute to the achievement of all aspects of the Community Plan.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising at this time from the Gender Equality Duty. Any future financial implications arising from actions taken under the Gender Equality Scheme and related Action Plan will require to be considered in accordance with the Council's agreed budgetary arrangements either from departmental budgets or by specific consideration by the relevant Committee.

9. RECOMMENDATIONS

9.1 The Committee is recommended to:-

- i. note the requirements of the Gender Equality Duty; and
- ii. note that a Gender Equality Scheme will be developed and submitted to a future meeting of the Committee; and
- iii. to otherwise note the report.

**Depute Chief Executive/
Executive Director of Corporate Support
5 March 2007**

BACKGROUND PAPERS

Nil

Anyone wishing further information should contact the Head of Personnel (tel: 01563 576092).