

Our response to EOC Guidance Note 4: 'Job Evaluation Schemes Free of Sex Bias'

The Four Checklists

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Introduction

The following document relates to the Ways HR Consulting Job Family Allocation © approach.

Job Family Allocation © has been used extensively to help organisations with job measurement in the context of a Job Family approach.

For more details on this innovative and pragmatic approach to sizing jobs, please see www.wayshrc.com or contact paul.robertson@wayshrc.com.

This document refers to current procedural guidance on Job Evaluation methodology from the Equality and Human Rights Commission, written by their precursor organisation, the EOC.

The document has the following contents:

Checklist A: Background information

Checklist B: The design of your scheme

Checklist C: The implementation of your scheme

Checklist D: For organisations with more than one Job Evaluation scheme

Summary

More information

Checklist A: Background information

a.1

Is your scheme 'in-house' or 'off-the-shelf'?

- If your scheme was developed 'in-house' or modified from a framework provided by an external supplier, you should be able to use these questions to test whether the scheme is non-discriminatory.
- If it was bought 'off-the-shelf' you will need to assure yourself that the supplier has reviewed the principles and practices of their scheme in accordance with our guidance. You will also need to check how you are implementing the scheme.

OUR RESPONSE

Our Job Family Allocation © (JFA ©) scheme is adapted but fully compatible with the originating scheme. The approach is 'off-the-shelf' in concept but bespoke for each client application.

a.2

When was your scheme introduced?

- The older a scheme is, the less likely it is to follow the need to avoid gender bias.
- If your answers to these questions suggest that your scheme might not stand up to scrutiny, you will need to decide whether a major overhaul will put things right, or whether it would be better to introduce a new scheme.

OUR RESPONSE

The principles of JFA © were developed from 2005 onwards, responding to Local Government schemes: GLPC, NJC, Cosla SJC, Police Staff Council (PSC).

a.3

When did you last review your scheme?

- Job evaluation schemes should be reviewed periodically to ensure they remain free of sex bias.

OUR RESPONSE

The bespoke nature of JFA © means the content of the scheme is reviewed and adapted as required for each installation. No attempt is made to review the fundamental design of the underlying job evaluation scheme.

a.4

Does your scheme cover all employees?

- Excluding groups of jobs from a job evaluation scheme may perpetuate sex bias, especially if the exclusions are composed predominantly of employees of one sex.
- Discrimination in the grading and pay of the jobs of female employees often occurs or is perpetuated by their separation into a different grading structure based on a different job evaluation scheme, or no job evaluation scheme at all.
- Incorporating female jobs within the same non-discriminatory job evaluation scheme as male jobs helps to achieve **equal pay** for **equal work**.
- You should only exclude groups of employees from a scheme if you have justifiable and non-discriminatory reasons for doing so.
- Employers and trade unions should appreciate that problems can be created if bargaining units are used as the sole basis for the scope of jobs to be covered, since this can often be discriminatory.
- Claims for **equal pay** for work of **equal value** can be brought where separate schemes or collective bargaining arrangements are used to justify differences in pay between the sexes, or where members of one sex are left out of a job evaluation scheme.

OUR RESPONSE

The underlying job evaluation schemes do not readily lend themselves to the assessment of higher level jobs. JFA © therefore excludes those jobs at the direction of the client.

a.5

Do your employees understand how the scheme works?

- If your pay system, or any part of it, is characterised by a total lack of transparency, then the burden of proof is on you as the employer to show that the pay practice is not discriminatory.
- For job evaluation, 'transparent' means: information about the design and implementation of the scheme should be available to employees in a readily understandable form.

OUR RESPONSE

Training in the scheme is provided at the discretion of the client. Training materials are available in slide form and a bespoke JFA © manual is available for each implementation.

a.6

Is your scheme computerised?

- Increasingly, the process of job evaluation is being computerised. For example, job information is entered into computers in the form of answers to pre-formulated questions and a score for the job is given.
- Computerised schemes are often quicker to implement and they are not inherently discriminatory. But any computerised system will reflect the nature of the information it analyses.
- It is important to ensure that your computerised scheme gathers comprehensive information about jobs and is based on non-discriminatory factors.
- At the benchmarking stage, you should evaluate the benchmark jobs using both the computerised format and written job descriptions or completed job questionnaires. A comparison of the two exercises should then be undertaken to check for sex bias.

OUR RESPONSE

A computer may be used to process results but without a decision-making algorithm. Explicit judgements are wholly made by a team of trained Allocators with the assistance of others with knowledge of the job.

Checklist B: The design of your scheme

b.1

Is your scheme analytical?

- A job evaluation scheme must be analytical for it to be accepted by the courts as an appropriate method for determining whether jobs are, or are not, equivalent.
- You as the employer (rather than the supplier or consultant) must show that the scheme is analytical.

OUR RESPONSE

JFA © is compatible with the underpinning job evaluation scheme.

It is an analytical process which uses combinations of the originating job evaluation scheme factors to objectively and analytically guide the Allocators to the most appropriate generic "Role Profile". The Role Profile is fully evaluated by the job evaluation scheme.

There will be variants of the generic role profile with respect to the Job Working Circumstances factors which are concerned with different local job requirements.

The underpinning job evaluation scheme may include factors such as physical effort, dexterity, working conditions, health and safety, and emotional effort.

b.2

Does your scheme's factor plan fairly measure all significant features of every job it covers?

- A job evaluation scheme must be based on factors that **fairly value** all the main demands of the jobs covered by the scheme, irrespective of whether men or women perform them.
- Factors that tend to favour workers of one sex (e.g. physical effort) can be included, as long as the scheme also includes factors that tend to favour the other sex (e.g. manual dexterity).
- The point is that the factors should reflect the **fair / real value** of the job rather than being a balancing act. Therefore only relevant factors should be included.
- To check whether a scheme factor plan fairly measures all significant demands of jobs **either**:
 - ♦ Check the scheme factors against a list of frequently overlooked factors and factors that favour typically male or female jobs; **or**
 - ♦ Analyse job information (job descriptions, person specifications) from a sample of typically male and

female jobs, listing the main job features, and compare them with the scheme factors.

- If there are job features not covered by the factors, consider whether these factors are more common in jobs typically carried out by one sex.
- If the scheme factors favour predominantly one sex, this may indicate that factors favouring the other sex have been omitted.

(See Section Three: 3.14 – 3.19)

OUR RESPONSE

JFA © uses the underpinning job evaluation scheme. As long as this scheme is compliant, the JFA © method will be compliant.

b.3

Do the factor levels in your job evaluation scheme reflect measurable steps in demand within the jobs covered?

- Factor levels should reflect significant and measurable differences in levels of demand, which are appropriately reflected in the scoring / weighting systems.

(See Section Three: 3.14 – 3.19)

OUR RESPONSE

JFA © uses the underpinning job evaluation scheme. As long as this scheme is compliant, the JFA © method will be compliant.

JFA © consolidates various combinations of factors as part of 'local conventions' to provide improved consistency of application and in-built 'reality checks'.

b.4

Is the rationale for your scheme's scoring and weighting system documented?

- A weighting and scoring system should not introduce bias towards predominantly male or female jobs.
- You can check this by adding up raw scores (one point per level per factor) and comparing the rank order with that gained by applying the scheme's weighting and scoring systems.
- If the differences in position in the two rank orders affect jobs of predominantly one sex, then this indicates the introduction of bias through the weighting and / or scoring system.

- Any use of 'felt fair' ranking as a basis for generating weighting should be carefully checked for bias, as it may perpetuate discriminatory features in the existing hierarchy.

(See Section Three: 3.20 – 3.24)

OUR RESPONSE

The underpinning job evaluation schemes are documented by their originators.

JFA © consolidates various combinations of factors as part of 'local conventions' to provide improved consistency of application and in-built 'reality checks'. Overall there is no change in weighting from the original scheme.

Checklist C: The implementation of your scheme

c.1

When jobs are evaluated or re-evaluated, do you involve job holders in completing a Job Questionnaire or an equivalent job information document?

- Job holders know more about the demands of their jobs than anyone else, though they may need help in explaining them.
- Job Questionnaires completed by line managers or human resource staff, without job holder involvement, can result in job demands being omitted or understated.

(See Section Three: 3.8 – 3.12)

OUR RESPONSE

Jobs operate within an organisational context, working under the direction of policy, practice, procedure and precedent. Jobs do not work in isolation.

The trained Allocators are responsible for obtaining sufficient information about the job in whatever manner is deemed appropriate. This may include obtaining information from job holders. JFA © does not explicitly require a job description or job questionnaire.

c.2

Do you use trained Job Analysts to help job holders complete Job Questionnaires or equivalent job information documents?

- It is good job evaluation practice to use trained Job Analysts to help job holders to provide the information required by the scheme and to a consistently high standard.
- This helps to prevent inconsistent and potentially biased evaluations.

OUR RESPONSE

Jobs operate within an organisational context, working under the direction of policy, practice, procedure and precedent. Jobs do not work in isolation.

JFA © delegates the allocation of jobs down to line management. The assertion is that the line manager is well placed to understand the requirements and content of the job and has a broader overview of the context of the job than the job holder.

The manner of obtaining relevant job information is at their discretion. This may include using trained job analysts to supplement the personal knowledge of the trained Allocator.

c.3

Have the Job Analysts been trained in equality issues and avoiding sex bias?

- Job Analysts should understand how sex bias can occur in the information collection process and be trained to avoid it.

OUR RESPONSE

Reference is made to Equality Issues during Allocator training.

c.4

Does the Job Questionnaire or equivalent job information document follow the job evaluation scheme factor plan? Does it use all of the same headings?

- Job information documents which follow the job evaluation scheme factors are easier to evaluate. They help to prevent evaluators making assumptions about job demands, which can result in them being omitted or undervalued in the evaluation process.

(See Section Three: 3.14 – 3.19)

OUR RESPONSE

JFA © guides the Allocator through a series of objective judgements about the job which follow the underpinning job evaluation scheme.

The generic Role Profiles are designed with broad reference to the factors of the underpinning job evaluation.

c.5

Are jobs evaluated or re-evaluated by a job evaluation panel or committee?

- Evaluation by only one or two people (e.g. Line Manager, Personnel Officer) can result in biased outcomes. This risk is reduced through evaluation by a panel with broad knowledge of jobs across the organisation.

OUR RESPONSE

JFA © recommends the use of three Allocators.

The original Role Profiles in the Job Family Framework are formally evaluated by a trained team of evaluators.

c.6

Are job evaluation panel members representative of the main areas of work and gender composition of the workgroups you are evaluating?

- The more representative the evaluators are, the greater their combined understanding of job demands across the workgroup should be.

OUR RESPONSE

A representative panel is recommended to clients in accordance with this.

c.7

Are panel members trained in equality issues and avoiding sex bias?

- Training in avoiding sex bias in the evaluation process helps to prevent it occurring and ensures the exercise is seen as fair.

OUR RESPONSE

This will be at the direction of the client. Reference is made to Equality Issues during Allocator training.

c.8

Are evaluation rationales or records, including the reason for each factor assessment, maintained for every job evaluated or re-evaluated?

- It is good job evaluation practice to maintain detailed evaluation records, for a number of reasons.
- Records:
 - ♦ Allow evaluators to check back on their decision making process and thus help ensure consistent evaluations;
 - ♦ Allow the reasons for evaluations to be explained to job holders, for example, those considering appealing;
 - ♦ Provide information to appeal panel members on what information was taken into account in the initial evaluation;
 - ♦ Provide contemporary evidence for any evaluations that may subsequently be subject to legal challenge.

OUR RESPONSE

Role Profile evaluation records are maintained.

Records are maintained of the analyses and profiles objectively carried out during the allocation process.

c.9

Have you monitored the impact of evaluations, re-evaluations and appeals on male and female dominated jobs?

- Comparing the rank order implicit in the pre-evaluation pay structure with that resulting from the evaluation exercise (and any subsequent re-evaluations and appeals) identifies the gender dominance, if any, of jobs that have moved up or down the rank order.
- If the pre-evaluation pay structure was biased against “female” job characteristics, upward moves would be disproportionately among female dominated jobs.
- Otherwise, one would expect moves to be roughly proportionate to the gender composition of the workforce.

OUR RESPONSE

The generic nature of the Role Profiles does not readily permit a relevant analysis of this check at the job evaluation phase.

The impact of individuals and occupational groups is assessed during the Allocation phase and the pay structure development stage.

c.10

Have you analysed and evaluated all distinct jobs within the relevant employee group?

- In legal terms, jobs that have not been analysed and evaluated fall outside the scope of the job evaluation study.
- So a job holder whose job has not been analysed and evaluated (or whose job has changed to the extent that the original evaluation no longer applies) could take an **equal pay** claim and the job evaluation scheme would not provide you with a defence.

OUR RESPONSE

JFA © is not intended to be a direct replacement for job evaluation. It is intended to adopt the case law principles established under Bromley vs. Quick 1988 which support the use of generic Role Profiles.

*The use of generics is well established in practice and not exclusive to JFA ©. **Technical Note 8 by the former EOC** guides the implementation process which quotes the case law in **section 3.1**.*

Advice is given during training.

The grouping of jobs which are deemed to be sufficiently similar to each other is at the discretion of the client. In the event of dispute a job may be allocated individually.

JFA © analyses each job or deemed group of jobs using an analytical and objective approach, applying the design methodologies of the underpinning job evaluation scheme.

Provision is made for assessing and evaluating the Job Working Circumstances (JWC) factors that vary between jobs that are deemed to be similar in their basic job content and allocated to the same Role Profile.

The assessment of the JWC factors is separate to JFA © and is actually job evaluation conducted at a delegated local level. The scoring of those factors remains compatible with the underpinning job evaluation scheme.

Checklist D: For organisations with more than one Job Evaluation scheme

d.1

Are all of your employees covered by one of the job evaluation schemes in use in your organisation?

- Employees outside the scope of a job evaluation scheme can make an **equal pay** claim comparing their work with that of employees within the scope of the scheme.
- It is also possible for a job holder in one scheme to claim **equal pay** with a job holder in a different job evaluation scheme. Where claims such as these are made, the job evaluation scheme(s) do not provide you with a defence.

OUR RESPONSE

The underlying job evaluation schemes do not readily lend themselves to the assessment of higher level jobs. JFA © therefore excludes those jobs at the client's direction.

The client determines how this issue is addressed.

d.2

Have you made any comparisons between the demands (and pay) of jobs covered by different job evaluation schemes?

You can do this in either of two ways:

1. By evaluating a small number of jobs from scheme A, which are closest in nature to jobs in scheme B, using both schemes; and vice versa; then comparing the results and relative pay levels.
2. By undertaking equal value checks (see **EOC Equal Pay Kit Guidance Note 5: Estimating Equal Value**) on a sample of predominantly male and female jobs from each scheme, to test for vulnerability to **equal pay** claims.

OUR RESPONSE

The client determines how this issue is addressed.

Summary

If you have answered: "No" to any of the above Checklist questions, your organisation's job evaluation system(s) could be vulnerable to challenge.

The more: "No" responses, the greater the risk.

OUR RESPONSE

JFA © complies with the Checklists that are relevant to the JFA © approach and methodology.

More information

To discuss any of the issues raised in this document in more detail, please contact:

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