

**Further Information on Employee
Monitoring and the
Annual Monitoring Report**



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Employee Monitoring

The Fair Employment code of practice sets out the rationale for monitoring as follows:

“Monitoring – the provision and analysis of information on community background – is not merely a statistical exercise, nor is it an end in itself. It is the beginning of a process, the starting point for further action. It means establishing the community background of your existing workforce (that is, how many belong to the Protestant community and how many belong to the Roman Catholic community)...”

Although the specific scope and coverage of monitoring has changed over time (see Appendix 3), all registered and specified employers are currently required to monitor:

- employees and apprentices;
- job applicants;
- appointees;

In addition, registered employers with more than 250 employees, and all specified public authorities, are required to monitor:

- promotees;
- leavers.

The following are not monitored: those working in private concerns with 10 or less employees; school teachers; the self-employed; the non-employed; those on government training schemes.

The Annual Monitoring Return

All registered employers (including public authority employers) are required to not only monitor their workforce but are also under a duty to prepare and provide a return each year to the Commission containing prescribed information. A failure to submit a return is a criminal offence, as is a failure to submit a return within the prescribed period.

In practice, the requirement to submit *prescribed information* means that employers submit *summary data* in key areas rather than all information, for example, relating to specific recruitment competitions. The *raw data* is however available to employers for use in their own triennial (Article 55) reviews.

Triennial (Article 55) Reviews and the Consideration of Fair Participation

The primary purpose of an Article 55 review is to enable the employer to determine whether they are providing, or are likely to continue to provide, fair participation¹ in employment to members of the Protestant and Roman Catholic communities.

Unlike the annual monitoring returns there is no requirement on employers to submit their Article 55 review report to the Commission by a specific date. The Equality Commission has a duty to ensure that employers comply with their legal obligation to carry out Article 55 reviews and therefore requests employers to periodically submit their reviews to the Commission.

In summary, **Employee Monitoring** is thus about recording the **composition** of employment (stocks) or of applicants, appointees, promotees or leavers (flows).

Annual Monitoring Returns, present an annual summary of the collated data in a prescribed format. It is these returns that form the basis for this report.

Triennial (Article 55) reviews are about **considering 'fair participation'** and any **affirmative action** that might be required. An employer will use the raw information collected by rolling fair employment monitoring as the basis for their triennial reviews.

The Annual Monitoring Report (Summary of Monitoring Returns)

Although not required by statute, the annual monitoring returns received by the Commission are used to compile the Monitoring Report. Thus, the Report presents an aggregate summary of the composition of employment in registered employers ("the private sector") or specified public bodies ("the public sector").

¹ While 'fair participation' is not defined in the legislation, it is important to note that in broad terms fair participation is NOT about equalising the numbers of Protestants and Roman Catholics in any given employment, but rather it is about seeking to ensure that the community composition (the proportion of Protestants and/or Roman Catholics) in any given employment is broadly in line with what might reasonably be expected based on available labour supply. See Appendix: 'Definitions, Technical Considerations and Wider Concepts in Fair Employment' for further information on the meaning of fair participation and how it differs from a simple assessment of the composition of a workplace.

Given the legislative focus of monitoring returns on recording composition, this report by necessity mirrors that approach – describing *aggregate* composition in employment stocks and flows.

For monitored employers, the report presents information on the community composition of:

- total employees,
- full-time and part-time employees,
- applicants and appointees within the monitored workforce,
- promotees and leavers within the public sector, and within those private sector concerns with 251+ employees

The Monitoring Report presents a summary picture with regard to the **composition** of employment in registered concerns. It does not seek to consider **‘fair participation’** which instead is the focus of employer’s own triennial reviews and related work by the Commission. Rather, its purpose is to help inform employers and other interested parties about wider patterns that, alongside information on labour availability, may suggest a dynamic or pattern that might better inform a consideration of fair participation within specific employments.