

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 10 September 2002  
*(Morning)*

Session 1

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## **EQUAL OPPORTUNITIES COMMITTEE**

### **14<sup>th</sup> Meeting 2002, Session 1**

#### **CONVENER**

\*Kate Maclean (Dundee West) (Lab)

#### **DEPUTY CONVENER**

Kay Ullrich (West of Scotland) (SNP)

#### **COMMITTEE MEMBERS**

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Mr Gil Paterson (Central Scotland) (SNP)

Cathy Peattie (Falkirk East) (Lab)

\*Tommy Sheridan (Glasgow) (SSP)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

#### **COMMITTEE SUBSTITUTES**

Mr Jamie McGrigor (Highlands and Islands) (Con)

Michael Matheson (Central Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

\*attended

#### **CLERK TO THE COMMITTEE**

Jim Johnston

#### **SENIOR ASSISTANT CLERK**

Richard Walsh

#### **ASSISTANT CLERK**

Roy McMahon

#### **LOCATION**

The Chamber



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 10 September 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:01*]

**The Convener (Kate Maclean):** I have apologies from Jamie Stone, who has a clash with the Finance Committee meeting, and from Cathy Peattie, who is unable to attend.

### Items in Private

**The Convener:** Does the committee agree to consider items 4, 5 and 6 in private?

**Tommy Sheridan (Glasgow) (SSP):** As you are aware from last week's meeting, convener, I am opposed to considering items in private without a discussion about why we should consider them in private. Why does the committee feel that it has to discuss in private items 4 and 5 in particular? Unless I am unaware of it, I do not believe that there is anything contentious about those matters that would require a discussion in private. I know that item 6 relates to a more contentious subject and that concerns have already been expressed to the committee in discussions. However, we should reconsider whether we need to discuss those items in private—there is no necessity to do so.

**The Convener:** Whether an item is contentious is not relevant to its being discussed in private. We have discussed contentious issues in public before. As I explained at our last meeting, particular items are discussed in private because they concern draft reports. The Procedures Committee is examining the matter, but draft reports are discussed in private because they contain matters—such as opinions and comments attributed to committee members—that might not appear in the final committee report. As was stated last week, the Procedures Committee will make a ruling on the matter and I suggest that, until such time, we continue to consider draft reports in private. Does anyone else want to comment?

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I am in accord with that—it makes perfect sense.

**Tommy Sheridan:** I would like my dissent to be recorded.

**The Convener:** Do you want to put the matter to a vote?

**Tommy Sheridan:** No. It is obvious that other members do not agree.

**The Convener:** With Tommy Sheridan's dissent recorded, do members agree to consider items 4, 5 and 6 in private?

**Members indicated agreement.**

## Gender Equality and Best Value Inquiry

**The Convener:** Members should have a paper detailing the key themes of the inquiry. Those themes come from the evidence that we have taken, although it is up to the committee to examine them and to agree or disagree with them, as they are only suggestions.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I have a few comments. Most of the paper is fine and presents the type of themes that we want to highlight in our report. However, I am not sure that they cover a starting point, which would be examples of current gender inequalities. Moreover, compulsory competitive tendering is not mentioned as a key theme. The adviser should mention the current situation as an overarching starting point.

The paper refers to the percentage of women versus men in the public sector, but the issue is not only about the percentage—there are probably more women than men employed in the public sector. Perhaps I am picking this up wrongly—it might be just a theme—but we must consider the kind of jobs that women do, comparisons with men's wages and the pay gap.

The paper also refers to service delivery and the gender balance in delivery of local authority services. We should mention elected members and the representation of women. It is important to highlight the fact that, unless the figure has changed recently, women make up only 22 per cent of local government representation. Another suggested key issue is leadership, political support and visible commitment. It is important to highlight women's representation at elected member level.

One of my other concerns is about awareness-raising activities and training. At last week's meeting, I raised the point about contracting the trade unions to deliver training and Joyce Magennis from the Scottish Trades Union Congress mentioned that the STUC had offered training to a bus company. The report should draw attention to those available skills.

It is also important to highlight the equal pay audits and the demands that the Executive is making on its bodies. We should ask whether that action can be translated to local authorities.

My final concern is about suppliers. The report to the Local Government Committee on the Local Government in Scotland Bill goes into some detail on that issue, but it must be considered in more depth in our gender report than it is in the short paper that we have been examining today.

**The Convener:** Does everyone agree with the points that Elaine Smith has made to beef up the report and the suggested themes?

**Members** *indicated agreement.*

**The Convener:** The committee will discuss the draft report on 1 October, I hope.

## Work Programme

**The Convener:** Members have before them a paper concerning the work programme. In the past, we have discussed this item in private, but it has been brought on to the public agenda.

**Tommy Sheridan:** Very good.

Would the committee agree to conduct a form of equal pay audit, which would highlight an issue that has been a feature of many Equal Opportunities Committee meetings? It was announced last week that, unfortunately, Scotland has the largest pay gap between men and women in the United Kingdom. We are making painfully slow progress in closing that gap.

I wonder whether the committee can deal with the equal pay situation in the same way as we dealt with the issue of Gypsy Travellers when we brought it to public attention. We could take an audit throughout Scotland and invite big employers to discuss their employment and equal pay strategy, to try to reach the point at which it would be unacceptable for women to be paid less for doing work of equal value.

**The Convener:** It would certainly be possible to commission research to find out what information is in the public domain.

The committee has covered a race issue, with the inquiry on Gypsy Travellers and public sector policies. At present, we are holding an inquiry into a gender issue. The committee agreed that our next inquiry would take a disability theme. We would have to take note of that commitment and consider whether the committee has time to undertake another inquiry before it is effectively disbanded at the end of March—or whenever it happens.

We could look at the information that is available before we discuss whether the committee has time to include an equal pay audit in its work programme. I think that everyone on the committee would support such an audit.

**Elaine Smith:** I was going to suggest that we do that. When we have received similar research previously, that has served to highlight the issue in public.

The evidence that we received last week from the trade unions as part of our gender and best value inquiry shows that, if best value works as we envisage, it should help to address some of the issues around the pay gap. Last week, Tommy Sheridan referred to the Greater London Authority and its contracts with private companies. Clarification on the GLA situation would help us to address the pay gap issue. I agree that it is a good idea for the committee to undertake an equal pay

audit, but we are limited time-wise. Commissioning research would be a step forward.

**Richard Walsh (Clerk):** The committee is aware that, in addition to the current inquiry into gender equality and best value, it has commissioned research into gender strategies in the public sector in Scotland. The research is based on a breakdown of the Scottish household survey into categories such as employment, age and population distribution. The emergent themes from that research will have an implication for the issue of equal pay and will provide us with further information on the subject. The clerks could consider the current situation and ask the Parliament's legal directorate to give us an idea of the overarching commitments of legislation, including the Equal Pay Act 1970.

**Elaine Smith:** When will we receive the information?

**Richard Walsh:** There has been a gratifying delay—if it can be called that—in the research. A second trawl of organisations revealed upwards of 300 responses containing information that the researchers call “grey material”. That is material that has been published at local level—by local authorities, for example—but is not logged at national level with bodies such as the National Library of Scotland or published on academic websites. The researchers are overwhelmed by that vast seam of information. The clerks will put a paper before the committee to reference the themes that emerge from that research. Before we do so, it seems that a further meeting with the researchers is required—I understand from the Scottish Parliament information centre that that meeting is to take place in October.

**Elaine Smith:** Consideration of that information will have to be fitted somewhere into the work programme, which takes us up to December. We have discussed the importance of such grey material at a previous meeting. It is good news that we are to receive that information; it will give us a good starting point. However, I suspect that we might want to commission further research to home in on the issue of equal pay that Tommy Sheridan outlined.

**The Convener:** As members know, the work programme is flexible. We can wait for the information before the committee decides whether it wants to go ahead with a full-scale inquiry. If the committee wants to do so, we have the opportunity to fit in extra meetings between our fortnightly meetings.

**Tommy Sheridan:** Excuse my ignorance, convener, but does the committee still have the facility to appoint a committee reporter to examine an issue such as equal pay in more detail if the whole committee cannot devote the time required to the subject?

**The Convener:** The committee has always operated with four core reporters. So far, we have not appointed reporters on an ad hoc basis, but that would be a decision for the committee. As Tommy Sheridan knows, Elaine Smith is the reporter on gender issues. Since the committee started its work, there have been occasions on which each reporter has done a considerable amount of work on a particular area before the committee considered the issue. We continue to have the facility to do that. If the committee wants to appoint a reporter on a single issue, that is well within the rules of the Parliament.

**Tommy Sheridan:** Okay.

10:15

**The Convener:** Is it agreed that we await receipt of the research before we discuss the issue further under a work programme item on a future agenda?

*Members indicated agreement.*

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Before we move into private session, I want to return to the Chhokar situation. I do not see that subject on the work programme. Prior to the recess, the committee agreed that we should try over the summer to make progress on the issue. Unfortunately, that could not happen. The committee also agreed that, if we did not make progress by September, we would have to decide when to consider the report into the Chhokar case. If we do not do so soon, it will not be worth doing.

We have a major part to play in considering the outcomes of the Chhokar inquiries and we have not done so as yet. We have tried to do that work alongside the Chhokar family and we understand the difficulties that have been caused by Mr Chhokar's ill health. However, there comes a point at which we will have to do something.

**The Convener:** To update members, I wrote to Mr Chhokar and his representatives at the beginning of the recess. During the recess, Michael McMahon, the clerks and I arranged to go to Hamilton to meet Mr Chhokar and his representative to have an informal meeting about how they wanted the committee to be conducted and where the meeting should be held. Unfortunately, Mr Chhokar was taken into hospital again so we could not have that informal meeting. Michael McMahon is right: the committee needs to hold its meeting as originally planned, if possible, in an area that is convenient to Mr Chhokar. We want the family to feel as though they are getting a fair hearing, which they have not felt to be the case in the past. However, we must deal with the inquiry and take evidence on the Jandoo report if we are to progress and make recommendations.

Do you have any suggestions, Michael?

**Mr McMahon:** I agree with you entirely, convener. We suggested holding the meeting in the Lanarkshire area and we have checked out venues. If we are to have any impact, we will have to act in the next month or two. I do not have a date, but we should find a Monday or a Friday on which we can go to Hamilton to deal with the issue and start to put it to bed. We have to address it and we cannot afford to let it sit any longer.

**Tommy Sheridan:** Has a formal approach been made to the STUC to draw on its involvement in the case from the beginning? It has pursued the case determinedly throughout. Should we liaise with the STUC about lines of inquiry as well as with the Chhokar family, which has liaised closely with the STUC? In recognition of Mr Chhokar's long-term illness, we must get something off the ground, as Michael said. That would also be a reasonable starting point.

**The Convener:** If the STUC felt that it had evidence to give, its representatives could come and give evidence to the committee. If we go ahead, the Chhokar family could give written evidence to the committee and others could give oral evidence.

**Mr McMahon:** I have taken a major role in the matter. I believe that it would be wrong for us to ask the family how we should conduct the inquiry, just as it would be wrong to ask people from the Crown Office and Procurator Fiscal Service how they think we should do it—if they are major players in the report, we should be asking them questions. We wanted to make sure that the family was comfortable with how we intended to conduct the inquiry. The meeting that was arranged was not intended to allow us to agree to lines of questioning; it was intended to allow us to agree to the format. That has not been possible because of Mr Chhokar's ill health. However, we can start up the inquiry and begin to make some progress. We have to find a way in which the family can have an input.

**Elaine Smith:** I agree with everything that Michael McMahon has said. We are free every second Tuesday and it might be possible to hold the committee meeting on one of those days, depending on members' commitments in Edinburgh in the afternoon. That would give us more choice on the date.

**Mrs McIntosh:** We are already committed on Tuesdays, so perhaps we could arrange a meeting with the Chhokars on a Tuesday, if that gives us a greater window of opportunity.

**The Convener:** Perhaps members would like Michael McMahon, the clerks and me to sort out the matter. We will report on it before the end of the year.



**Mrs McIntosh:** Definitely before the end of the year.

10:21

**Richard Walsh:** Do you mean before the end of the parliamentary year or the calendar year?

*Meeting continued in private until 10:36.*

**The Convener:** We should sort it out before the end of the calendar year. The matter will be on the agenda regularly.



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