FAIRNESS FOR ALL: 
A NEW COMMISSION FOR EQUALITY AND HUMAN RIGHTS 

THE Acas RESPONSE

Introduction

1. Acas welcomes the concept of establishing a Commission for Equality and Human Rights (CEHR) and the opportunities this offers to lay the foundations for a greater harmonisation of support across the equality agenda, in particular introducing the new strands of sexual orientation, religious belief and age.

2. Acas’ mission is to improve organisations and working life through better employment relations. The success of the UK economy ultimately rests on the people who work in it. It is crucial therefore that the best use is made of the skills and abilities of all those in the working age population regardless of race, gender, disability, sexual orientation etc. Ensuring everyone has an opportunity to use their skills and talents to the full and can become confident participants in the labour market not only makes good business sense; it also helps individuals realise their potential and lead full and satisfying lives.

3. Our detailed response to the White Paper follows and focuses on three main areas:
   • the services and products that Acas currently provides – our recent re-profiling exercise suggested that many people are unaware of the extent of these;
   • comments on the questions that the White Paper asks with pointers to how Acas services and products can support the work of the new Commission; and
   • observations on some of the other crucial challenges that the new Commission will face.

Acas’ services and products

4. Acas welcomes the recognition within the White Paper of the role and activities that Acas might undertake in supporting the work of the new Commission. The Annex therefore gives an overview of the full range of Acas’ services and products, highlighting those in the area of equality and diversity. Especially
important to note is that Acas is an organisation used equally by employers and employees, as opposed to the existing Commissions that tend to be seen as employee focussed.

**Shaping the Commission’s priorities – the importance of the regional dimension**

5. The White Paper asks for responses on how all stakeholders can have meaningful opportunities to shape the Commission’s priorities and how it works on an ongoing basis. Here the present consultation on the formation of the CEHR does not appear to have fully considered how the consultation mechanisms at the individual regional level will function. Given that one of the aims of the new CEHR is to promote tailored delivery of its services at a regional level and no longer rely on ‘one size fits’ all, the very different needs of the stakeholders in the regions must be given priority. With our strong regional presence, Acas is ideally placed to assist the CEHR in delivering on this issue. We have extensive employer networks and local partnerships, and we also facilitate a number of staff employee relations round table forums made up of senior social and local partner representatives across the English, Welsh and Scottish regions.

6. The regional dimension of the CEHR should enable networks to flourish. Acas, alongside the Regional Development Agencies, Welsh Development Agency, and Scottish Executive might for example, have a role in arranging exploratory meetings and workshops, particularly regarding the strategic contribution of equality and diversity in the workplace to support the delivery of regional economic strategies.

7. Acas is well placed to support this work; it is regionally orientated in its structure and operations and has partnerships with local networks already in place. Acas has worked successfully in a number of equality agencies. Acas in Wales has worked with the Welsh EOC jointly managing projects, events, research and publishing good practice guidance. For example, when the Welsh Assembly made equal pay reviews part of contract compliance, the EOC promoted the need for reviews, and Acas provided support and guidance for those organisations in carrying them out. This close working relationship has proved beneficial to all parties whilst still allowing each body to retain its own distinct identity and pursuing its own aims.
8. Acas is also currently working with some Regional Development Agencies, to help small and medium sized businesses understand the business advantages of diversity and put policies into practice. Our work with Yorkshire Forward is an example, the primary aim here being to help private sector organisations in the most deprived parts of the region. Products being developed include model equality and diversity policies, half and full day training packages on legal compliance, and the business case for diversity and cultural awareness.

9. Building on the experience gained on the above project, we are now developing a number of initiatives in the region. These include proposals for the provision of business support on equality and diversity matters to employers and, coordination of equality and diversity initiatives on behalf of the RDA.

Promoting good relations between communities

10. Acas strongly supports the promotion of good relations as part of CEHR’s role. We also believe that the new body should extend this role to address good relations between communities in the workplace as an integral part of good employment relations generally. Anecdotally, employers are indicating to Acas that they need guidance and support in relation to events unfolding outside the workplace, including the increase in political activity by far right groups, ‘Islamaphobia’ and perceptions of migration. Here there is an urgent need, in the first instance, for more research to be conducted in this area, to inform the development of specific materials to support employers.

Working with individuals, businesses and the public sector

11. Creating a new architecture to work with those groups referred to in this question would be an enormous task, particularly in relation to those businesses that have not traditionally viewed the equality Commissions as a source of support owing to their enforcement role. With regards to assisting businesses in improving their employment relations, there are already a number of organisations that work with these groups on the ground at a regional level including Acas, CAB, the Federation of Small businesses, CBI and TUC.

12. Acas recommends that existing organisations should formulate a strong working partnership with the Commission, but be permitted to continue their work in supporting these groups. This would assist the CEHR to develop more direct relationships with these organisations.
13. The combined enforcement and promotional role of the CEHR will present new challenges attracting specific groups such as small employers. Acas has many years of experience providing advice and guidance to SMEs. It therefore welcomes the opportunity to work alongside the Commission and looks forward to continuing its work with these specific groups with whom we already have strong links and are viewed as a trusted and impartial provider.

The balance between promotion and challenging discrimination

14. There is obviously a challenge for the Commission around balancing its regulatory and good practice roles. This is an area that the current Commissions have all needed to deal with. Public perception however, remains a key issue. It is probably fair to say that employers are often reluctant to approach and make use of a body they feel also has the ability to undertake investigations against them, or represent individuals in cases against them.

15. This is where Acas, an organisation that has no enforcement powers, can assist the Commission by publicising good employment practices and giving practical assistance in helping organisations adopt them. Its independence from the Commission can be a strength from which both gain. Acas is able to be confident that good practice guidance from the Commission has the support of a wide variety of stakeholders, and the Commission benefits in that its good practice remit is more widely delivered, albeit indirectly.

16. Acas would be a willing and credible partner. Our independence, impartiality and confidentiality are key planks that underpin our reputation across the workplace and elsewhere as an organisation that employers and employees and their organisations trust, and one with the sensitivities required to handle what can be emotive and sensitive subjects.

Resolving disputes in the workplace

17. We welcome the acknowledgement that conciliation has an important role to play in the work of the CEHR and would be very supportive of the work of the new Commission in this area. We are also increasingly emphasising the importance of alternative ways of dispute resolution (ADR), such as mediation, as a way of sustaining the employment relationship by avoiding a hardening of attitudes when the legal process is activated, as well as avoiding costly tribunals. Our unique position allows us to promote ADR alongside the business
case for diversity to organisations, in a cohesive way, that would allow them to make the most from their workforces.

**Preparing the way - support for the new strands**

18. In the run up to the CEHR there will be a need for continuing practical support for the new equality strands that needs to be resourced accordingly. Both now and throughout the transition period we will continue to provide advice and guidance on the full range of equality and diversity issues through our helpline, training facilities, equality advisers, and Equality Direct, alongside other national and regional providers.

**Road to implementation**

19. The transition to a new Commission has considerable implications for change management. Acas services will be available on any employment relations issues involved in the change management process involved in setting up the new Commission.
Services and Products delivered by Acas

Below we briefly describe the services that Acas currently provides:

**Acas Equality Service**

*Equality and Diversity Advisers*
Our equality and diversity advisers provide a confidential service to employers, looking at current policies and practices, recommending improvements, and helping to put them in place. The advisers also provide training if it is needed, but see section headed “Training” below. Advisers help businesses put in place robust and accessible equal opportunities policies, recruitment systems, monitoring and targets, training programmes and harassment management.

*Equality Direct*
As an integral part of our telephone helpline, we run Equality Direct – a specialist telephone helpline to provide employers with a simple and immediate answer to any equality query they may have. In 2002/3 the helpline received 4,891 calls covering general queries on good practice, discrimination law and equal opportunities.

*Equal Pay Advisers*
We have worked closely with the Equal Opportunities Commission on the issue of equal pay and Acas has trained over 50 of our senior advisers to facilitate Equal Pay Reviews within organisations.

**Helpline**
Our helpline receives around three quarters of a million calls a year evenly split between employers and employees. The helpline advisers deal with calls on every aspect of employment relations, including equality and diversity issues, the most common of which are queries on maternity pay and leave, bullying and harassment, and discipline and grievance.

**Individual Rights**

*Conciliation*
Every year, our conciliators deal with around 100,000 applications to tribunals, of which 12 per cent relate to discrimination or equal pay. Conciliators settle 45% of these cases, while a further 33% are withdrawn.

Mediation
Acas is currently developing its mediation services over and above its long standing mediation in trade disputes and individual rights cases. This is a new area for us and our aim is to maintain effective employment relationships and nip problems in the bud.

Mediation pilots
In response to recommendations by the Employment Tribunal and Better Regulation Taskforces, we are piloting mediation projects in London, the Midlands, and the North East in organisations employing fewer than 50 employees. Under the pilot those eligible have been offered free face-to-face help in three areas: basic information on employment law; third party mediation to help resolve individual workplace disputes; and access to the Acas panel of independent mediators to hear appeals at the final stage of discipline and grievance procedures and make recommendations.

Mediation training
Acas has recently received accreditation for the Certificate in Internal Workplace Mediation (CIWM) to train in-house mediators and has already responded to a level of demand for organisations to retain their own mediators to help to resolve differences between, for example, managers and individual employees at the earliest possible stage of a disagreement in the workplace.

Individual experts
In addition to the independent panel of arbitrators and mediators, Acas also administers an independent panel of equal value experts. Where an equal value claim is put to a tribunal, the ETS can ask Acas to appoint an Independent Expert to write an evaluative report on the case(s). They will also summarise the submissions put forward by the parties themselves.

Acas Arbitration Scheme
In May 2001, we launched the Acas Arbitration Scheme as an informal non-legalistic and relatively speedy alternative to having a complaint of unfair dismissal heard at
tribunal. It has now been extended to cover cases involving the right to request flexible working for parents and guardians.

**Collective rights**

*Conciliation*
Where a dispute involves the breakdown in negotiations between employer and trade union we provide collective conciliation in around 1,300 disputes per year. The topics covered are wide ranging and could include matters such as bullying and harassment, or discipline and grievance procedures that may have discrimination issues at their heart. Conciliation is voluntary and non-binding and can be initiated by either side.

*Arbitration*
In contrast arbitration is an adjudicatory process that is binding. In order to protect Acas’ independence and impartiality, arbitrators are drawn from an independent panel, made up largely of academics and lawyers with expertise in both the arbitration process and employment relations.

*Collective mediation*
We also offer collective mediation where conciliation has failed and the parties are unwilling to move to arbitration but remain committed to resolving the issues without recourse to law. Mediators, like arbitrators are drawn from Acas’ independent panel, and offer the parties recommendations in resolving the dispute. Although these recommendations are non-binding, parties are expected to seriously consider them as a basis for resolving the dispute.

**Training**
We deliver fee charging training programmes to organisations.

*Training sessions*
We run a range of training sessions helping employers keep up to date with good employment practices and new employment legislation. In 2002/3 Acas ran over 2,000 such events reaching more than 30,000 organisations. Separate events are aimed at small businesses (“Key points” and “Getting it right”) or medium and larger organisations (“In depth sessions”). Recent topics have included the new rights on sexual orientation and religious belief.
Workplace training
As well as providing more general training on specific areas of employment law or good practice, mentioned above, we will also provide tailored training; here an adviser works closely with an organisation to train managers and employees to improve their employment knowledge and skills on a range of subjects including, for example, combating harassment and bullying, in the context of particular issues facing their organisations.

Workplace projects
We deliver specific workplace projects where we work as a facilitator to improve organisational effectiveness and deal with issues and problems that face the employer and employee representatives. The aim of these projects is to work together with the parties to use joint working/problem solving to examine issues/problems; jointly develop constructive solutions; and, where appropriate, assist with the joint implementation of agreed solutions.

Written guidance
We produce good practice guides in addition to the three Acas codes of practice on employment relations matters. We recently published good practice guides on the new equality directives covering religious belief and sexual orientation. We also produce a number of leaflets and advisory booklets on good practice and basic employment rights in the area of discrimination and diversity, as well as including diversity within publications on, for example, recruitment and selection.

Website
The Acas website provides a comprehensive Q&A section and the range of easy to read Acas advice booklets. In the first three months of 2003, 150,000 booklets were downloaded. The website receives over a million hits per year.

Research
Issues of diversity form an important strand of the work of our Research and Evaluation Section. An ongoing programme of monitoring and evaluation is undertaken to examine the level of use and experiences of the users from all population sub groups. In addition, the Research Programme includes a strand of work focusing specifically on diversity. At present we are conducting a series of studies focusing on the needs of minority ethnic workers and business holders.
**Networks and partnerships**

Acas already works closely with the existing Commissions. For example, Acas has provided support to organisations undertaking the EOC Equal Pay Audits, and has also provided information to support the EOC campaigns being taken forward on areas such as "Pregnancy in the Workplace" and "Long-Hours Culture". We also facilitate access to organisations with whom we have worked that can offer examples of best practice, as well as those that are keen to develop their knowledge in this area.

Acas is a development partner for the National Council for Voluntary Organisations project, "Supporting Excellence in Employment and Diversity". This project is aimed at promoting diversity within the voluntary sector in the UK and funding is currently being sought from EQUAL (European Social Fund). If successful the main work of the project will begin in October 2004.

Acas has extensive employer and trade union networks throughout the regions. We work with a range of both public and private sector organisations at national and local level. Regional partnerships are a key part of the way Acas delivers its services. We are currently working with Yorkshire Forward, the Regional Development Agency in the Yorkshire and Humber area, to help small and medium sized businesses understand the business advantages of diversity and put policies into practice.

We organise ‘employee relations round table groups’ that bring together key social partner organisations in a number of regions. There are plans for all regions to be covered in the near future. These groups meet under Chatham House rules to discuss employment relations issues of the day. We are also involved in a number of regional public sector groups that discuss issues regarding public sector reforms.

**International work**

Our reputation continues to grow overseas and Acas has helped countries such as Slovakia, Poland and South Africa to develop and improve the employment relations framework in these countries. We have been commissioned by a number of accession states with funding from the European Commission to help put in place viable industrial relations systems. We are currently engaged in setting up a pilot with the Chinese Ministry of Labour to investigate possible reforms to their labour courts, and systems for dealing with employment relations.