

At a meeting of the JOINT CONSULTATIVE COMMITTEE held in the CIVIC CENTRE on WEDNESDAY 6 JANUARY 2010 at 3.00 pm.

Present:-

Councillor M. Smith in the Chair

Councillors Allan, Anderson, Paul Maddison, Morrissey and A. Wilson together with Ms. J. Gallagher and Ms. D. Peacock of UNISON, Ms. A. Bryan of GMB and Mr. J. Kelly of UNITE.

Part I

Councillor M. Smith wished Members and Officers a Happy New Year.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors I. Cuthbert and P. Watson together with Ms. H. Finkill, Mr. M. Gannon and Mr. P. De Vere.

Minutes, Part I

19. RESOLVED that the minutes of the last meeting of the Committee held on 7 October 2009, Part I (circulated) be confirmed and signed as a correct record.

Draft Equalities Bill – Summary of Employment – Related Issues

A report was submitted by the Director of Human Resources and Organisational Development on the employment related aspects of the Equalities Bill.

(For copy report – see original minutes).

The Director of Human Resources and Organisational Development reported that on 27 April 2009 the Government published the Equality Bill, which was expected to come into force from autumn 2010. The purpose of the Equality Bill was to consolidate existing discrimination legislation and it contained new measures, which were intended to strengthen protection against discrimination.

A number of significant proposals to be included in the Bill that would impact on Local Authorities were as follows:-

Equal Pay

The equal pay provisions in the Bill on the whole mirrored the arrangements in the Equal Pay Act. However, the Bill included a new term which clarified that pay protection schemes were capable of being lawful.

Measures to address the gender pay gap

To address the gender pay gap, public sector employers with more than 150 employees would be required to publish details of the difference between what they pay men and women, as well as other information such as the number of Black, Asian and minority ethnic employees.

Social and economic inequality

New provisions in the Bill would place a duty on public bodies, including Local Authorities, to consider reducing social and economic inequalities when taking strategic decisions.

Positive action

Where candidates for a role were both as qualified to be recruited or promoted, employers would be allowed to take into consideration perceived disadvantage or under-representation in the workforce of a candidate's race, sex etc. when deciding who to recruit.

Disability discrimination

The Bill included provisions designed to underpin and strengthen the protections for disabled people.

Pre-employment Questionnaires about health or disability during the recruitment process

During the House of Commons stage a new clause was introduced which aimed to strengthen protection for disabled people against discrimination.

Employment Tribunals' Powers

Where an employment tribunal found that an employer had discriminated against an employee, the tribunal would be given new powers to make recommendations that impacted on the wider workforce, such as a recommendation that harassment policies were more effectively implemented. However, the power would not apply in equal pay claims.

Dual discrimination

Dual discrimination (initially referred to as multiple discrimination) was where a person suffered unfavourable treatment because of a combination of two protected characteristics, for example race and sex.

In reply to a question from Councillor Allan, the Director of Human Resources and Organisational Development reported that the current procedures and practices met the requirements as far as employment and the Department would be in the process of checking that all policies would include the new measures.

Councillor Allan referred to the new provisions in the Bill to consider reducing social and economic inequalities when taking strategic decisions such as encouraging applications for jobs from people living in disadvantaged areas of its community where unemployment was high. He asked who would be responsible for carrying out these measures.

The Director of Human Resources and Organisational Development confirmed that the appointing Officer/Officers would be responsible for implementation of this provision.

Councillor Anderson commented that although gender reassignment had not been highlighted in the report, transgender applicants had specific rights.

The Director of Human Resources and Organisational Development concurred that the Equalities Bill recognised transgender as one of the protected characteristics in discrimination.

20. RESOLVED that the contents of the summary be noted and further progress reports be received in the future as appropriate.

Local Government (Access to Information) (Variation) Order 2006

At the instance of the Chairman, it was:-

21. RESOLVED that in accordance with Section 100(A)4 of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of exempt information relating to any individual or information which is likely to reveal the identity of an individual or information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matters arising between the Authority. (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(Signed) M. SMITH,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.