

Equality Impact Assessment: WG HR Policy approach

NOTE: *This equality impact assessment predates the Supreme Court ruling 'For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent)'. As an employer, we are working to understand the implications of the Supreme Court ruling on our policies and practices and will be guided by the revised statutory EHRC Code of Practice once it is published. This approach will ensure legal compliance and maintain our duty of care to all employees.*

An equality impact assessment (EIA) is a process of identifying, analysing and mitigating any potential or actual adverse impacts of a project or policy on different groups of people, especially those who may experience discrimination or disadvantage on the grounds of their protected characteristics.

In addition, the Welsh Government (WG) will extend the scope of the assessment to include:

- The Social Model of Disability, recognising that those who are covered by the legal definition of disability are frequently disabled by barriers in society, or the workplace, rather than by their impairment or condition.
- The Welsh language to ensure opportunities for persons to use the Welsh language and treating the Welsh language no less favourably than the English language.
- The Anti Racist Wales Action Plan, ensuring every policy or project is explicitly anti-racist to break down systemic barriers for ethnic minority people. An EIA helps to ensure that a project or policy is fair, inclusive and compliant with the equality legislation and the public sector equality duty. It also helps to identify any opportunities to promote equality and diversity and to foster good relations between different groups of people.

This document records the analysis undertaken to fulfil the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. This requires the department to pay due regard to the need to:

- eliminate unlawful discrimination - direct discrimination, indirect discrimination, discrimination arising from disability, and harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and those who do not share it

The protected characteristics which have been considered are:

- age
- disability
- sex
- gender reassignment
- pregnancy and maternity

- race
- religion or belief
- sexual orientation
- marriage and civil partnership (but only in respect of the first aim of the Equality Duty).

In relation to the first limb of the PSED, the conduct prohibited by the Act includes the following.

- **Direct discrimination** – this means less favourable treatment “because of” a protected characteristic. This includes discrimination by association (being treated less favourably because of a protected characteristic e.g. of a friend, spouse, partner, parent or another person with whom they are associated) and discrimination by perception (because of a perceived protected characteristic which an individual may not, in fact, possess).
- **Indirect discrimination** – this is concerned with acts, decisions or policies which are not intended to treat anyone less favourably, but which in practice have the effect of disadvantaging a group of people with a particular protected characteristic. Where such a policy disadvantages an individual with that characteristic, it will amount to indirect discrimination unless it can be objectively justified.
- **Harassment** – this is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of either violating a person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Victimisation** - this occurs where a person subjects another person to a detriment because either they have done a protected act or it is believed they may do, a protected act.

SECTION 1

1.1 Policy

What is the policy and what are the main changes being made?

The Welsh Government is updating its **Equality and Diversity HR Policy**. The current version of the policy is from 2020 and we committed to reviewing it every two years, so it is overdue.

The Policy relates solely to Welsh Government employees and potential employees (job applicants), is an overarching policy setting out our responsibilities in law (Equality Act 2010 and the Public Sector Equality Duty [PSED]) and the rights of all staff to be treated fairly and equally, with dignity and respect. The Policy explains:

- the terms 'equality, diversity and inclusion'
- the 'protected characteristics'
- roles and responsibilities
- the legal framework
- discrimination and harassment

The Policy sets out to:

1. Eliminate unlawful discrimination - direct discrimination, indirect discrimination, discrimination arising from disability, and harassment, victimisation and any other conduct prohibited by the Act
2. Advance equality of outcome between people who share a protected characteristic and people who do not share it
3. Foster good relations between people who share a protected characteristic and those who do not share it

In accordance with the 5 Ways of Working, the Policy is **long term** and will only be substantially changed if legislation (Equality Act 2010) changes. The Policy aims to **prevent** inequality amongst WG employees and potential employees. The Policy **integrates** with our Dignity at Work, Workplace Adjustments and Recruitment policies to ensure the fair and equal treatment of staff and job applicants. It also integrates with the Wellbeing of Future Generations Goal to create a more equal Wales. In the development of and consultation on the policy we have **collaborated** with HR colleagues and will be **involving** our staff diversity networks and consulting with staff via our Trade Unions.

The impact of the Policy is to ensure staff are aware of, and compliant with, their responsibilities in regard to the Equality Act 2010 and PSED, to know of their rights and to reduce inequality, unfair treatment and discrimination in the recruitment process and in the workplace generally. The revision of the policy has no cost implications.

No legislation is proposed as this is an internal HR policy.

The main changes to the policy are:

- Adding a new section on tackling workplace sexual harassment, with a Welsh Government definition and examples. (The [Worker Protection \(Amendment of Equality](#)

Act 2010) Act 2023 is due to come into force on 26 October 2024 and it introduces a new mandatory duty on employers to take reasonable steps to prevent sexual harassment in the workplace.)

- Adding a link to the organisational Values & Behaviours Framework
- Updating links, EDI training courses and division names and emails
- Adding to the list of where we will provide workplace and recruitment adjustments (i.e. beyond solely for disabled colleagues)
- Updating Annex C to include ethnicity and disability pay gaps (in addition to our gender gap)

SECTION 2

2.1 Summary of the evidence considered in demonstrating due regard to impact assessment.

- *Who have we engaged with?*

We will be consulting with our Trade Unions and engaging with our staff networks, inviting their comments on the policy and this EIA.

- *What data do we hold on the subject?*

Workforce data as published in our Annual Employer Equality Report 2022/2023 ([Annual Employer Equality Report 2022-2023 \(gov.wales\)](#))

WG People Survey 2023 Results

WG People Survey 2023 – KAS Equalities analysis (not yet published)

2023 Women Together Network Survey

2.2 Assess the impact

All staff diversity data quoted has been taken from the Welsh Government's Annual Employer Equality Report 2022/2023. Throughout the report, all figures are rounded to the nearest 10 and figures below 5 have been suppressed. Percentages are rounded. Totals may not sum due to rounding.

It should be noted that the different sources used (Employer Equality Report and People Survey) have different suppression rates. Also, there are different declaration rates between the various sources (and the People Survey is based on a response rate not all WG staff).

Caution must be used when analysing staff's experiences of WG as there is much more variation in scores when looking at small groups and comparisons with larger groups.

We also don't necessarily know much about those people categorised as 'other', particularly as they sometimes are our lowest scoring groups.

Age

The total headcount for Welsh Government staff for 2022/2023 is **6080**. This is a slight increase from 6000 in 2021/22. The average age of the Welsh Government workforce is 46, with 14% of the workforce being aged between 45-49. This has remained static since 2021. For a full

breakdown of the Workforce Representation disaggregated by age please see page 18 of the [Annual Employer Equality Report 2022/2023](#)

WG People Survey 2023 analysis shows there was little variation in reported prevalence of discrimination between age groups.

The Policy aims to ensure compliance with the pre-existing legal obligations setting out that staff of all ages must be treated fairly and not discriminated against on the grounds of their age. An example of discrimination on the grounds of age is included in the policy.

Disability

The percentage of the Welsh Government workforce who declare themselves as disabled currently stands at 7% (400 people) up from 6% in 2021. 9% (560 people) did not make a declaration either way. For a full breakdown of the Workforce Representation disaggregated by disability please see Annex A of the [Annual Employer Equality Report 2022/2023](#)

WG People Survey 2023 analysis shows that disabled staff were less positive than non-disabled staff on the Inclusion and Fair Treatment theme overall (9 % points lower at 80%). They were less positive on all questions in this theme, as well as questions relating to organisational culture, in particular, feeling valued for the work they do (10 % points lower at 72%) and being treated fairly at work (9 % points lower at 82%). Disabled staff reported higher levels of discrimination (8 % points higher at 11%) and bullying and harassment (7 % points higher at 10%) than non-disabled staff.

The Policy aims to ensure compliance with the pre-existing legal obligations, setting out that all staff must be treated fairly and not discriminated against because they are disabled or have a health condition. The Policy explains the social model of disability and uses social model language. The Policy sets out rights around reasonable adjustments in work and recruitment and gives examples of discrimination and harassment on the grounds of disability.

Sex

There are more women (3640:60%) than men (2440: 40%) in the Welsh Government workforce. According to the data, women are also more likely to work part-time compared to men, with 81% (960 people) of those working part-time being female. As of 31 March 2023, the percentage of women in the Senior Civil Service (SCS) was 42.7% (80 women), a decrease of 1.8% on last year's position.

There is an equal split through most professions, though some, namely HR; Inspectors; Operational Delivery; Policy Delivery and Social Services/Work are occupied more by women. 65% (150 people) of those working in I.T roles are men.

For a full breakdown of profession by sex please see page 27 of the [Annual Employer Equality Report 2022/2023](#).

WG People Survey 2023 analysis shows a higher inclusion and fair treatment score for women than the WG average (88% v 84%). Women were also more likely to agree that the organisation promotes the dignity and respect of all staff compared to the WG average (84% v 80%). Female staff were in line with average scores for discrimination, bullying and harassment. Women were slightly more likely to report being discriminated against at work compared to men (2 % points higher at 5%). Women also had slightly higher rates of bullying and harassment compared to men (1% point higher at 5%). (People Survey variable is 'composite sex/gender identity', which combines the responses to both the sex and gender identity survey questions.)

The Policy aims to ensure compliance with pre-existing legal obligations, stating that all employees should be treated equally. The Policy sets out that staff cannot be discriminated against because of their sex.

The new additions to the policy, adding specific references to sexual harassment (with a WG definition and examples), aim to prevent instances of sexual harassment in the workplace, which is more likely to be encountered by women, particularly younger women¹ and those with intersectional protected characteristics². The additions also give examples of both harassment because of sex and sexual harassment.

Gender Reassignment

There are [x] people in the Welsh Government Workforce who have declared they are a different sex to that assigned at birth. This remains static from 2021/2022.

WG People Survey 2023 analysis shows that although trans staff were in line with cisgender staff when it came to the Inclusion and Fair Treatment theme overall, there were some specific areas relating to this theme and organisational culture where they were less positive.

The Policy is designed to support compliance with existing legal obligations, including protections against discrimination on the basis of gender reassignment or gender identity. It signposts staff to the Transitioning Policy, which outlines available support and processes for colleagues who are transitioning, and reinforces expectations for fostering an inclusive and respectful workplace culture.

Marriage, Civil Partnership – Workforce by Marital Status

Marital Status		
	Number	%
Married/Civil Partnership	2870	47
Other Status	660	11
Single	1500	25
Not Declared	1050	17
Prefer Not to Say	0	0

For a full breakdown of the Workforce Representation disaggregated by marital status please see Annex A of the [Annual Employer Equality Report 2022/2023](#).

Marital status is not one of the demographics that is collected via the People Survey.

The Policy aims to ensure compliance with pre-existing legal obligations, setting out that staff cannot be discriminated against because of their marriage or civil partnership status.

¹ TUC Survey 2023 [New TUC poll: 2 in 3 young women have experienced sexual harassment, bullying or verbal abuse at work | TUC](#)

² Government Equalities Office Sexual harassment report [\[Title\] \(publishing.service.gov.uk\)](#)

Pregnancy and Maternity

In 2022/23, 1% (60 people) of the Welsh Government Workforce declared they were pregnant or on maternity leave. This has remained static since 2021/2022.

Pregnancy and Maternity is not one of the demographics that is collected via the People Survey.

The EHRC (2018 report³) has undertaken research into pregnancy and maternity in the workplace. It found the majority of employers felt it was in their interests to support pregnant women and those on maternity leave and they agreed that statutory rights relating to pregnancy and maternity are reasonable and easy to implement. Around one in nine mothers (11%), reported they were either dismissed or made compulsorily redundant in comparison to others in their workplace who were not treated in this way. It was reported some were treated so poorly they felt they had to leave their job. One in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working from their employer and /or colleagues and 10% of mothers said their employer discouraged them from attending antenatal appointments.

Our suite of maternity and parental leave policies ensure that we do not directly or indirectly discriminate pregnancy and maternity.

The EDI Policy aims to ensure compliance with pre-existing legal obligations, setting out that pregnant staff, or those that have recently been pregnant, cannot be discriminated against. It also refers to the facilities and adjustments that we provide for expectant and nursing employees.

Race – Workforce by Race

Race		
	Number	%
Other Ethnicity	200	3
White	5480	90
Not Declared	160	3
Prefer Not to Say	250	4

The above data has remained static since 2021/2022. For a full breakdown of the Workforce Representation disaggregated by race please see Annex A of the [Annual Employer Equality Report 2022/2023](#)

WG People Survey 2023 analysis shows that ethnic minority staff scored lower than white staff on the Inclusion and Fair Treatment theme overall (3 % points lower at 84%). Particularly low scores were seen for black or black British staff (79%) and Asian or Asian British staff (82%). Ethnic minority staff were less positive on all questions relating to inclusion and fair treatment,

³ [Pregnancy and maternity discrimination research findings | EHRC \(equalityhumanrights.com\)](#)

as well as questions relating to organisational culture including the organisation being committed to creating a diverse and inclusive workplace (8 % points lower at 76%), feeling the organisation respects individual differences (4 % points lower at 82%), feeling the organisation promotes the dignity and respect of all staff (4 % points lower at 79%), feeling valued for the work they do (4 % points lower at 77%), being treated fairly at work (3 % points lower at 87%) and being treated with respect by the people they work with (1 % point lower at 91%). Ethnic minority staff reported higher levels of discrimination (6 % points higher at 10%) and bullying and harassment (4 % points higher at 9%) than white staff.

The EDI policy (along with other relevant policies e.g. Dignity at Work) sets out our zero-tolerance position for racism and all forms of discrimination. It explains the standards of behaviour expected and routes for escalation to call out/challenge where unacceptable behaviours and discrimination are encountered.

The Policy aims to ensure compliance with pre-existing legal obligations, setting out that staff cannot be discriminated against on the grounds of race – including their ethnicity, colour, ethnic origin, national origin or nationality. The policy gives an example of indirect discrimination on the grounds of race.

Religion or belief – Workforce by Religion/Belief

Religion/Belief		
	Number	%
Christianity	2310	38
No Religion/Belief	1310	22
Other Religion/Belief	870	14
Not Declared	200	3
Prefer Not to Say	1390	23

For a full breakdown of the Workforce Representation disaggregated by religion/belief please see Annex A of the [Annual Employer Equality Report 2022/2023](#)

WG People Survey 2023 analysis shows that staff from ‘any other religion’ were least positive on the Inclusion and Fair Treatment theme overall (75%), with Muslim staff also scoring lower on this theme (78%). Christian staff had highest scores (88%). Staff from ‘any other religion’ scored lowest on most questions within this theme, with the exception of feeling that the organisation respects individual differences, where Muslim staff scored lowest and Christian staff scored highest (73% compared to 88%). Highest levels of discrimination, bullying and harassment were reported by Muslim staff and those from ‘any other religion’. Highest levels of discrimination were seen by staff from ‘any other religion’ (14%), with Muslims also reporting high levels (12%). Lowest levels of discrimination were reported by Christian staff and those with no religion (both at 5%). Highest levels of bullying and harassment were reported by Muslim staff (23%), with those from ‘any other religion’ also reporting very high levels (18%).

Lowest levels of bullying and harassment were reported by Christian staff and those with no religion (both at 5%).

Please note that groups of staff from some religions included in the analysis are very small (in particular, Buddhist and Muslim staff, at 18 and 26 members of staff respectively). Therefore, care should be taken when interpreting these results. Please note that no results can be reported for Hindu, Jewish or Sikh staff, since these groups are made up of less than 10 staff, and findings are suppressed to protect employee anonymity.

The EDI policy (along with other relevant policies e.g. Dignity at Work) sets out our zero-tolerance position for all forms of discrimination. It explains the standards of behaviour expected and routes for escalation to call out/challenge where unacceptable behaviours and discrimination are encountered.

The Policy aims to ensure compliance with pre-existing legal obligations, setting out that staff cannot be discriminated against on the grounds of their religion or belief, or non-religion or non-belief. The Policy also refers to time off for religious festivals, time away and facilities for prayer and religious dress.

Sexual Orientation- Workforce by Sexual Orientation

The number of people who declare a sexual orientation of 'other' has gradually been increasing since 2018 (from 3% - 5%).

Sexual Orientation		
	Number	%
Heterosexual/Straight	4290	81
Other Sexual Orientation	280	5
Not Declared	190	3
Prefer Not to Say	700	11

Evidence from the Stonewall WEI staff survey (2023) shows that only 64% of gay or lesbian colleagues feel comfortable expressing their LGBTQ+ identity at work, and this drops to 43% for bisexual colleagues.

People Survey 2023 analysis shows that minority sexual orientation staff scored slightly lower than heterosexual staff on the Inclusion and Fair Treatment theme overall (1 % point lower at 87%). Staff with an 'other' sexual orientation had particularly low scores on this theme (13 % points lower than heterosexual staff). Within this theme, staff with a minority sexual orientation were less positive about feeling valued for the work they do (3 % points lower at 78%). In relation to organisational culture, minority sexual orientation staff were less positive in relation to feeling trusted to carry out their job effectively (4 % points lower at 91%). Again, staff with an 'other' sexual orientation had particularly low scores on these questions (17 and 13 % points lower than heterosexual staff respectively). Minority sexual orientation staff reported higher levels of discrimination (3 % points higher at 8%) and bullying and harassment (4 % points higher at 9%) than heterosexual staff. Particularly high rates of discrimination, bullying and

harassment were seen for staff with an 'other' sexual orientation (20 and 6 % points higher than heterosexual staff respectively).

The EDI policy (along with other relevant policies e.g. Dignity at Work) sets out our zero-tolerance position for homophobia, biphobia and transphobia and all forms of discrimination. It explains the standards of behaviour expected and routes for escalation to call out/challenge where unacceptable behaviours and discrimination are encountered.

Policy aims to ensure compliance with pre-existing legal obligations, setting out that staff cannot be discriminated against on the grounds of their sexual orientation.

Other Considerations

Carers

In the 2023 People Survey, respondents were asked:

"Do you look after, or give any help or support to, anyone because they have long-term physical or mental health conditions, or illnesses, or problems related to old age?"

23% of respondents (989 people) responded as "Yes"

People Survey 2023 analysis shows Carers were less positive than non-carers on the Inclusion and Fair Treatment theme overall (5 % points lower at 83%). They were less positive on all questions in this theme, as well as questions relating to organisational culture, in particular, being treated fairly at work (6 % points lower at 85%), being supported to try a new idea, even if it may not work (6 % points lower at 74%), believing that the organisation respects individual differences (5 % points lower at 82%) and feeling valued for the work they do (5 % points lower at 76%). Carers reported higher levels of discrimination (4 % points higher at 8%) and bullying and harassment (5 % points higher at 9%) than non-carers.

Whilst being a carer is not a protected characteristic in the Equality Act 2010, para 1.5 of this policy states that no one should be treated unfairly or differently because they are a carer.

1.5 All employees should be treated equally, whoever they are and irrespective of their protected characteristics, working pattern (including part time); caring responsibilities; grade; working location; trade union activities; political beliefs; social or educational background and language preference. All employees should have equality of opportunity in employment, learning and development and career advancement on the basis of their skills, ability, qualifications and suitability for work.

Section 5.1 (bullet 3) of the policy has been updated to include that we will make adjustments for carers:

adapt recruitment, selection and all other work practices, including equipment and workplaces, to make reasonable adjustments for disabled and neurodivergent people, BSL users and anyone else who needs it e.g. due to pregnancy, menopause, mental health conditions, caring responsibilities or socio-economic status.

Socio-economic background

Socio-economic background data of the workforce is not yet available (although it is now asked on CAIS our recruitment system).

People Survey 2023 analysis shows that there were only small differences in the Inclusion and Fair Treatment theme score overall by Socio-Economic Background. In general, staff from a background where their parents/guardians never worked were most positive about organisational culture, however, they were least positive about the organisation being committed to creating a diverse and inclusive workplace (80%), while those from 'routine' socioeconomic background were most positive (85%). Slightly higher rates of discrimination were reported by staff from a background where their parents/guardians never worked (6%) compared to other groups (all 5%). However, staff from a background where their parents/guardians never worked reported lowest levels of bullying and harassment (4%), with highest rates among those from an 'intermediate' socioeconomic background (6%).

As above, para 1.5 of this policy states that no one should be treated unfairly or differently because of their socio-economic background.

Welsh Language

Language Skills of staff able to use each skill in most or all work situations:

	Number	%
Reading	1490	24
Speaking	1350	22
Understanding	1460	24
Writing	1180	19

Skills declared by staff across all levels of Welsh Language skill (beginner to proficient)

	Number	%
Reading	3640	60
Speaking	3100	51
Understanding	3440	57
Writing	2710	45

The policy sets out that no one should be treated unfairly or differently because of the language they use:

1.5 All employees should be treated equally, whoever they are and irrespective of their protected characteristics, working pattern (including part time); caring responsibilities; grade; working location; trade union activities; political beliefs; social or educational background and language preference. All employees should have equality of opportunity in employment, learning and development and career advancement on the basis of their skills, ability, qualifications and suitability for work.

2.3 Summary of the Analysis

In conclusion, no issues have been identified that show any adverse impact on any protected characteristic group.

This is an overarching policy, outlining the fundamental principles of the Welsh Government's commitment to workforce equality, diversity and inclusion in its role as an employer, and is supported by specific policies and action plans as needed. The policy provides assurance of the organisation's compliance in law with its duties as an employer and sets out expectations of behaviour, aligned to our values.

SECTION 3

3.1 Decision Making

The recommendation is to proceed with the updates to the HR policy, subject to the usual consultation and engagement.

3.2 Monitoring arrangements

The Welsh Government will be responsible for monitoring and evaluating the impact of the policy on their employees in accordance with the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.

This policy will be reviewed regularly to ensure it remains aligned with current legislation, employment law, and recognised best practice. Updates may be made in response to legal developments, organisational needs, or evolving standards in workplace inclusion.