

**REPORT TO:** TAYSIDE CONTRACTS JOINT COMMITTEE – 26 AUGUST 2019

**REPORT ON:** EQUALITY MAINSTREAMING PROGRESS REPORT

**REPORT BY:** MANAGING DIRECTOR

**REPORT NO:** JC23/2019

## **1.0 PURPOSE OF REPORT**

1.1 This report advises the Tayside Contracts Joint Committee of progress to date in fulfilling Tayside Contracts' statutory equalities duties and seeks approval for the intended approach going forward.

## **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Joint Committee note Tayside Contracts' progress to date in fulfilling its statutory general equalities duties; and approve the proposed approach in future, detailed at Section 9 of this report.

## **3.0 FINANCIAL IMPLICATIONS**

3.1 Equality and Diversity planning and implementation will continue to be contained within Tayside Contracts' existing Corporate and Division/Unit budgets.

## **4.0 BACKGROUND**

4.1 The Equality Act 2010 came into force on 5 April 2011.

### **4.2 General Equality Duty**

The Act placed a general equality duty on '*public authorities*' to pay due regard to the need to:

- Eliminate discrimination
- Advance equality
- Foster good relations across the range of protected characteristics.

Tayside Contracts is required by law to comply with the general equality duty and has and will continue to do so.

### **4.3 Specific Equality Duties**

In addition to the general equality duties, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 placed specific duties on '*listed bodies*', as defined by the Regulations. Tayside Contracts, operating under a Joint Committee arrangement, does not meet the criteria of a '*listed body*' as defined by the Regulations. As such, there is no statutory obligation for Tayside Contracts to comply with the specific

equality duties, as there is for a Council, for example. However, Tayside Contracts has undertaken to comply with both general and specific equalities duties of the Equality Act and the 2012 Regulations i.e. to all intents and purposes act as if Tayside Contracts is a '*listed body*'.

This means that Tayside Contracts will:

- Calculate Tayside Contracts' Gender Pay Gap (i.e. the difference between male employees' average hourly pay and female employees' average hourly pay), which was published on 30 March 2019 and which will be published every 2 years thereafter.
- Develop an Equal Pay Statement which was published on 30 April 2019 and will be published every 4 years thereafter.
- Develop and publish an Equalities Mainstreaming Report, detailing Tayside Contracts' progress on mainstreaming equality in 2019 and every 2 years thereafter.

## **5.0 EQUALITY STRATEGY, INITIATIVES AND ACTIONS TO DATE**

Tayside Contracts recognises the strategic importance of mainstreaming equality and the need to move away from equality issues being seen as an additional part of Tayside Contracts' business and instead being an integral part of Tayside Contracts' culture. This is a progressive journey for Tayside Contracts, building on previous work in changing attitudes, language and behaviours.

Tayside Contracts' equalities actions and initiatives to date, designed to comply with the General Equality Duty and the 2012 Regulations include:

- Engaging one of the UK's top equalities training providers to design and deliver bespoke equalities training sessions to 262 managers throughout Tayside Contracts – the training sessions were exceptionally well-received.
- Ensuring that all of Tayside Contracts' functions and policies are subject to equalities impact assessments.
- Engaging independent experts to conduct equal pay audits to provide evidence of our pay systems being equality-proof (the most recent equal pay audit was highly satisfactory and was reported to the Joint Committee, JC28/2018 refers).
- Developing and implementing a range of equalities policies and procedures, including the Equality and Diversity Policy and the Equality Impact Assessment Policy.
- Becoming an accredited 'Living Wage Employer'.
- Providing an in-house, professional Polish/English interpreter/translator service for our high proportion of Polish employees and ensuring that all key employment policies, procedures, documents and correspondence are translated (an interpreter/translator service is also provided on request for other languages).
- Becoming an accredited 'Disability Confident' employer.
- Winning the Perth and Kinross Council Gold Star Employer Award 2019 in recognition of our achievements as an 'Inclusive Employer'.

- Building relationships between Tayside Contracts and minority action groups such as Amina (Muslim Women’s group), MEAD (PKC’s minorities inclusion project) and DIWC (Dundee International Women’s Centre).
- Promoting diversity and inclusion through our digital signage system.

## 6.0 EQUAL PAY

### 6.1 Equal Pay Statement

In accordance with the specific duties of the Equality Act, Tayside Contracts published an Equal Pay Statement on Tayside Contracts’ website on 30 April 2019 (Appendix 1).

### 6.2 Equal Pay Audits

Since the implementation of Single Status, in 2008, Tayside Contracts has engaged independent experts-in-field to conduct equal pay audits of Tayside Contracts’ terms and conditions of employment to ensure that its pay systems remain ‘equality proof’. Given the high costs associated with successful equal pay claims the positive outcome of the most recent independent Equal Pay Audit conducted in August 2018 is highly encouraging. The salient findings were that the Scottish Job Evaluation Scheme (used by Tayside Contracts to evaluate its jobs) is an equality-proof Scheme and that the procedures and processes in place within Tayside Contracts are appropriate to ensure that all jobs are evaluated fairly. The analysis also concluded that the design principles underpinning Tayside Contracts’ Pay and Grading structure reflect best practice.

## 7.0 GENDER PAY GAP

7.1 In accordance with the specific duties of the Equality Act, Tayside Contracts’ published Gender Pay Gap information (Appendix 2). The Gender Pay Gap is not to be confused with equal pay. All Tayside Contracts employees are paid equally for work of equal value. Therefore, the Gender Pay gap is not an indicator of discrimination but is a useful measure for analysing pay by gender across the workforce to identify whether there is progress towards more women being employed in higher paid jobs, traditionally occupied mainly, or exclusively, by men not only within Tayside Contracts but across society as a whole.

### 7.2 Workforce Distribution

When viewing Tayside Contracts’ Gender Pay Gap it should be recognised that highly populated roles in Grade 1 are those traditionally/societally undertaken by women.

### 7.3 Gender Pay Gap 2019

Tayside Contracts’ Gender Pay Gap is consistent with the UK economy as a whole:

Gender Pay Gap - Basic Pay	Tayside Contracts	UK Economy
Basic Pay – Mean	18.4%	17.4%
Basic Pay – Median	13.4%.	18.5%

### 7.4 Gender Pay Gap - Actions

Further consideration is being given as to what actions Tayside Contracts could take to encourage more women into non-traditional roles, e.g. by stating in adverts for jobs, such as road worker, that are predominantly occupied by men, that women are encouraged to apply and that, if they meet the essential criteria, they will be guaranteed an interview.

## **8.0 EMPLOYEE MONITORING DATA**

### **8.1 Employee Monitoring - Findings**

The specific duties of the Regulations require 'listed bodies' to publish Employee Monitoring data (featured at Appendix 3). The salient findings from analyses of the 2018/19 Employee Monitoring Data are as follows:

- Within the Catering Unit a female applicant is twice as likely to be appointed as a male applicant.
- Within Support Services a female applicant is 8 times as likely to be appointed as a male applicant.
- Employees with disabilities who meet the essential criteria for a job are guaranteed an interview by Tayside Contracts. However, of the 18 applicants interviewed on this basis across the organisation during 2018/19 none were appointed.
- Within the Catering Unit, of 97 English applicants none were appointed.
- Of 14 leavers from the Construction Division, 50% were employees with a disability, meaning that statistically employees with a disability were 5 times more likely to leave.

## **9.0 EQUALITY MAINSTREAMING FUTURE ACTIONS**

**The following initiatives and interventions will be carried out between now and the next Equality Mainstreaming Progress report to the Joint Committee in 2021:**

- Continue to comply with both general and specific equalities duties of the Equality Act and the 2012 Regulations.
- Tayside Contracts' progress on achieving its equality outcomes and mainstreaming the equality duty (including details of progress made in gathering and using employee information to better perform the equality duty), will next be published on 30 April 2021 and every 2 years thereafter.
- Tayside Contracts' Gender Pay Gap will next be published on 30 April 2021 and every 2 years thereafter.
- Tayside Contracts' Equal Pay Statement will next be published on 30 April 2023 and every 4 years thereafter.
- Continue to ensure that all equalities information is published in a way that makes it readily accessible to the public (i.e. all reports will be published in full on Tayside Contracts' Equality Webpages and summary versions made available in British Sign Language, Easy Read versions, in Polish and in other languages on request).
- Conduct more detailed analysis of employee monitoring data to identify the need for specific training, support or other interventions.

- Develop a sustainable equalities training programme for all frontline employees, which addresses the challenge of 2,400 employees not having pc access at work, poor literacy skills and an average of over 300 new frontline employees being recruited each year.
- Provide the necessary management guide training to devolve conducting Equality Impact Assessments to operational/business managers (with quality/validation checks continuing to be carried out and signed off by the Equalities and Communications Officer).
- Identifying where the need for some form of affirmative action may be required to help achieve a workforce that is more representative of the communities we serve (e.g. where there is not proportionate representation in specific sectors or within the organisation as a whole of those with protected characteristics).
- Commissioning an independent expert to conduct an equal pay audit during 2020/21.

## **10.0 EQUALITIES ASSESSMENT**

10.1 The issues considered within this report have, as required by legislation, been subject of consideration from an equalities perspective.

10.2 An equalities impact assessment (EqIA) is not required.

## **11.0 CONSULTATIONS**

11.1 The Clerk and the Proper Officer to the Joint Committee have been consulted on the preparation of this report.

## **12.0 BACKGROUND PAPERS**

12.1 None.

Iain C Waddell  
Managing Director

## Appendix 1

### **EQUAL PAY STATEMENT**

The Equality Act 2010 and associated regulations require that Tayside Contracts will publish an Equal Pay Statement every four years. This statement is effectively Tayside Contracts' policy on equal pay and has been drafted in accordance with Equality and Human Rights Commission (EHRC) guidance.

Tayside Contracts recognises the need to achieve and promote equality of treatment and opportunity for all employees. Central to this commitment is the principle of equal pay for work of equal value.

With this in mind, Tayside Contracts will continue to operate a pay system which is fair and transparent, and will:

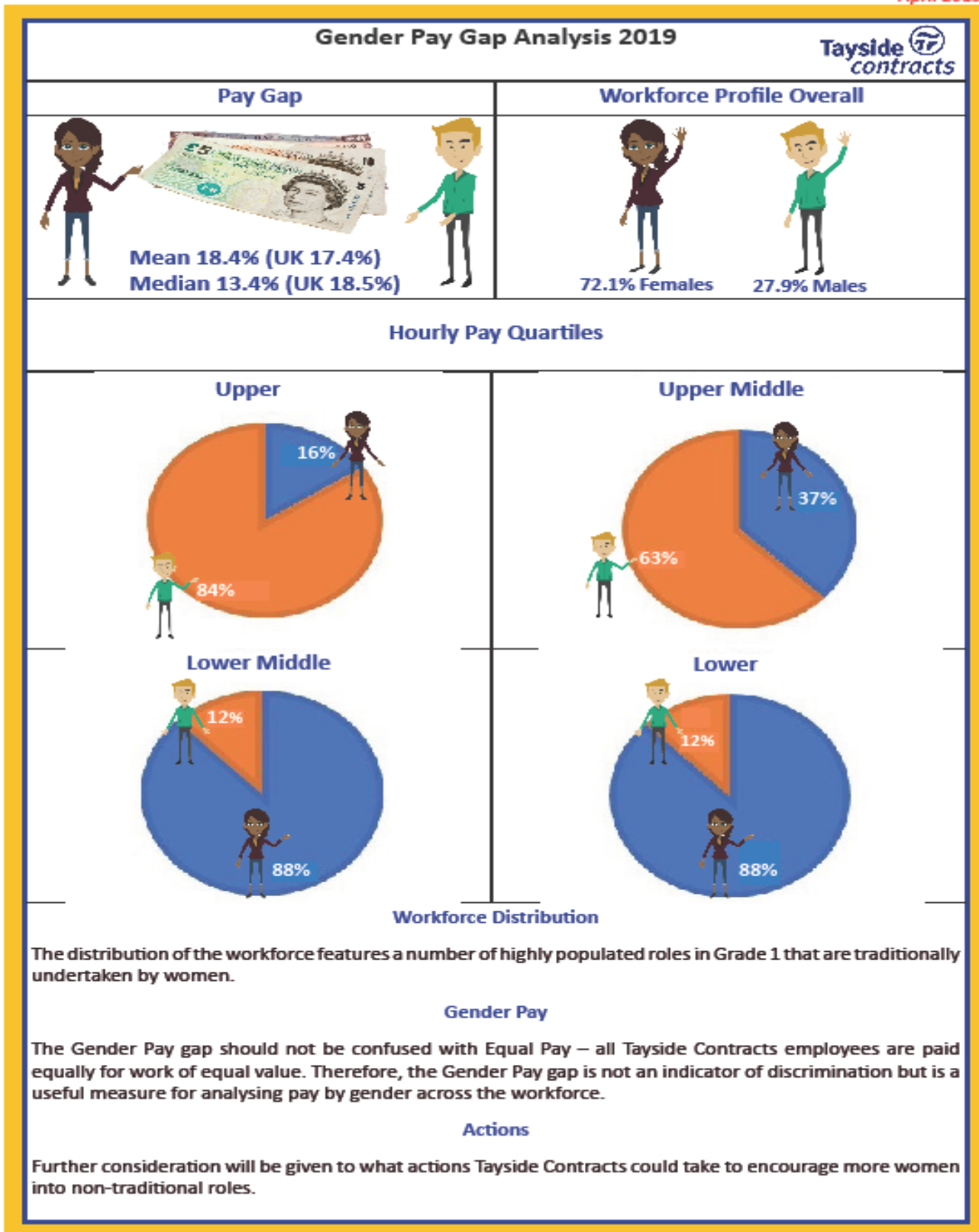
- ✓ continuously review pay practices to ensure that unfair, unjust or unlawful practices are eliminated
- ✓ provide training and guidance for those involved in determining pay
- ✓ inform employees of how their grades are determined
- ✓ respond to grievances on equal pay as a priority
- ✓ regularly monitor our pay and grading structure and terms and conditions of employment

An equal pay audit is the most effective way of checking compliance with equal pay obligations and, as such, Tayside Contracts will conduct an equal pay audit every two years. If any unlawful differences in pay are identified, which do not have a valid justification, immediate action will be taken to eliminate the inequality.

**30 April 2019**

**GENDER PAY GAP**

April 2019



**EMPLOYEE MONITORING DATA 01/04/18 – 31/03/19**

<b>Recruitment by Gender</b>						
UNIT/DIVISION	No. of Applicants	No. of Applicants Interviewed	% of Applicants Interviewed	No. of Successful Applicants	% of Total Applicants Employed	% of Interviewees Employed
<b>CATERING</b>						
F	1,014	984	97%	139	14%	14%
M	79	63	80%	5	6%	8%
U	9	7	78%	0	0%	0%
<b>TOTAL</b>	<b>1,102</b>	<b>1,054</b>	<b>96%</b>	<b>144</b>	<b>13%</b>	<b>14%</b>
<b>FM</b>						
F	906	873	96%	149	16%	17%
M	306	288	94%	40	13%	14%
U	21	19	90%	1	5%	5%
<b>TOTAL</b>	<b>1,233</b>	<b>1,180</b>	<b>96%</b>	<b>190</b>	<b>15%</b>	<b>16%</b>
<b>CONSTRUCTION</b>						
F	22	7	32%	2	9%	29%
M	405	118	29%	21	5%	18%
U	3	3	100%	0	0%	0%
<b>TOTAL</b>	<b>430</b>	<b>128</b>	<b>30%</b>	<b>23</b>	<b>5%</b>	<b>18%</b>
<b>SUPPORT SERVICES</b>						
F	105	51	49%	8	8%	49%
M	89	23	26%	1	1%	26%
U	3	0	0%	0	0%	0%
<b>TOTAL</b>	<b>197</b>	<b>74</b>	<b>38%</b>	<b>9</b>	<b>5%</b>	<b>38%</b>
<b>ORGANISATION TOTAL</b>	<b>2,962</b>	<b>2,436</b>	<b>82%</b>	<b>366</b>	<b>12%</b>	<b>15%</b>

<b>Recruitment by Disability</b>						
UNIT/DIVISION	No. of Applicants	No. of Applicants Interviewed	% of Applicants Interviewed	No. of Successful Applicants	% of Total Applicants Employed	% of Interviewees Employed
CATERING	8	8	100%	0	0%	0%
FM	8	8	100%	0	0%	0%
CONSTRUCTION	1	1	100%	0	0%	0%
HR	1	1	100%	0	0%	0%
<b>TOTAL</b>	<b>18</b>	<b>18</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>0%</b>
<b>ORGANISATION TOTAL</b>	<b>18</b>	<b>18</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>0%</b>



Recruitment by Nationality						
UNIT/DIVISION	No. of Applicants	No. of Applicants Interviewed	% of Applicants Interviewed	No. of Successful Applicants	% of Total Applicants Employed	% of Interviewees Employed
<b>CATERING</b>						
AFRICAN	5	1	20%	0	0%	0%
ASIAN	3	0	0%	0	0%	0%
BANGLADESH	7	1	14%	0	0%	0%
BRITISH	4	2	50%	0	0%	0%
BULGARIAN	4	2	50%	0	0%	0%
CAMBODIAN	2	0	0%	0	0%	0%
CARIBBEAN	2	0	0%	0	0%	0%
CHINESE	3	2	67%	0	0%	0%
CZECH	3	2	67%	0	0%	0%
DANISH	1	1	100%	0	0%	0%
DUTCH	1	1	100%	0	0%	0%
ENGLISH	97	97	100%	0	0%	0%
INDIAN	4	1	25%	0	0%	0%
IRISH	7	5	71%	2	29%	40%
LATVIAN	1		0%	0	0%	0%
LITHUANIAN	1		0%	0	0%	0%
PAKISTANI	8	8	100%	1	13%	13%
POLISH	1		0%	0	0%	0%
SCOTTISH	874	856	98%	113	13%	13%
SOUTHAFRIC	1	1	100%	0	0%	0%
SPANISH	1	1	100%	0	0%	0%
THAI	1	1	100%	0	0%	0%
WELSH	2	2	100%	0	0%	0%
<b>TOTAL</b>	<b>1,033</b>	<b>984</b>	<b>95%</b>	<b>116</b>	<b>11%</b>	<b>12%</b>
<b>CLEANING</b>						
AFRICAN	1	1	100%	1	100%	100%
ASIAN	1	1	100%		0%	0%
BANGLADESH	1	1	100%		0%	0%
BRITISH	2	2	100%		0%	0%
BULGARIAN	3	3	100%	1	33%	33%
CHINESE	2	1	50%		0%	0%
ENGLISH	81	69	85%	9	11%	13%
INDIAN	2	1	50%		0%	0%
IRISH	4	4	100%	1	25%	25%
LATVIAN	1		0%		0%	0%
LITHUANIAN	2	1	50%		0%	0%
PAKISTANI	4	4	100%		0%	0%
POLISH	2	2	100%		0%	0%
SCOTTISH	750	750	100%	117	16%	16%
SLOVAKIAN	1	1	100%		0%	0%
SPANISH	1	1	100%	1	100%	100%
THAI	2	2	100%	2	100%	100%
TURKISH	2	2	100%		0%	0%
WELSH	1	1	100%		0%	0%
<b>TOTAL</b>	<b>863</b>	<b>847</b>	<b>98%</b>	<b>132</b>	<b>15%</b>	<b>16%</b>
<b>FSD MGT</b>						
ENGLISH	1	0	0%	0	0%	0%
SCOTTISH	2	1	50%	1	50%	100%
BRAZILIAN	1	1	100%		0%	0%
BRITISH	1	1	100%		0%	0%
ENGLISH	16	13	81%	2	13%	15%
IRISH	2	1	50%		0%	0%
PAKISTANI	2	2	100%	1	50%	50%
SCOTTISH	148	106	72%	30	20%	28%
<b>TOTAL</b>	<b>170</b>	<b>124</b>	<b>73%</b>	<b>33</b>	<b>19%</b>	<b>27%</b>
<b>CONSTRUCTION</b>						
BRITISH	1	1	100%		0%	0%
CARIBBEAN	1		0%		0%	0%
CZECH	1		0%		0%	0%
ENGLISH	32	14	44%	4	13%	29%
ESTONIAN	1		0%		0%	0%
INDIAN	1		0%		0%	0%
IRISH	2	1	50%		0%	0%
LITHUANIAN	1	1	100%		0%	0%
PAKISTANI	1		0%		0%	0%
POLISH	2	2	100%		0%	0%
SCOTTISH	349	226	65%	19	5%	8%
SLOVAKIAN	1		0%		0%	0%
SPANISH	1		0%		0%	0%
<b>TOTAL</b>	<b>394</b>	<b>245</b>	<b>62%</b>	<b>23</b>	<b>6%</b>	<b>9%</b>
<b>SUPPORT SERVICES</b>						
ENGLISH	14	2	100%		0%	0%
INDIAN	2		0%		0%	0%
IRISH	2	1	50%		0%	0%
PAKISTANI	2		0%		0%	0%
POLISH	4	0	0%		0%	0%
SCOTTISH	166	55	28%	9	6%	21%
<b>TOTAL</b>	<b>190</b>	<b>58</b>	<b>31%</b>	<b>9</b>	<b>5%</b>	<b>16%</b>
<b>ORGANISATION TOTAL</b>	<b>2,650</b>	<b>2,258</b>	<b>85%</b>	<b>313</b>	<b>12%</b>	<b>14%</b>

Leavers by Gender			
Unit and Gender	No of Leavers	Total No. of Current Employees	% of Leavers
<b>CATERING</b>			
F	129	733	18%
M	7	14	50%
<b>TOTAL</b>	<b>136</b>	<b>747</b>	<b>18%</b>
<b>CLEANING</b>			
F	137	874	16%
M	13	130	10%
<b>TOTAL</b>	<b>150</b>	<b>1,004</b>	<b>15%</b>
<b>CONSTRUCTION</b>			
F	1	14	7%
M	39	340	11%
<b>TOTAL</b>	<b>40</b>	<b>354</b>	<b>11%</b>
<b>FM</b>			
F	11	84	13%
M	30	209	14%
<b>TOTAL</b>	<b>41</b>	<b>293</b>	<b>14%</b>
<b>SUPPORT</b>			
F	6	53	11%
M	3	21	14%
<b>TOTAL</b>	<b>9</b>	<b>74</b>	<b>12%</b>
<b>ORGANISATION TOTAL</b>	<b>376</b>	<b>2,435</b>	<b>15%</b>

Leavers by Disability				
Unit	Total No. of Leavers	No of Leavers with Disability	% of All Employees who were Leavers	% of Leavers with a Disability
CATERING	27	4	18%	15%
FM	82	7	14%	9%
CONSTRUCTION	14	7	11%	50%
<b>ORGANISATION TOTAL</b>	<b>123</b>	<b>18</b>	<b>11%</b>	<b>15%</b>

<b>Leavers by Nationality</b>			
<b>Unit</b>	<b>Total No. of Current Employees</b>	<b>No of Leavers 2018/19</b>	<b>% of Leavers</b>
<b>CATERING</b>			
BRITISH	15	3	20%
ENGLISH	51	18	35%
POLISH	5	3	60%
SCOTTISH	609	106	17%
OTHER	60	6	10%
<b>TOTAL</b>	<b>740</b>	<b>136</b>	<b>18%</b>
<b>CLEANING</b>			
ENGLISH	47	11	23.4%
NIRISH	5	1	20.0%
POLISH	49	12	24.5%
SCOTTISH	768	111	14.5%
OTHER	116	15	12.9%
<b>TOTAL</b>	<b>985</b>	<b>150</b>	<b>15%</b>
<b>CONSTRUCTION</b>			
ENGLISH	22	4	18.2%
SCOTTISH	294	30	10.2%
WELSH	1	1	100.0%
OTHER	20	5	25.0%
<b>TOTAL</b>	<b>337</b>	<b>40</b>	<b>12%</b>
<b>FM</b>			
ENGLISH	11	3	27.3%
SCOTTISH	215	25	11.6%
OTHER	62	14	23%
<b>TOTAL</b>	<b>288</b>	<b>42</b>	<b>15%</b>
<b>SUPPORT</b>			
SCOTTISH	67	7	10.4%
IRISH	1	1	100.0%
OTHER	1	1	100.0%
<b>TOTAL</b>	<b>68</b>	<b>8</b>	<b>12%</b>
<b>ORGANISATION TOTAL</b>	<b>2,419</b>	<b>377</b>	<b>16%</b>

<b>Disciplinary by Gender</b>		
<b>UNIT/DIVISION</b>	<b>No of Employees Disciplined</b>	<b>% of all E/ees Disciplined</b>
<b>CATERING</b>		
F	8	20%
M	2	5%
<b>TOTAL</b>	<b>10</b>	<b>24%</b>
<b>CLEANING</b>		
F	10	24%
M	2	5%
<b>TOTAL</b>	<b>12</b>	<b>29%</b>
<b>CONSTRUCTION</b>		
M	10	24%
<b>TOTAL</b>	<b>10</b>	<b>24%</b>
<b>FM</b>		
F	1	2%
M	8	20%
<b>TOTAL</b>	<b>9</b>	<b>22%</b>
<b>ORGANISATION</b>		
F	29	71%
M	12	29%
<b>TOTAL</b>	<b>41</b>	<b>100%</b>

<b>Disciplinary by Nationality</b>		
<b>UNIT/DIVISION</b>	<b>No of Employees Disciplined</b>	<b>%</b>
<b>CATERING</b>		
BRITISH	1	2%
NOTSTATED	1	2%
SCOTTISH	8	20%
<b>TOTAL</b>	<b>10</b>	
<b>CLEANING</b>		
BRITISH	1	2%
CANADIAN	1	2%
CARIBBEAN	1	2%
OTHERWHITE	1	2%
SCOTTISH	8	20%
<b>TOTAL</b>	<b>12</b>	
<b>CONSTRUCTION</b>		
UNSPECIFIED	2	5%
SCOTTISH	8	20%
<b>TOTAL</b>	<b>10</b>	
<b>FMS</b>		
SCOTTISH	8	20%
ENGLISH	1	2%
<b>TOTAL</b>	<b>9</b>	
<b>ORGANISATION TOTAL</b>	<b>41</b>	<b>100%</b>

<b>Disciplinary by Disability</b>	
<b>UNIT/DIVISION</b>	<b>No of Employees</b>
CATERING	2
CLEANING	3
CONSTRUCTION	1
<b>TOTAL</b>	<b>6</b>