



Equality Impact Assessment Template

Before carrying out EqIA, you should familiarise yourself with the University's EqIA Policy Statement and Guidance and Checklist Notes, and undertake our online training on Equality and Diversity and EqIA. These, along with further information and resources, are available at www.ed.ac.uk/schools-departments/equality-diversity/impact-assessment

EqIA covers policies, provisions, criteria, functions, practices and activities, including decisions and the delivery of services, but will be referred to as 'policy/practice' hereinafter.

A. Policy/Practice (name or brief description):

Management of Industrial Action – Withholding Pay for Action Short of a Strike (Marking and Assessment Boycott)

B. Reason for Equality Impact Assessment (Mark **yes** against the applicable reason):

- Proposed new policy/practice
- Proposed change to an existing policy/practice
- Undertaking a review of an existing policy/practice
- Other (please state): **Commencing the withholding of pay for Action Short of a Strike, a Marking and Assessment Boycott**

C. Person responsible for the policy area or practice:

Name: **Nikki Malloch**

Job title: **HR Partner – Employee Relations and Employment Policy**

School/service/unit: **Human Resources**

D. An Impact Assessment should be carried out if any of the following apply to the policy/practice, if it:

- affects primary or high level functions of the University
- is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance)?
- It is one which interested parties could reasonably expect the University to have carried out an EqIA? **Yes**

E. Equality Groups

To which equality groups is the policy/practice relevant and why? (add notes against the following applicable equality group/s)

- Age
- Disability
- race (including ethnicity and nationality)

- religion or belief
- sex
- sexual orientation
- gender reassignment
- pregnancy and maternity
- marriage or civil partnership

There is no direct discrimination on any of the above protected characteristics as the position is equally applied and in response to individuals declaring they are participating in industrial action. Participation (and the extent of it) is an individual choice rather than a factor which is linked to protected characteristics.

However, as an institution we recognise there could be indirect discrimination and as such have examined the data of those who took industrial action in 2023 to determine the likely make-up of those who may take part in the current Marking and Assessment Boycott. This is an initial screening of data and does not provide an in-depth analysis.

We know that UCU membership is namely UE grades 5-10, predominantly academics and predominantly employed in CAHSS and CSE. 1067 of the 1358 individuals who take part in the 2023 strike action held academic roles.

After reviewing who normally participates in strike action, based on 2023 data, individuals did not fall into protected characteristics and were likely to be white young-middle aged men and women evenly.

% Female	49%
% BAME	8%
% Disabled	8%

Pension impact was a consideration also, whether younger participants would be adversely impacted. We communicated clearly the following and this impact was mitigated:

Although we are not obliged to do so, the University intends to pay full employer contributions, i.e. we will not reduce our employer pension contribution to reflect the amount of pay we will withhold for taking part in the boycott of marking and assessment processes. We will also process your contributions, based on your normal pensionable pay. This will maintain your full pension benefits.

Trade unions represent equality groups and a discussion took place with the TU's when detailing how to manage the withholding of pay for the Marking and Assessment Boycott. No concerns were raised during discussions.

Add notes against the following applicable statements:

- On any available information about the needs of relevant equality groups:
- Any gaps in evidence/insufficient information to properly assess the policy, and how this be will be addressed:

- If application of this policy/practice leads to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups:
- If the policy/practice contributes to advancing equality of opportunity¹:
- If there is an opportunity in applying this policy/practice to foster good relations:
- If the policy/practice create any barriers for any other groups?

The online employee declaration form put in place to determine participation does not raise any equality issues. Consideration was given to whether an alternative format was required but after understanding the UCU population it was decided that this was not a requirement but could be requested on an individual basis and indeed provided.

- How the communication of the policy/practice is made accessible to all groups, if relevant?

The SharePoint site developed to share information on Industrial Action and the associated employee declaration form was tested so this could be used on mobile devices for those who could not access a PC. Consideration was given to whether an alternative format was required but after understanding the UCU population it was decided that this was not a requirement but could be requested on an individual basis. Communication is clear and via a number of routes, all staff email from CAM, Schools/Departments and HR webpages/SharePoint.

- How equality groups or communities are involved in the development, review and/or monitoring of the policy or practice?
- Any potential or actual impact of applying the policy or practice, with regard to the need to eliminate discrimination, advance equality and promote good relations:

F. Equality Impact Assessment Outcome

Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision

Option 1: No change required – the assessment is that the policy/practice is/will be robust.
Yes

Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.

Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated/or justified

Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated/or justified.

G. Action and Monitoring

¹ This question does not apply to the protected characteristic of marriage or civil partnership

1. Specify the actions required for implementing findings of this EqIA and how the policy or practice will be monitored in relation to its equality impact (or note where this is specified above).

2. When will the policy/practice next be reviewed: **After the current period of Industrial Action, a debrief and lessons learned session will take place to ensure any concerns/issues are addressed before entering another period of action.**

H. Publication of EqIA

Can this EqIA be published in full, now? **Yes/No**

If No – please specify when it may be published or indicate restrictions that apply:

I. Sign-off

EqIA undertaken by (name(s) and job title(s)): Nicola Malloch, HR Partner, ER & Policy

Accepted by (name): James Saville, HR Director

Date: 10 May 2023

Retain a copy of this form for your own records and send a copy to equalitydiversity@ed.ac.uk