

## Submission - Chartered Institute for Personnel and Development

1. Do you think statutory measures should be introduced in Jersey for gender pay gap reporting

The CIPD believes statutory gender pay gap reporting should be enacted in Jersey as a priority. Measurement helps organisations understand the size and causes of pay gaps and more importantly to identify issues which need to be addressed to tackle inequality.

The gender pay gap in Jersey's public sector increased to 24.3% in 2020 up from 18.3% in 2019. This compares to 11.2% in the UK public sector for full time employees and 16% for part timers.

Organisations should create equal work of equal value, so the gender pay gap evidences that there is an issue which needs to be resolved.

The UK made the decision to mandate gender pay gap reporting for all public and private sector organisations with over 250 employees in 2017. This reporting is one piece of an important puzzle - it shines a light on the stubborn inequity in pay with the core purpose of providing opportunity for employers to identify the causes of the gap and to develop meaningful and effective actions to tackle it. This has in part, along with work by the 30% Club, the Fawcett society and others, supported a 50% increase in the number of FTSE 100 female directors in the past 5 years. Women now hold 1/3<sup>rd</sup> of board level roles in UK's top 350 companies. Progress is being made but it's a slow process to level the playing field. However global experience suggests that pay gaps shrink when businesses are required to disclose them.

In 2020 the gender pay gap for all UK employers was 15.5% but the reporting requirement was suspended for 6 months as a result of COVID with the deadline delayed until October 2021.

Internationally, reporting requirements are more granular than the UK and many OECD countries require organisations with over 50 employees to report with mandatory published action plans. In 2020 the French government announced measures to close the gender pay gap within 3 years. These actions are designed to break the glass ceiling as well as raising the sticky concrete floor for women.

Reporting allows employers to start conversations about the diversity of their workforce with employees, potential employees, stakeholders and suppliers and to create informed action plans. This requires senior level accountability embedded into actions and commitment to do the work to tackle inequality and create inclusion and belonging

In comparison with other jurisdictions Jersey enacted discrimination legislation late in 2013. The UK enacted sex discrimination law in the 1970's. Jersey's legislation did not include public sector equality duties which exist in UK specifically to ensure public sector organisations are held publicly accountable for non-discriminatory practices. These include:

- Elimination of unlawful discrimination, harassment and victimisation.
- Advancing equality of opportunity between different groups.
- Fostering good relations between different groups.

The CIPD recommends that Jersey Government's Scrutiny Panel makes a call to action in the follow up report to 'Is there a gender pay gap in Jersey?' to ensure the Government takes a decisive stance to mandate gender pay gap reporting for mid to large organisations (over 50 employees).

It is further recommended that the government of Jersey also adopts specific public sector equality duties, similar to the UK. This would send a clear message to public sector employees and more broadly local businesses and the electorate that they take creating a positive culture of diversity, equality and inclusion seriously, not only within Government but island wide.

In addition as set out in recommendation 10 of the Scrutiny panel 2019 report, a suitably qualified Head of Diversity should be appointed to monitor diversity, equality and inclusion within the public sector. The Head would be responsible for implementing relevant strategies and policies, suggesting new initiatives and employment practices to ensure a gender neutral and gender sensitive public sector.

2. What are your views on other types of mandatory reporting such as the ethnicity pay gap?

A report by the UK Commission on Race and Ethnic Disparities in March 2021 highlights that the standard methodology devised for gender cannot be applied to ethnicity. Substituting a binary protected characteristic (female) with race and ethnicity which has multiple categories won't work. Consideration also needs to be given to the data set size to protect the anonymity of respondents. The ONS identifies that there is a wide variety of pay gaps amongst different ethnic groups in the UK and that intersectionality has an additional impact, for example the ethnicity pay gap is wider for men than women, with significant regional variations.

The UK government has yet to make recommendations on mandatory ethnicity pay gap reporting and the methodology to be used. For benchmarking purposes a common methodology is needed. However, this should not stop organisations voluntarily collecting and analysing the data until a standardised reporting methodology is adopted and potential mandatory reporting is enacted.

Disability pay gap reporting is also currently voluntary in the UK. The TUC reported that in 2020 the pay gap was 20% but taking account of intersectionality disabled women earn 36% less than non-disabled male counterparts. Intersectionality is important as it creates additional layers of inequality so organisations need to collect a full range of data to make meaningful impact assessments.

It is recommended that pay gap reporting on other protected characteristics is enacted once mandatory gender pay gap reporting is embedded in Jersey and when standardised methodologies are available.

3. Do you think there has been any change in the cultural influences which affect the gender pay gap in Jersey? (see contributing factors above)

The cultural influences identified in the 'Is there a gender pay gap in Jersey?' report July 2019 are ongoing and relevant:

- Gender stereotypes from school age and occupational segregation  
School and college curriculums should be Equality Impact Assessed (EQIA) to ensure discrimination, bias and stereotyping is removed. Subject segregation should be reviewed to ensure parity of opportunity regardless of gender. Further review is required to assess

the extent and impact of occupational segregation. Organisation composition and mandatory gender pay gap reporting will help facilitate the work to understand and address the issues within organisations.

Anonymised recruitment as well as assessing in the numbers of applications, shortlisted and recruited candidates by protected characteristic should form part of specific public sector duties recommended to be implemented with Government

- Unconscious bias in the workplace.

Few Jersey based organisations have a D&I strategy, actions or training. Both conscious and unconscious bias exists in the workplace and society. Bias can be evidenced through policies, processes, systems, structures, attitudes and behaviours, workplace composition, pay, recruitment, promotions, succession, access to and take up of training, employee relations, leavers, existing culture, employment engagement, the design and delivery of goods and services and procurement processes. Employers should use the assessment of data collected on these areas to root out all aspects of bias and discrimination. Just like any considered change initiative, actions should be evidence based and outcomes driven, aligned to business strategy.

Unconscious bias training could form part of a range of activities which organisations tailor to meet organisational needs. However research has evidenced that unconscious bias training in itself has not delivered the cultural change required to prevent discrimination and embed inclusion. Enlightened organisations have moved away from mandatory unconscious bias training and are now taking more holistic approaches to actions as well as leadership and team training on D&I.

- The “glass ceiling” which stops women reaching upper levels in the workplace  
The glass ceiling as well as the sticky concrete floor for women continues to exist as evidenced by the slow process toward parity in pay and representation at senior level within organisations. The CIPD hopes that mandatory gender pay gap reporting will raise awareness in Jersey and start the work to create meaningful and authentic equality in our workplaces and society.
- More women taking on domestic commitments –  
please refer to the covid response above. A review of the 2020 census data will allow a review of the number of women at work. We are not aware that the census collected data on domestic responsibilities in order to assess the impacts. The CIPD are interested to understand how the Panel proposes that the Government of Jersey should collect data on the economic value of domestic work including childcare, cooking, shopping, housework, odd jobs and gardening
- More women taking on caring responsibilities –  
please refer to the covid response above. A review of the number of men taking up the recently implemented parental leave should be conducted.

4. Do you think the Government took a gender-sensitive approach to its Covid-19 policies?

We are not aware of any obvious considerations being given to a gender sensitive approach. Employers were tasked with dealing with their own employees.

Public sector equality duties in the UK require public bodies to conduct Equality impact assessment (EqIA) of policies and processes. The Pandemic created significant disruption to businesses and society and decisions and actions taken by the government were made

at pace. Equality impact assessment of the decisions made should be undertaken as part of a post action review, to ensure lessons are learnt.

What impact do you think Covid-19 has had on men and women in the home and workplace?

Several UK studies have shown that the pandemic has disproportionately affected women in the home and workplace. This is because women are more likely to work in industries that were closed down and overall women took on more childcare responsibility than men. 18% of women reduced their working hours to manage childcare during school closures and mothers were 47% more likely to have permanently lost their jobs or resigned as a result of covid. 2021 pay gap reporting in the UK is likely to reflect this and impact the progress of gender equality for years to come.