

**To:** Equalities Panel

**Date:** 5<sup>th</sup> April 2004

**Report by:** Senior Human Resources Adviser

<p style="text-align: center;"><b>Analysis of workforce data as at 01/03/04</b></p>
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## **1. PURPOSE AND BACKGROUND**

- 1.1 At the last Equalities Panel meeting in October 2003, Human Resources were asked to provide a profile of the organisation with a breakdown of staff to be available for the April meeting.
- 1.2 This report provides analysis of the workforce by reference to the City Pay Bands introduced in January 2004 and equalities categories. It also highlights issues raised by this analysis and details the actions planned within the current Human Resources Equalities Action Plan to address these issues.
- 1.3 The information contained in this report is provided to give the Equalities Panel background information.

## **2. ANALYSIS OF WORKFORCE DATA - GENDER**

- 2.1 The statistical analysis of the workforce by gender and city pay band is attached at **appendix 1**.
- 2.2 The Council's workforce as a whole has a well proportioned gender profile. However this is not replicated across all pay levels, female staff are particularly under-represented within pay bands 9 and at senior manager level.
- 2.3 The equalities action plan proposed to start addressing the issue of women in senior management posts by introducing a development programme for women into the Corporate Training Programme. A new 2 day training course has been developed within the 2004/05 programme due to start in April 2004. The Course, Women Aspiring to Management, is designed as a development programme for women who feel that they are ready to progress into a management role or who wish to progress into a management role in the future.

## **3. ANALYSIS OF WORKFORCE DATA - ETHNICITY**

- 3.1 The statistical analysis of the workforce by ethnicity and pay band is attached at **appendix 2**.

- 3.2 Overall 3.8% of the Council's Workforce is from Black and Minority Ethnic (BME) backgrounds. The Council's BVPI target for 2009/10 for the % of employees from BME backgrounds is 4.5%. Increasing the overall numbers of BME employees within the Council is not the only issue highlighted by the analysis of the workforce data. BME employees are not represented at all within the City Pay Bands above Band 6.
- 3.3 The equalities action plan proposes a number of actions to increase the number of employees from BME groups, these include on-going work to research publications and websites available to ensure the Council's job opportunities reach a diverse audience and to consult with local community groups to identify potential barriers to recruitment of under-represented groups.
- 3.4 The action plan also proposes the analysis of the training and development needs of ethnic minority staff to ensure that they are being adequately met and have equal access to training. This should include the support received during their induction to the City Council, which has a key role to play in staff retention. This is the first step to addressing the under-representation of BME staff above pay band 6. This work is scheduled for June 2004.

#### **4. ANALYSIS OF WORKFORCE DATA - DISABILITY**

- 4.1 The statistical analysis of the workforce by disability and pay band is attached at **appendix 3**.
- 4.2 The distribution of staff with a disability across the pay bands is fairly evenly spread. Increasing the overall numbers of disabled people employed by the Council is the first priority. Only 1.8% of Council staff are disabled compared to 10.75% of within the local population. (In comparing the Council's workforce to the local population, it is important to remember that the way in which disability was defined within the census impacts on the figures obtained, the Council needs to review the definition it uses in comparison. The census also includes individuals that are not seeking employment or are unable to work.)
- 4.3 The equalities action plan does not specifically cover the recruitment of disabled people, the overall aim to ensure that the Council's job opportunities reach a diverse audience and the identification of barriers to recruitment of under-represented groups also includes disabled people.

#### **5. ANALYSIS OF WORKFORCE DATA - AGE**

- 5.1 The statistical analysis of the workforce by age and pay band is attached at **appendix 4**.
- 5.2 The age profile of the Council in respect of the age distribution across the pay bands follows the predictable pattern. No employees within the age range 16-24 appear above city pay band 6. In all other age ranges the distribution is evenly spread. The main issue highlighted by the analysis of

the workforce by age is the % of staff aged 50 and above, 28% of the Council's workforce will be reaching retirement age within the next 5-10 years.

- 5.3 The equalities action plan proposes develop a recruitment and retention policy and to develop and implement workforce planning to ensure the Council has the skills, capacity and development opportunities required for the future. It is a government requirement for the Council to have a workforce plan by March 2005.
- 5.4 In addition an application for funding to implement the National Graduate Recruitment scheme for 2004/05 was included in the January budget cycle. The funding was not agreed by the Council for 2004/05, a new bid for joint funding with neighbouring districts will be explored for 2005/06. This action was proposed to increase the numbers of staff within the 16-24 age range.

## 6. CONCLUSIONS

- 6.1 The Councils Recruitment and Retention strategy (due later in 2004) will provide the basis for developing a diverse and culturally rich workforce. This is particularly important where we have skills shortages and recruitment difficulties – as a 'pool of talent' is potentially untapped. A further challenge is to ensure that the Council's approach to induction and development meets the needs of all groups of staff, with recognition of the specific development needs as appropriate.
- 6.2 The Organisational Development strategy (due to be drafted during mid 2004) will also seek to address any cultural issues that may be acting as a barrier to the development of a diverse and culturally rich workforce.

## 7. RECOMMENDATIONS

- 7.1 The Equalities Panel is asked to note and endorse the contents of this report.

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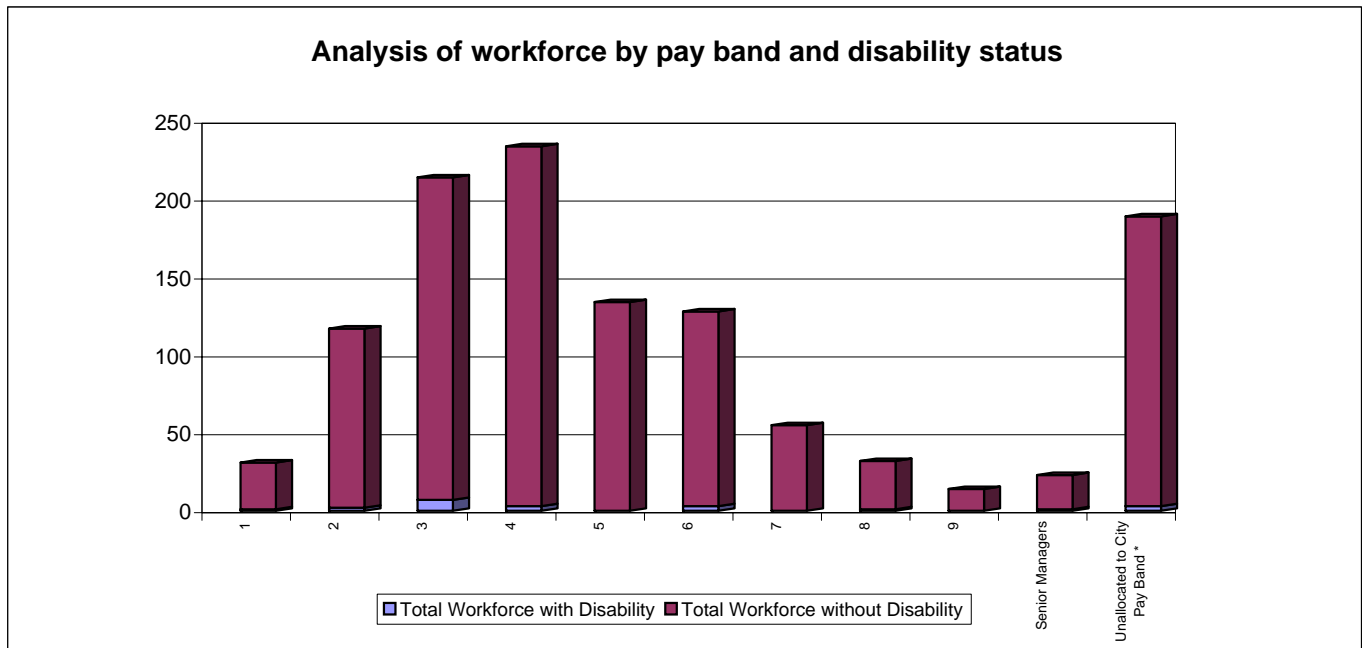
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Appendix 3

Cambridge City Council  
Analysis of Workforce by City Pay Band and Disability Status

City Pay Bands	Salary Range	Total Workforce with Disability	% Workforce with Disability	Total Workforce without Disability	% Workforce without Disability	Grand Total	% distribution across pay bands
1	£10,668 - £13,581	1	0.1%	30	2.6%	31	2.6%
2	£12,987 - £16,515	2	0.2%	115	9.8%	117	10.0%
3	£14,532 - £19,185	7	0.6%	207	17.7%	214	18.3%
4	£16,944 - £22,689	3	0.3%	231	19.7%	234	20.0%
5	£19,185 - £26,640	0	0.0%	134	11.4%	134	11.4%
6	£21,993 - £29,835	3	0.3%	125	10.7%	128	10.9%
7	£25,245 - £34,413	0	0.0%	55	4.7%	55	4.7%
8	£29,067 - £36,699	1	0.1%	31	2.6%	32	2.7%
9	£32,847 - £40,037	0	0.0%	14	1.2%	14	1.2%
Senior Managers		1	0.1%	22	1.9%	23	2.0%
Unallocated to City Pay		3	0.3%	186	15.9%	189	16.1%
Grand Total		21	1.8%	1150	98.2%	1171	100.0%

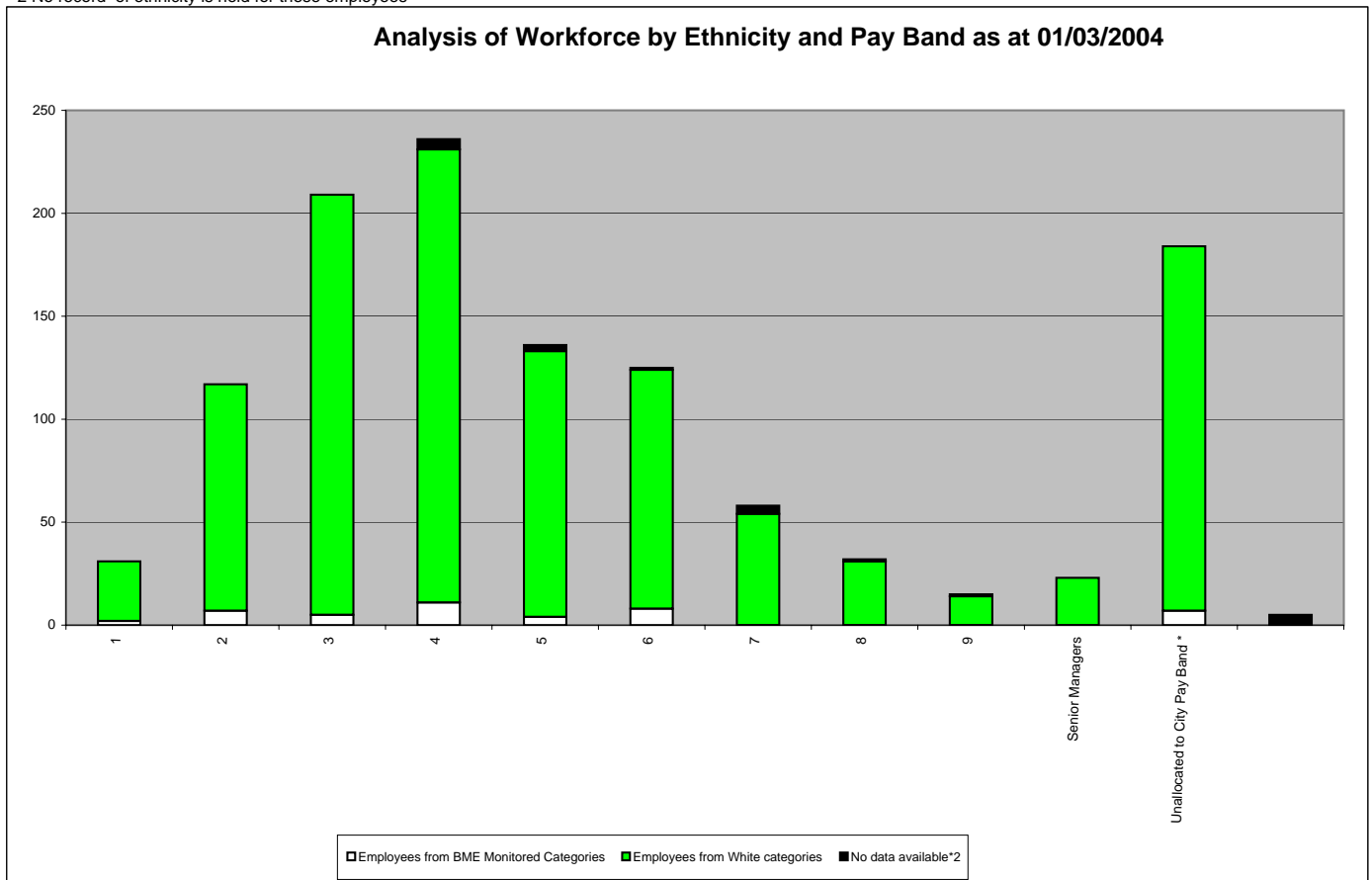
\* Employees are currently on old pay grades or data is not available from payroll due to technical limitations



City Pay Band	Salary Range	Employees from BME Monitored Categories	% Employees from BME Monitored Categories	Employees from White categories	% Employees from White categories	No data available*2	% No data available	Grand Total	% distribution across pay bands
1	£10,668 - £13,581	2	0.2%	29	2.5%	0	0.0%	31	2.6%
2	£12,987 - £16,515	7	0.6%	110	9.4%	0	0.0%	117	10.0%
3	£14,532 - £19,185	5	0.4%	204	17.4%	5	0.4%	214	18.3%
4	£16,944 - £22,689	11	0.9%	220	18.8%	3	0.3%	234	20.0%
5	£19,185 - £26,640	4	0.3%	129	11.0%	1	0.1%	134	11.4%
6	£21,993 - £29,835	8	0.7%	116	9.9%	4	0.3%	128	10.9%
7	£25,245 - £34,413	0	0.0%	54	4.6%	1	0.1%	55	4.7%
8	£29,067 - £36,699	0	0.0%	31	2.6%	1	0.1%	32	2.7%
9	£32,847 - £40,037	0	0.0%	14	1.2%	0	0.0%	14	1.2%
Senior Managers		0	0.0%	23	2.0%	0	0.0%	23	2.0%
Unallocated to City Pay Band *		7	0.6%	177	15.1%	5	0.4%	189	16.1%
<b>Grand Total</b>		<b>44</b>	<b>3.8%</b>	<b>1107</b>	<b>94.5%</b>	<b>20</b>	<b>1.7%</b>	<b>1171</b>	<b>100.0%</b>

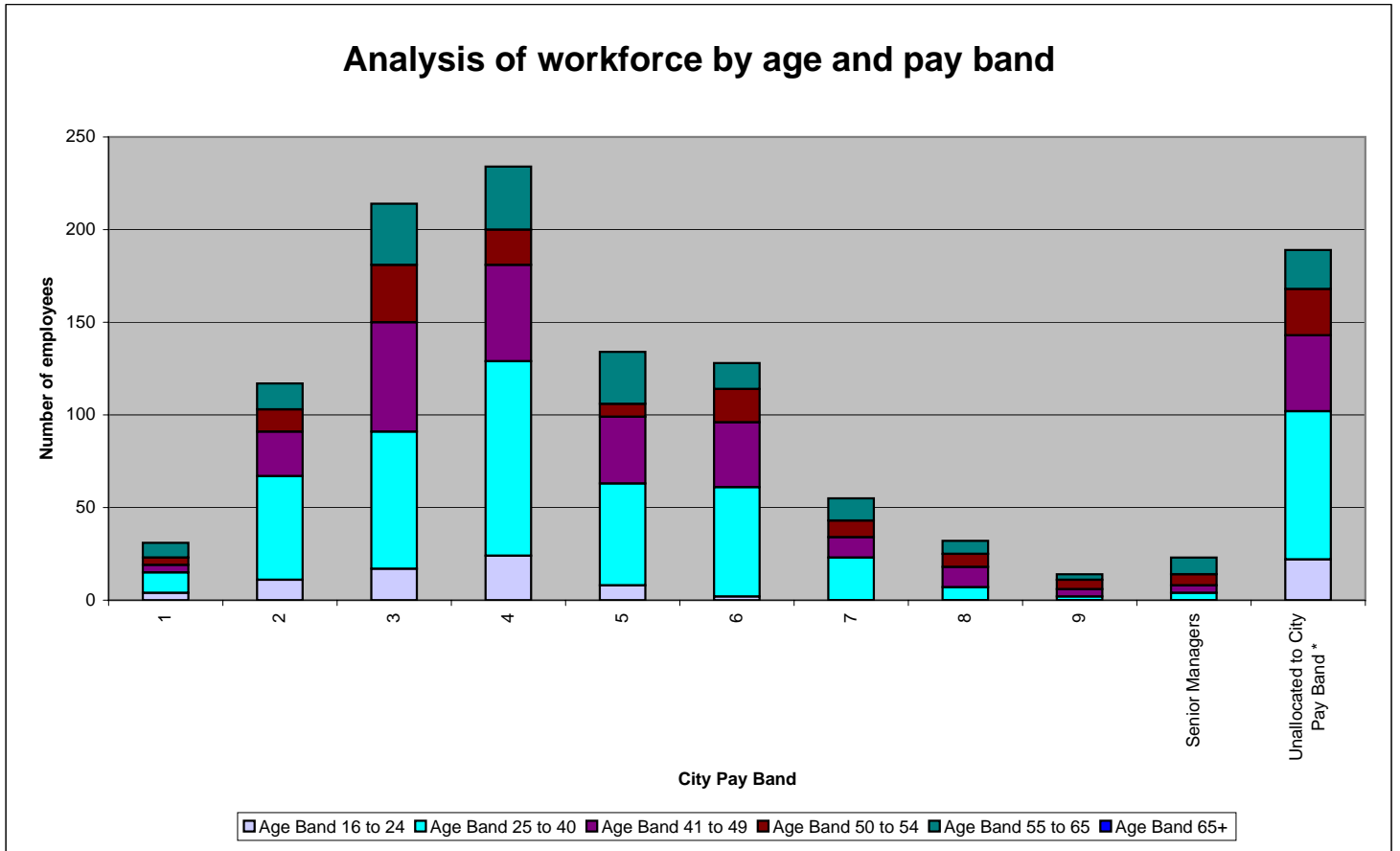
\* Employees are currently on old pay grades or data is not available from payroll due to technical limitations

\*2 No record of ethnicity is held for these employees



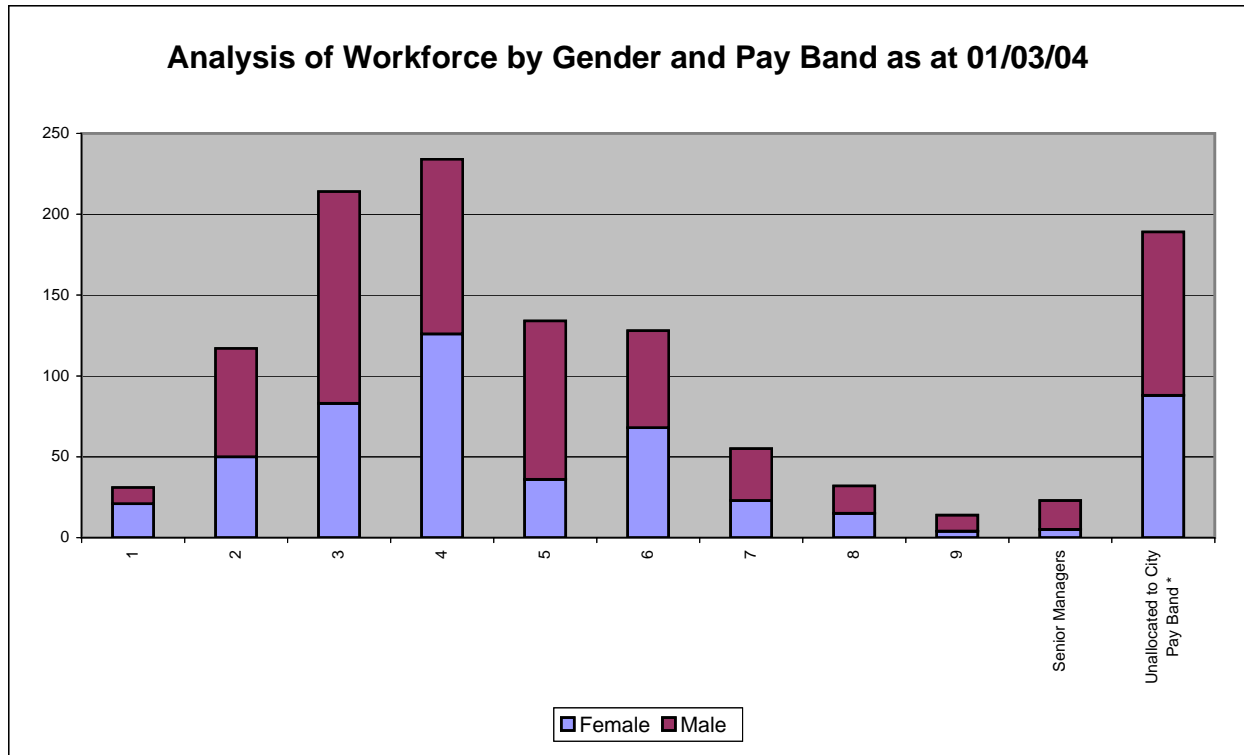
City Pay Band	Salary Range	Age Band 16 to 24	% Age Band 16 to 24	Age Band 25 to 40	% Age Band 25 to 40	Age Band 41 to 49	% Age Band 41 to 49	Age Band 50 to 54	% Age Band 50 to 54	Age Band 55 to 65	% Age Band 55 to 65	Age Band 65+	% Age Band 65+	Grand Total	% distribution across pay bands
1	£10,668 - £13,581	4	0.3%	11	0.9%	4	0.3%	4	0.3%	8	0.7%	0	0.0%	31	2.6%
2	£12,987 - £16,515	11	0.9%	56	4.8%	24	2.0%	12	1.0%	14	1.2%	0	0.0%	117	10.0%
3	£14,532 - £19,185	17	1.5%	74	6.3%	59	5.0%	31	2.6%	33	2.8%	0	0.0%	214	18.3%
4	£16,944 - £22,689	24	2.0%	105	9.0%	52	4.4%	19	1.6%	34	2.9%	0	0.0%	234	20.0%
5	£19,185 - £26,640	8	0.7%	55	4.7%	36	3.1%	7	0.6%	28	2.4%	0	0.0%	134	11.4%
6	£21,993 - £29,835	2	0.2%	59	5.0%	35	3.0%	18	1.5%	14	1.2%	0	0.0%	128	10.9%
7	£25,245 - £34,413	0	0.0%	23	2.0%	11	0.9%	9	0.8%	12	1.0%	0	0.0%	55	4.7%
8	£29,067 - £36,699	0	0.0%	7	0.6%	11	0.9%	7	0.6%	7	0.6%	0	0.0%	32	2.7%
9	£32,847 - £40,037	0	0.0%	2	0.2%	4	0.3%	5	0.4%	3	0.3%	0	0.0%	14	1.2%
Senior Managers		0	0.0%	4	0.3%	4	0.3%	6	0.5%	9	0.8%	0	0.0%	23	2.0%
Unallocated to City Pay Band *		22	1.9%	80	6.8%	41	3.5%	25	2.1%	21	1.8%	0	0.0%	189	16.1%
<b>Grand Total</b>		<b>88</b>	<b>7.5%</b>	<b>476</b>	<b>40.6%</b>	<b>281</b>	<b>24.0%</b>	<b>143</b>	<b>12.2%</b>	<b>183</b>	<b>15.6%</b>	<b>0</b>	<b>0.0%</b>	<b>1171</b>	<b>100.0%</b>

\* Employees are currently on old pay grades or data is not available from payroll due to technical limitations



City Pay Band	Salary Range	Female	% Female	Male	% Male	Total	% distribution across pay bands
1	£10,668 - £13,581	21	1.8%	10	0.9%	31	2.6%
2	£12,987 - £16,515	50	4.3%	67	5.7%	117	10.0%
3	£14,532 - £19,185	83	7.1%	131	11.2%	214	18.3%
4	£16,944 - £22,689	126	10.8%	108	9.2%	234	20.0%
5	£19,185 - £26,640	36	3.1%	98	8.4%	134	11.4%
6	£21,993 - £29,835	68	5.8%	60	5.1%	128	10.9%
7	£25,245 - £34,413	23	2.0%	32	2.7%	55	4.7%
8	£29,067 - £36,699	15	1.3%	17	1.5%	32	2.7%
9	£32,847 - £40,037	4	0.3%	10	0.9%	14	1.2%
Senior Managers		5	0.4%	18	1.5%	23	2.0%
Unallocated to City Pay Band *		88	7.5%	101	8.6%	189	16.1%
<b>Grand Total</b>		<b>519</b>	<b>44.3%</b>	<b>652</b>	<b>55.7%</b>	<b>1171</b>	<b>100.0%</b>

\* Employees are currently on old pay grades or data is not available from payroll due to technical limitations



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**To: Equalities Panel**

**Date: 5<sup>th</sup> April 2004**

**Report by: Senior Human Resources Adviser**

<p style="text-align: center;"><b>The New Discrimination Legislation</b></p>
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**1. PURPOSE**

- 1.1 The purpose of this report is to introduce the panel to the new discrimination legislation and to highlight some of the issues raised by the legislation which require policy decisions to be made by the Council.
- 1.2 In December 2003 the Employment Equality Regulations 2003 came into effect in the UK. The regulations outlaw discrimination in the workplace on the grounds of religion/belief and sexual orientation. These regulations implement parts of the European Employment Directive (Council Directive 2000/78/EC)
- 1.3 Legislation to outlaw age discrimination is scheduled to be introduced in the end of 2006.
- 1.4 These new pieces of legislation build upon existing discrimination legislation for example:-  
Sex Discrimination Act 1975  
Race Relations Act 1976  
Disability Discrimination Act 1995  
Equal Pay Act 1970

**2. THE EMPLOYMENT EQUALITY REGULATIONS 2003**

- 2.1 These regulations apply to employment – including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion/belief or sexual orientation to:-
- Discriminate against anyone i.e. treat them less favourably than others because of their religion/belief or their sexual orientation:
  - Discriminate indirectly against anyone i.e. to apply a criterion, provision or practice which disadvantages people of a particular religion/belief or sexual orientation without a good reason;
  - Subject someone to harassment. (Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them);



- Victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination on the grounds of religion/belief or sexual orientation;
  - Discriminate against someone in some circumstances after the working relationship has ended.
- 2.2 Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for a worker to be of a particular religion/belief or sexual orientation to do the job.
- 2.3 Some frequently asked questions and answers related to the regulations in respect of religion and belief are attached in **appendix 1**.
- 2.4 Similarly some frequently asked questions and answers related to the regulations in respect of sexual orientation are attached at **appendix 2**.

### **3. AGE DISCRIMINATION LEGISLATION - 2006**

- 3.1 The Council has not yet received draft legislation in respect of the age discrimination, but has participated in the early consultation process to assist the Government in the drafting the regulations.
- 3.2 From this consultation it appears that the regulations are likely to impact on retirement age, pensions, service related pay progression, age related pay and recruitment policies.
- 3.3 During 2005 the Council will be reviewing all of its employment practices to ensure compliance in readiness for the implementation of the regulations.

### **4. CONCLUSIONS**

- 4.1 Although the Council's equality policy prohibits discrimination of any kind including those areas covered by the new and forthcoming legislation, staff awareness of these new regulations needs to be addressed. This process has already commenced with a managers briefing and an article in City Briefing. Further information will be provided to the Departmental Personnel Administrators (DPA's) in April at the next DPA workshop organised by Human Resources and via the Human Resources pages on the Council's Intranet site.
- 4.2 Like other discrimination legislation the Council will need to monitor employment practices to ensure that no discrimination occurs. Current legal advice recommends the monitoring of employees religion/belief but not their sexual orientation. The monitoring of religion/belief will commence following the implementation of the Council's new HR/Payroll system.
- 4.3 Other policy decisions in relation to the new legislation will need to be considered and developed as the impact of case law becomes clear, for example the policy on the religious observance in the workplace.

## 5. RECOMMENDATIONS

5.1 The Equalities Panel are asked to note the contents of this report.

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Report file: O:\person\kp\Equal Opps\NewLegislation1.doc  
Date originated: 15<sup>th</sup> March 2004  
Date of last version: 15<sup>th</sup> March 2004

## Appendix 1

### 1. EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS 2003

#### 1.1 ***Q:- What is the definition of a 'Religion or Belief' for the purpose of the legislation?***

**A:-** The regulations define a religion or belief as “any religion, religious belief or similar philosophical belief (excluding philosophical/political beliefs)”.

In practice, it will be for the Employment Tribunals and higher courts in the UK to decide whether an alleged religion or belief satisfies the definition under the regulations. The guidance provided by ACAS on the new regulations suggests that Employment Tribunals may consider a number of factors when deciding what is a religion or belief such as “collective worship, clear belief system, profound belief affecting way of life/view of the world.”

#### 1.2 ***Q:- Do the regulations require employers to allow religious observance in the workplace?***

**A:-**The regulations do not say that employers must provide time and facilities for religious or belief observance in the workplace.

#### 1.3 ***Q:- Should employees be granted leave for special festivals or spiritual observance?***

**A:-** Many religions or beliefs have special festival or spiritual observance days. A worker may request holiday in order to order to celebrate festivals or attend ceremonies. Where it is reasonable and practical, and the employee has sufficient holiday entitlement in hand, the request should be granted.

#### 1.4 ***Q:- Should employers release staff for prayer outside normal rest/break periods?***

**A:-** Organisations do not have to release staff for prayer outside normal rest breaks. Staff may request that their rest break coincide with their religious obligations to pray at certain times of the day. Employers may be justified in refusing such a request if it conflicts with legitimate business needs which they are unable to meet in any other way.

#### 1.5 ***Q:- Is it within the regulations to apply a dress code?***

**A:-** Dress codes that are for genuine health and safety reasons are lawful. Organisations should try to be flexible where they can enable staff to dress in accordance with their beliefs but still meet the organisations requirements. If it is practical and safe to do so, staff may welcome the opportunity to wear clothing consistent with their religion, culture or traditions. Where organisations adopt a dress code careful consideration should be given to the proposed code to ensure it does not conflict with the dress requirements of some religions.

## Appendix 2.

### 2. EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003

#### 2.1 **Q: - How is Sexual Orientation defined by the regulations?**

**A:** - Within the regulations sexual orientation is defined as:-

- Orientation towards persons of the same sex
- Orientation towards persons of the opposite sex
- Orientation towards persons of the same and opposite sex

The Regulations do not extend to sexual preferences and practices that are unlawful.

#### 2.2 **Q: - Are staff entitled to claim time off to deal with emergencies involving same sex partners?**

**A:** - Under the terms of the Employment Rights Act 1996 (as amended by the Employment Regulations 1999) employees are entitled to unpaid leave to deal with unexpected or sudden problems concerning a dependant or close family member including same sex partner.

Employees with six months or more service with the Council may be entitled to paid dependency leave.

#### 2.3 **Q: - Are individuals undergoing Gender reassignment covered by the regulations?**

**A:** - Gender reassignment is a separate issue and unrelated to sexual orientation. It is unlawful to discriminate against or harass anyone on the grounds that they intend to undergo treatment to change their sex, is undergoing treatment to change their sex or has undergone treatment. These issues are covered by the Sex Discrimination (Gender Reassignment) Regulations 1999.

#### 2.4 **Q: - Are same sex partners of employees entitled to receive benefits?**

**A:** - If organisations give benefits to heterosexual unmarried partners then refusing to give the same to same sex partners would be discrimination. If benefits specify "married" partners or "spouse" then they do not have to be extended to cover unmarried partners.