

Department for Communities & Local Government

Going public with Gender Equality

“The public sector gender duty – which will require all public authorities to tackle discrimination and ensure equality of opportunity – will be a vital step forward in bringing about change.” **Ruth Kelly, Communities Secretary and Minister for Women**

Gender equality just took another step forward. Thirty years after the introduction of the Sex Discrimination Act, the Government has said that, from April 2007, all public authorities will have to actively promote equality of opportunity rather than just prevent discrimination.

It has been described as the biggest advancement in sex equality for over 30 years. From next year, public authorities will be under a general duty to have **“due regard”** to the need to eliminate discrimination and harassment and promote equality of opportunity between men and women in all their public functions.

Some public authorities will also have to satisfy a series of specific duties. Basically, these are the positive steps that they have to take to ensure they achieve the general duty.

Similar to the public sector duties on race and disability, the gender specific duties will centre around **“gender equality schemes”** and **“gender equality objectives”** that the public authority decides to work on over a three-year period.

The steps will include carrying out impact assessments to determine whether a particular policy, service or employment practice has a disproportionate effect on women or men. If it does, then the authority has to find out what is causing it and then do something about it by, for instance, setting equality goals and outcomes, publishing

action plans and collecting statistics.

Before doing any of this however, public authorities have to consult their employees and other stakeholders, such as unions, consumers, voluntary and community sectors. This applies particularly when drawing up the gender equality objectives or assessing the impact of a particular policy or service. Transparency and openness are key to the success of the process.

Given the restraints on resources in the public sector, the Government will rely more and more on the expertise and knowledge of the voluntary and community sectors. Ideally, therefore, they should be involved from an early stage in the consultation process.

But who exactly has to comply with the duty? A public authority is defined in the Equality Act 2006 (*which introduced the gender duty*) as including **“any person who has functions of a public nature”**.

This definition includes authorities such as health providers, education, local government and the police. But anyone providing a public service such as charities, voluntary and private sector organisations will also be included. And organisations that provide goods or services to the public sector such as catering and cleaning companies could be asked, where relevant, to look at their policies and practices to ensure that they comply.

Overall, the gender equality duty will help public authorities meet and address the individual needs of women and men so that

the services they provide are better targeted and more responsive. In turn, that should lead to greater customer satisfaction. But public sector employees also stand to gain as authorities introduce more equality of opportunity for staff, leading again to a more effective public service.

There are, of course, plenty of public authorities that have already implemented excellent gender equality practices. And although the Government does not want them to feel as though new processes are being imposed on them, they still have to ensure that they are complying with the overarching obligations of the new gender duty.

Ultimately, the duty should enable public authorities to mainstream gender (*and possibly other*) equality considerations into their business planning processes and service delivery on a day by day basis.

The new duty will be enforced by the Commission for Equality and Human Rights (*which itself comes on stream in October next year*). If it thinks that a public authority is not playing ball, it can issue a notice requiring them to do so. If that does not have the desired effect, it then has the power to apply for a court order.

It is clear, therefore, that the Government is serious about bringing about change. Change that is real and lasting. And it is confident that the new duty can act as the spark that will lead to gender equality becoming a daily fact of life for all.