

# **DUNDEE CITY COUNCIL**

**REPORT TO:** Equality Action Committee

**REPORT ON:** Equality Issues and Developments 2001

**REPORT BY:** Director of Personnel and Management Services

**REPORT NO:** 114-2001

## **1 PURPOSE OF REPORT**

- 1.1 To outline a number of major national equality issues and developments which may inform the Council's equality action efforts in 2001.

## **2 RECOMMENDATION**

- 2.1 It is recommended that the Committee notes the contents of this report and that further reports may be brought back to this Committee for approval.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 None.

## **4 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 The following key themes have implications for equality action:-
- diversity and local distinctiveness are valued and protected;
  - all sections of the community are empowered to participate in decision making;
  - access to the skills, knowledge and information needed to enable everyone to play a full part in society;
  - people live without fear of personal violence from crime and persecution because of their personal beliefs, race, gender or sexuality;
  - ... facilities, services goods and people ... are accessible to all;
  - ... payments for work are fair and fairly distributed.

## **5 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 This report outlines a number of major national equality issues and developments which may inform the Council's equality action efforts in 2001.

## 6 MAJOR EQUALITY ISSUES AND DEVELOPMENTS

- 6.1 **The Human Rights Act 1998** brings the European Convention on Human Rights into UK law. All public authorities have a duty to comply with the Convention wherever possible, unless prevented from doing so by the terms of primary statute. Since the definition of 'public authority' includes courts and tribunals, they will be under their own obligation to give effect to Convention rights wherever possible. This may bring positive obligations, so far as is possible, for courts and tribunals to protect Convention rights even in private law proceedings between private bodies. It is considered that all of this could potentially have great scope for discrimination law in the United Kingdom.
- 6.2 **Age discrimination in employment and discrimination on grounds of sexual orientation** are to be barred by Council Directive 2000/89/EC establishing a general framework for equal treatment in employment and occupation. The new Directive is the most important European discrimination legislation since the 1976 Equal Treatment Directive. It also covers discrimination on the grounds of religion or belief and disability discrimination. In terms of its impact on the world of work, easily the most significant aspect of the Directive will be the prohibition on discrimination on grounds of age. Employers will have to review a wide range of policies and practices that are potentially age-discriminatory. The prohibition of age discrimination is likely to spell the end of arbitrary age ranges for recruitment and bring about the demise of compulsory retirement ages.
- 6.3 **The provisions of the Race Relations (Amendment) Act 2000**, which received Royal Assent on 30 November 2000, strengthen the Race Relations Act 1976 by outlawing direct racial discrimination by public authorities in carrying out their functions, and by introducing a new positive duty on public authorities to eliminate unlawful discrimination and promote equality of opportunity. Its main provisions are expected to come into force in April 2001.
- 6.4 **Proposals aimed at helping working parents** have been announced by the Government. Around 40 options for change are put forward in the Government's green paper on parental rights. They include:-
- 2 weeks' paid paternity leave for fathers;
  - lengthening the period statutory maternity leave is paid to 6 months (currently 18 weeks);
  - extending unpaid maternity leave so that a woman could stay off work for a year;
  - increasing the flat rate of statutory maternity pay;
  - allowing an adoptive parent to take paid leave similar to maternity leave when adopting a child;
  - giving mothers who return early from maternity leave the right to work reduced hours for the rest of that time;
  - giving fathers the right to work reduced hours until the end of maternity leave; and
  - allowing both parents the right to opt to work reduced hours for as long as they wish, when the maternity leave period ends.

- 6.5 **Latest pay figures from the New Earnings Survey** show that, in general, the gap between men's and women's average pay decreased by 0.7% in the last year. Full time women earn, on average, less than 82p an hour for every £1 earned by male workers. The persistence of the gap between women's average pay and men's average pay 25 years after the Equal Pay Act came into force has focused attention on the perceived deficiencies in the statutory scheme and led to calls for reform. The Government has responded by issuing a consultation document containing proposals for streamlining the procedure for bringing claims under the Equal Pay Act. The document also contains proposals to replace the 2 year limit on back pay in equal pay cases with a 6 year limit; to put a 6 month time limit on sex discrimination claims brought by a former employee; and to put in place changes to the Sex Discrimination Act required by the EU Burden of Proof Directive.

## 7 **EQUALITY ACTION**

- 7.1 At its meeting of 14 February 2000, the Equality Action Committee considered Report No. 57/2000 by the Director of Personnel and Management Services, and agreed to re-constitute 3 employee working groups to consider race, gender and disability issues. These working groups, with support from relevant departments, will be involved in considering major equality issues and developments and will bring forward recommendations for action.

## 8 **CONSULTATION**

- 8.1 The Chief Executive, Director of Finance, Director of Support Services and the Director of Neighbourhood Resources and Development have been consulted on, and are in agreement with, the contents of this report.

## 9 **BACKGROUND PAPERS**

- 9.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

## 10 **SIGNATURE**

J.C. Petrie  
Director of Personnel and Management Services .....

Date .....