



# EDI toolkit for reps

What's on your  
bargaining agenda?

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## What's on your bargaining agenda?

Prospect is committed to a policy of equal opportunities for all members irrespective of sex, race, sexual orientation, gender identity, disability, age or religion.

Prospect representatives should consider equality and diversity issues in all areas of negotiation. Remember that organisations which are covered by the public sector equality duty must carry out an equality impact assessment or analysis at the outset of any proposed policy and this must continue throughout implementation. See the [TUC equality duty toolkit](#) for further details.

The checklists below offer guidance to ensure that EDI is always part of the bargaining agenda.

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# 1. Pay

Pay constraints have led to limited scope for negotiation on pay and progression. Common concerns relate to the distribution of bonuses or other forms of performance pay as well as issues around equal pay more generally.

The Equality Act 2010 prohibits discrimination in employment on the grounds of certain protected characteristics<sup>1</sup> and provides for equal pay between women and men. The Act covers all contractual terms and conditions, not just pay itself.

An equal pay audit should help to identify whether there are differences in pay and other terms and conditions between people sharing a particular protected characteristic. It can also show which groups of staff have access to other pay-related benefits.

Employers with 250 or more employees are required to report annually on their gender pay gap. They are required to report on the mean & median pay gap between men and women and any differences in bonus pay. Although gender pay gap data may indicate equal pay issues, it is not the same as equal pay. You can view your organisation's gender pay gap at: <https://gender-pay-gap.service.gov.uk/>

## Checklist:

- Does your employer regularly produce equal pay audits? All public sector employers should have regular equal pay audits and private sector employers should also be pressed to undertake full audits as best practice in line with the EHRC guidance.
- Does the pay audit break down pay by different protected characteristics?
- Does the pay audit cover distribution by grade, full-time and part-time workers, pay, bonuses, other allowances etc?
- Where are individuals placed within the pay structure upon appointment and is length of service taken into account in the audit?
- What recruitment, selection and promotion procedures are in place?

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<sup>1</sup> The protected characteristics covered by the Equality Act 2010 are: age, race, sex, disability, sexual orientation, gender reassignment, religion/belief, pregnancy/maternity and marriage and civil partnership.

## **2. Performance management and appraisal systems**

Performance appraisals can be helpful career development tools, particularly as a means of identifying when further assistance or development is needed. However, in some cases, members can experience unfair criticisms, forced distribution markings, and be faced with efforts to cut staff numbers.

Prospect's own analysis suggests that disabled workers and BAME workers are most at risk of such practices, but behaviour-based ranking systems are inherently subjective so other members may also be affected.

### **Checklist:**

- Are women, disabled and/or BAME members more likely to receive lower markings/ratings?
- Are older or younger workers more likely to receive lower markings/ratings?
- Are members with alternative working patterns/part time workers likely to receive lower markings/ratings?
- Are disabled members assessed after their reasonable adjustments have been taken into account?
- Does the system involve "forced distribution" of the markings? Such a system is much more likely to result in inequalities and discrimination.
- Is the performance system linked to pay and bonuses?

## **3. Work-life balance**

Prospect strives to help members to balance their working lives with their personal lives. Prospect is campaigning for the Right to Disconnect to be explicitly recognised and rolled out as good practice by every UK employer.

### **Checklist:**

- Does your organisation have a comprehensive work life balance policy, including:
  - Part-time working
  - Job sharing
  - Alternative of flexible working patterns
  - Flexible hours and/or flexitime
  - Term-time working
  - Homeworking/home-based working
  - Compressed working weeks
  - Voluntary reduced working time

See Prospect members' guides on [part-time and flexible working](#) and [homeworking](#).

## **4. Health and safety**

Promoting health, safety and welfare at work is one of Prospect's key objectives.

### **Checklist:**

- Does your workplace have health and safety reps?
- Is there a long hours' culture? This could disproportionately impact upon women members who have caring responsibilities and upon disabled workers.
- Have sickness absence policies been reviewed e.g. to ensure that absences related to disability are discounted?
- Are risk assessments up-to-date?
- Is there a policy on workplace [mental health](#)?
- Is protective equipment suitable for all employees?
- Is there a policy dealing with lone working?

## **5. Bullying and harassment**

Employers should institute a zero-tolerance approach to bullying & harassment.

### **Checklist:**

- Is there a clear policy on bullying and harassment that sets out clearly what constitutes bullying and harassment and states the organisation's zero tolerance approach to it?
- Is there regular monitoring of the incidence of unwanted behaviour through workplace surveys and other means?
- Are there multiple avenues for workers to come forward and report issues?
- Has a bullying and harassment risk assessment been undertaken?
- Are there clear standards around language and behaviour?
- Is training provided to all staff on bullying and harassment?

## **6. Restructuring and relocation**

Research by the TUC has shown that underrepresented groups can often be disproportionately affected by periods of change and restructuring.

### **Checklist:**

- Does the restructure involve a new pay and grading structure? If so, see above regarding pay audits.
- Where are individuals placed within the new structure? Check whether disproportionate numbers of people sharing a protected characteristic are allocated to lower grades.
- Consider whether any changes in location, working patterns etc. disproportionately affect some people more than others e.g. women members with caring responsibilities for example, or disabled members who may have difficulty accessing new work locations.

## **7. Redundancies**

As with restructuring and relocation, redundancy situations can contribute to uncertainties and anxieties. It is important therefore to ensure that there is a workplace policy on redundancy before such circumstances arise.

### **Checklist:**

- Can the criteria for redundancies be objectively justified?
- Ensure that the criteria for selection does not indirectly discriminate against underrepresented groups. The employer should collect and share with the union the information on who will be affected, the grades and locations.
- Would the proposed outcome of redundancies disproportionately affect underrepresented groups?
- Are members on alternative working patterns more likely to be at risk of redundancy?
- Members on maternity, shared parental leave or adoption leave must be offered suitable alternative employment in a redundancy situation.
- Has the employer considered (further) reasonable adjustments for disabled members in order to help avoid redundancy?

See Prospect members' guide on redundancy.

## **8. Pensions**

Saving for retirement is important to all of us, but the operation of some occupational pension schemes may not benefit everyone in the same way.

### **Checklist:**

- Ensure that pension schemes have equal survivor benefits for same-sex partners.
- Consider whether pensions accrual rates discriminate against part-time workers.
- Look at how to mitigate disproportionate gender impact of unequal pay and length of service issues in relation to maternity, adoption, parental leave and career breaks.

See Prospect's [Gender Pension Gap report](#) for more information.