



FPH response to the Equality (Race and Disability) Bill: mandatory ethnicity and disability pay gap reporting

This response is submitted on behalf of the UK Faculty of Public Health (FPH), as developed by the Equity, Diversity and Inclusion Committee. The FPH, as part of the medical Royal College arrangements, is the standard-setting body for public health in the UK and professional home for over 5,000 members of the public health workforce. We advocate on key public health issues and have a strong mandate and responsibility to ensure that the essential functions, standards and resources of a robust public health system are maintained. Our role is to improve the health and wellbeing of local communities and national populations. We do this by supporting the training and development of the public health workforce and improving public health policy and practice in partnership with local and national governments in the UK and globally.

Question 1: Do you agree or disagree that large employers should have to report their ethnicity pay gaps?

Strongly agree.

Question 2: Do you agree or disagree that large employers should have to report their disability pay gaps?

Strongly agree.

Please add any comments you have about the proposal to extend pay gap reporting.

The Faculty of Public Health welcomes and supports proposed legislation to introduce mandatory ethnicity and disability pay gap reporting for large employers.

Question 3: Do you agree or disagree that ethnicity pay gap reporting should have the same geographical scope as gender pay gap reporting?

Strongly agree.

Question 4: Do you agree or disagree that disability pay gap reporting should have the same geographical scope as gender pay gap reporting?

Strongly agree.



Please add any comments you have about the proposed geographical scope.

The FPH agrees that ethnicity and disability pay gap reporting should have the same geographical scope as gender pay gap reporting.

Question 5: Do you agree or disagree that employers should report the same 6 measures for ethnicity pay gap reporting as for gender pay gap reporting?

Strongly agree.

Question 6: Do you agree or disagree that employers should report the same 6 measures for disability pay gap reporting as for gender pay gap reporting?

Strongly agree.

Question 7: Do you agree or disagree that large employers should have to report on the ethnic breakdown of their workforce?

Strongly agree.

Question 8: Do you agree or disagree that large employers should have to report on the breakdown of their workforce by disability status?

Strongly agree.

Question 9: Do you agree or disagree that large employers should have to submit data on the percentage of employees who did not state their ethnicity?

Strongly agree.

Question 10: Do you agree or disagree that large employers should have to submit data on the percentage of employees who did not state their disability status?

Strongly agree.

Please add any comments you have about the proposals for calculating pay gaps.

The Faculty of Public Health agrees that employers should report the same 6 measures for ethnicity pay gap reporting as for gender pay gap reporting. However, we would encourage careful consideration of disparities by ethnicity when looking at staff on short term, zero hour or insecure contracts or working less than full time as other potential measures to review access to fair and equitable employment.



We would also encourage careful consideration of the fact that people with disabilities may be more likely to work less than full time hours, whether by choice or not. We would encourage consideration of the proportion of staff with disabilities on short term, zero hour or insecure contracts compare to non-disabled staff, and consideration of the proportion of staff with disabilities working less than full time compare to non-disabled staff as other potential measure to review access to fair and equitable employment.

We agree that large employers should have to report on the ethnic breakdown of their workforce. However, this should be considered alongside the population demographics local to the employer.

When mandating the reporting of data on the percentage of employees who did not state their ethnicity or disability status it is important to ensure this does not inadvertently result in pressure on minoritised staff. Staff should be encouraged and supported to disclose, but not coerced or pressured or that this disclosure is treated as mandatory. Guidance to employers should emphasise the importance of personal choice in disclosure.

Question 11: Do you agree or disagree that employers should have to produce an action plan about what they are doing to improve workplace equality for ethnic minority employees?

Strongly agree.

Please add any comments you have on this proposal:

We would encourage consideration of guidance and examples that could be provided to employers to ensure action plans are meaningful, and that these action plans should be owned and monitored at Board level.

Question 12: Do you agree or disagree that employers should have to produce an action plan about what they are doing to improve workplace equality for disabled employees?

Strongly agree.

Please add any comments you have on this proposal:

We would encourage consideration of guidance and examples that could be provided to employers to ensure action plans are meaningful, and that these action plans should be owned and monitored at Board level.

Question 13: Do you agree or disagree that public bodies should also have to report on pay differences between ethnic groups by grade and/or salary bands?



Strongly agree.

Question 14: Do you agree or disagree that public bodies should also have to report on recruitment, retention and progression by ethnicity?

Strongly agree.

Question 15: If public bodies have to report on recruitment, retention and progression by ethnicity, what data do you think they should have to report?

We would support public bodies reporting on differences and disparities in retention and recruitment, such as proportion of leavers. We would support reporting of progression through reporting of proportion of staff by ethnicity at different levels within the organisation, including senior management and board representation.

Question 16: Do you agree or disagree that public bodies should have to report on pay differences between disabled and non-disabled employees, by grade and/or salary bands?

Strongly agree.

Question 17: Do you agree or disagree that public bodies should have to report on recruitment, retention and progression by disability?

Strongly agree.

Question 18: If public bodies have to report on recruitment, retention and progression by disability, what data do you think they should have to report?

We would support public bodies reporting on differences and disparities in retention and recruitment, such as proportion of leavers. We would support reporting of progression through reporting of proportion of staff by disability at different levels within the organisation, including senior management and board representation.

Please add any comments you have about additional requirements for public bodies

Nil.

Question 19: Do you agree or disagree that ethnicity pay gap reporting should have the same reporting dates as gender pay gap reporting?

Somewhat agree.



Question 20: Do you agree or disagree that disability pay gap reporting should have the same reporting dates as gender pay gap reporting?

Somewhat agree.

Question 21: Do you agree or disagree that ethnicity pay gap data should be reported online in a similar way to the gender pay gap service?

Strongly agree.

Question 22: Do you agree or disagree that disability pay gap data should be reported online in a similar way to the gender pay gap service?

Strongly agree.

Please add any comments you have about the proposals for dates and deadlines and online reporting.

We would support the dates and deadlines and online reporting following engagement with employer over whether this could be aligned and managed with current processes. We would encourage consideration that an initial period of implementation, and implementation plan, may be necessary for employers and should be encouraged.

Question 23: Do you agree or disagree that ethnicity pay gap reporting should have the same enforcement policy as gender pay gap reporting?

Strongly agree.

Question 24: Do you agree or disagree that disability pay gap reporting should have the same enforcement policy as gender pay gap reporting?

Strongly agree.

Please add any comments you have about the proposals for enforcement.

We welcome ethnicity and disability pay gap reporting having the same enforcement policy as gender pay gap reporting in order to encourage parity in the importance with which employers consider these areas of inequity.

Question 25: Do you agree or disagree that large employers should collect ethnicity data using the GSS harmonised standards for ethnicity?

Strongly agree.



Please add any comments you have about the proposals for ethnicity data collection.

We strongly support the use of GSS harmonised standards for ethnicity, noting that this would support comparison of reported data to sources of local population data, such as population statistics provided by ONS. This approach could support important analysis of patterns of inequity, including geographically. We also note from our work with healthcare data the challenges that not using harmonised standards can present and would encourage this approach across all legislated data collection and reporting and public sector services data collection and reporting.

Question 26: Do you agree or disagree that all large employers should report ethnicity pay gap measures using one of the binary classifications as a minimum?

Somewhat agree.

Question 27: Do you agree or disagree that there should be at least 10 employees in each ethnic group being reported on? This would avoid disclosing information about individual employees.

Strongly agree.

Question 28: Do you agree or disagree that employers should use the ONS guidance on ethnicity data to aggregate ethnic groups? This would help protect their employees' confidentiality.

Strongly agree.

Please add any comments you have about the proposals for calculating and reporting ethnicity pay gaps.

While we encourage the use of data and reporting in a way that ensures employee confidentiality is maintained it should be noted that using aggregated ethnicity groupings can disguise significant inequity for any specific ethnicity group and issues related to intersectionality of protected characteristics. We would therefore encourage guidance to employers that in their action plans they should consider the demographics of their local population for context, and inequities in the disaggregated data that may mean specific actions to address inequities in subgroups are identified and actioned. We would also encourage the provision of guidance around use of different languages and culturally competent communication approaches.

Question 29: Is there anything else you want to tell us about ethnicity pay gap reporting?



As part of the implementation of this legislation we would encourage communications to employers that note the sensitivities around self-reporting and self-identification of ethnicity. It is important that guidance to employers encourages, but does not mandate, reporting, nor make assumptions/ input ethnicity on a staff members behalf. It is also important to ensure staff members have the opportunity to change their declaration or reaffirm their declaration as they choose.

Question 30: Do you agree or disagree with using the 'binary' approach (comparing the pay of disabled and non-disabled employees) to report disability pay gap data?

Somewhat agree.

Question 31: Do you have any feedback on our proposal to use the Equality Act 2010 definition of 'disability' for pay gap reporting?

A key part of the definition of disability under the Equality Act 2010 is that disability does not require a diagnosis, and that a broad definition (including neurodiversity, physical disability and mental health) is taken. As part of the implementation of this legislation we encourage the provision of guidance to employers that makes this clear and clarifies that employers should not require documentation of diagnostic reports to support self-disclosed disability status. We would also suggest guidance should make it clear that not everyone with a condition will consider themselves to have a disability, and that disclosure should remain an individual choice.

Question 32: Do you agree or disagree that there should be at least 10 employees in each group being compared (for example, disabled and non-disabled employees)? This would avoid disclosing information about individual employees.

Strongly agree.

Please add any comments you have about the proposals for disability data collection and calculations.

While we encourage the use of data and reporting in a way that ensures employee confidentiality is maintained it should be noted that using aggregated disabled and non-disabled employee groupings can disguise significant inequity for any specific type or presentation of disability, and issues related to intersectionality of protected characteristics. We would therefore encourage guidance to employers that in their action plans they should consider how they review inequities in the disaggregated data that may mean specific actions to address inequities in subgroups are identified and actioned. We would also encourage the provision of guidance around use of sensitive inclusive language relating to disability and needs such as neurodiversity.



Question 33: Is there anything else you want to tell us about disability pay gap reporting?

We would encourage consideration of the fact that there is known under reporting/disclosure of disability status in different professional groups and would encourage provision of guidance to employers on ways to support staff in disclosure, and the value of disclosure in being able to ensure staff receive support, such as reasonable adjustments, where applicable. Disclosure is a personal choice and that guidance to employers should emphasise encouraging disclosure to ensure staff receive relevant support, but never pressuring staff to disclose or making disclosure mandatory in any way.

Question 36. Please tell us about your interest in this consultation

Our interest is as a Membership organisation of Public Health professionals, including those working in the public sector. As a profession we advocate for equity and fairness and addressing inequities experienced by minoritised and marginalised groups. We recognise that access to fair and equitable employment has a significant impact on the health and wellbeing of populations as a wider determinant of health and contributes to population health inequalities, as well as impacting our members.