



## TUC EQUALITY AUDIT 2020

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## **FOREWORD**



Our latest Equality Audit is published at an unprecedented time, amid an ongoing pandemic that has laid bare the injustices facing women, disabled workers, LGBT plus workers, Black workers and migrants.

So many of us have experienced terrible loss over the past 18 months. Covid-19 has exposed the inequality affecting Black and disabled workers - all too often with fatal consequences. LGBT plus workers' mental health and wellbeing has suffered as

they have been distanced from support networks. And, despite being disproportionately represented in key worker roles, women have been more likely to be furloughed, made redundant and burdened by the need to balance work and caring responsibilities. The UN has warned that the pandemic could put back progress on gender equality by a quarter of a century.

The Covid-19 crisis has held up a mirror to structural disadvantage and discrimination. Tackling the root causes of this remains as important as ever, and our equality audit has a vital role to play. As well as tracking where we are as a movement on equality, it spurs us on to do better when faced with enormous challenges.

This year's survey was completed by unions in early 2020, just as the UK left the EU but before the pandemic struck. Our members were faced with a huge range of issues, including rising anti-immigration rhetoric, the continued impact of public sector cuts, and a global reckoning on sexual harassment in the wake of the #MeToo movement. The toxic impact of right-wing governments across the world - including President Trump in the US and President Bolsonaro in Brazil - was also a real threat.

Despite all of this, unions have continued to advance our collective struggle for equality. Through the Anti-Racism Taskforce we are determined to organise, bargain and campaign for equality – as well as ensure that, as a movement, our own diverse house is in order. From equal pay to flexible working, from the menopause to bullying and harassment, this audit is full of examples of smart and effective bargaining. This innovative work is making a real difference to working people. We should be enormously proud of what we do.

I hope the report inspires and supports all affiliates to build on these wins. Together, we must ensure our recovery from the pandemic is fairer, more just and more equal. Ultimately, that's the best way to win a better working life for all our members.

Frances O'Grady

**TUC General Secretary** 

## EXECUTIVE SUMMARY

Note: from this point forward, the term 'work/life balance' has been abbreviated to 'WLB'.

The 2020 TUC Equality Audit suggests that, in the two years before the outbreak of Covid-19, there were signs that the climate for equality bargaining had improved slightly compared with the position four years earlier. Thirty-two unions responded to the question in the latest audit, of whom

- > 12 (33 per cent) said it had become easier to get employers to engage with equality bargaining.
- > 12 (33 per cent) said it had stayed about the same.
- > Just eight (22 per cent) said it had become more difficult.

In the 2016 audit the balance had been the other way, when just 15 per cent (five) of responding unions said it had become easier to engage employers on equality and 53 per cent (18) said it had been more difficult.

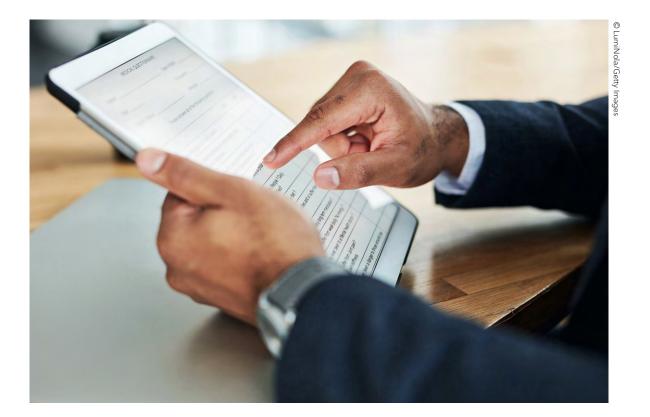
## Other key findings were:

- > Unions have had most success in achieving equality gains in pay and flexible working/ WLB. 58 per cent of unions reported gains in both these areas.
- > Unions achieving gains in general equalities bargaining has risen by 24 per cent in 2016 to 50 per cent in 2020.
- > Equal pay remains the most common priority for unions.
- > Bargaining for women is the equality area where most unions (58 per cent) have policies or guidance in place. This was similar in 2016, with 56 per cent of unions having policies or guidance on women.
- > The percentage of unions with policies or guidance on Black workers<sup>1</sup> (51 per cent in 2016 to 39 per cent in 2020) and disabled workers (54 per cent in 2016 to 44 per cent in 2020) has dropped.

### **Overview**

The TUC and our affiliates are committed to promoting equality in all aspects of our work. In 2003, we changed our rules to reflect this goal. The biennial TUC Equality Audit is a key part of delivering on that commitment and tracking our progress. The audits alternate between looking at collective bargaining for equality, and union efforts to improve representation and participation. The 2020 audit focuses on collective bargaining and was conducted for the TUC by the Labour Research Department (LRD).

<sup>1</sup> The TUC uses the term Black worker as a description of workers who are viewed as culturally and intellectually inferior because they are perceived to be non-white and who often share a common history and experience of oppression and exploitation through colonialism, imperialism and contemporary capitalism.



This audit considers the huge range of issues unions address in their search for improved equality for all workers. It also examines the processes by which unions work to achieve it. As in the earlier audits, this one was carried out through a survey of national TUC affiliates, to which 36 of the TUC's 48 unions replied - or 75 per cent. This compares with 79 per cent four years earlier in 2016.

The survey of TUC affiliates was carried out in early 2020, and unions had largely submitted their responses before the Covid-19 outbreak. Therefore, all the information in the report relates to the period before the pandemic. The process of producing this report was significantly disrupted by the Covid-19 outbreak, which is why it is being published later than previous Equality Audits.

The national survey of affiliates has been supplemented by two other pieces of research:

- > a survey of workplace reps across all unions to find out what equality issues they have been facing in their workplace and the training, information and support they use to help them deal with those issues, both before and during the pandemic
- > a survey of workplace reps across all unions aimed at discovering what impact the Covid-19 pandemic has had on collective agreements on flexible working and family-related leave and pay.

A separate report will be published on these two surveys.

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## The bargaining climate

The Covid-19 pandemic has exposed the deep-seated inequalities in the UK, with disabled workers, Black workers, LGBT plus workers<sup>2</sup> and women all facing disproportionate impacts.

Our audit took place just before the onset of Covid-19 and suggests that in the period prior to the pandemic the climate for equality bargaining had slightly improved and this was an overall improvement on results from 2016.

Unions reported that employers who were making progress saw the business case of equality, diversity and inclusion and that others were genuinely willing to engage on equality: however, many cynically saw equality as a means to gain good publicity.

Sexual harassment was high on the public agenda from 2017 due to the #MeToo movement. Sexual harassment was named as one of the common equality issues for unions and for the first time we asked if unions had equality guidance in stand-alone sexual harassment policies. 42 per cent reported they did, including all six of our large unions.

Our unions reported a mixed picture in the public sector. UNISON and the GMB reported improvements in the NHS but education unions reported it had become harder to engage with employers on equality issues due to concerns around cost. This reflects experiences in 2016 and shows the continued impact austerity is having on equality. Across sectors, unions reported that equality was still a difficult subject to engage employers on due to the ongoing toxic political environment since the Brexit referendum, which has seen a rise in hate crimes and racist incidents and divisive political attacks on equality.

Sexual harassment was named as one of the common equality issues for unions and for the first time we asked if unions had equality guidance in stand-alone sexual harassment policies. 99

A challenge coming out of the pandemic will be for unions to use their collective power to address the unequal impact it has had, ensure our recovery is fair and fight against further austerity measures. It remains to be seen whether the small gains made prior to the pandemic can support this work.

Our survey was not only before the Covid-19 pandemic, but also before the rise of the Black Lives Matter movement in UK, US and beyond and the groundswell of anger following the murders of Sarah

<sup>2</sup> The TUC uses the following definitions:

LGBT plus when asking about work done for the full LGBT plus community

Trans plus when asking about what has been done for workers across the gender identity spectrum, ie transmen, transwomen, transgender people, genderqueer and genderfluid workers

LGB plus when asking about what has been done for workers across different sexual orientations, ie lesbians/gay women, gay men, bisexuals, pansexual and asexual workers.

Everard, Bibaa Henry and Nicole Smallman in the UK. Our recovery takes place at a time when there is a collective feeling of injustice across the country and we will see in our next audit if this translates to greater demands on employers for equality.

## The bargaining process and guidelines

The audit looked at ways unions set their equality agendas and what they focus on:

- > The two most commonly mentioned mechanisms were conference debates and decisions and equality committees and conferences.
- > The most common key issue has been equal pay, but women's pensions, the menopause, maternity agreements, disability and sexual harassment are also common.
- > The menopause is an area of substantial growth in union policy, with a number of unions submitting example guidance.

Unions provide guidance, training and materials on a range of equality issues. The most common equality topics for negotiating guidance were women, LGB plus workers, working parents, parents-to-be and carers and general equalities bargaining.

Large unions<sup>3</sup> were more likely than smaller unions to have up-to-date guidance in all the equalities areas.

## **Negotiating success**

Unions have had some success in negotiating improvements on a variety of equality-related topics in the last four years.

The most successful areas have been pay and flexible working (58 per cent of unions achieved wins in each of these areas). This represents a significant increase in the number of wins on flexible working compared to 2016. Other areas where unions have reported success are disabled workers (47 per cent), working parents/parents-to-be and carers (47 per cent) and recruitment, training and promotion (47 per cent).

Negotiating gains have become more widely spread across unions in all areas except for bargaining for women (dropping from 46 per cent of unions in 2016 to 31 per cent in 2020). Success in bargaining for LGBT plus workers has become very much more widespread. 39 per cent of unions achieved equality bargaining gains for trans workers in 2020 (compared to 22 per cent in 2016) and 36 per cent of unions achieved gains for LGB plus workers in 2020 (compared to 17 per cent in 2016).

### **Areas for action**

The percentage of unions providing general equalities training to national paid offices has gone up, 44 per cent in 2020 compared to 32 per cent in 2016. But more unions provide equality bargaining training to lay negotiators than to paid officials and the

 $<sup>3\,</sup>$  See 'Notes' on page 51 for definitions of large, medium-sized and small unions.

CCUnions have made gains with the guidance they are producing but the proportion of unions with guidance on Black workers has gone down since 2016.99

priority areas are different for each group. For example, 44 per cent of unions provide training in pregnancy and maternity discrimination to lay negotiators compared to 22 per cent providing it to national paid officers. Ensuring more training to national officers and aligning needs between groups is a recommended area of work for the future.

Unions have made gains with the guidance they are producing but the proportion of unions with guidance on Black workers has gone down since 2016. Given that Black communities have been disproportionately impacted by the pandemic due to structural racism and the continuation of anti-immigrant rhetoric in the aftermath of the EU referendum, anti-racism and bargaining for race equality will be central to union work in the coming period. This work has already started with the launch of the Anti-Racism Taskforce<sup>4</sup> in December 2020. Through the taskforce the movement is determined to organise, bargain and campaign for racial equality.

For the first time in this audit we asked unions about their equality provision on automation. One in six unions has materials on the equality aspects of automation/digitalisation policies. Technology has transformed our workplaces and we expect to see the use of technology grow so it may therefore be an area where reps and members seek support. Materials on religion and belief and on younger and older workers were also identified as areas where more guidance was needed, with only one in three unions producing materials on these areas.

Finally, in this survey we break down the differences between large, medium-sized and small unions. We recognise the difference in resources that unions face and therefore commit to working with smaller unions to support their development of equality materials.

<sup>4</sup> The Anti-Racism Taskforce was established by TUC Congress in September 2020. The group is made up of senior leaders from the trade union movement and expert representatives from civil society and academia. The role and purpose of the taskforce is to agree priorities for union organising and collective bargaining action to advance racial justice at work; and increase the representation of Black trade union members at all levels of trade union democratic and employment structures. The taskforce is chaired by Dr Patrick Roach, NASUWT general secretary.

## INTRODUCTION



The TUC Equality Audit 2020 sets out TUC affiliate unions' activity in the area of collective bargaining on equalities issues in the four years leading up to the end of 2019. It follows similar audits covering equality bargaining published in 2003, 2005, 2009, 2012 and 2016.

The process of producing this report was significantly disrupted by the Covid-19 outbreak in early 2020, which is why it is being published later than previous Equality Audits.

Nevertheless, the period covered is the same as it would have been had it been published in the usual way. The unions

had largely submitted their responses before the Covid outbreak, and all the information in the main part of the report relates to the pre-pandemic period.

The audit was carried out by the Labour Research Department (LRD) through an online questionnaire sent to all TUC affiliates in early January 2020, with a response due by late February 2020.

## The national survey response

The response rate to the survey was very slightly lower than in 2016, with 36 of the TUC's 48 affiliated unions replying - or 75 per cent. This compares with 79 per cent four years earlier.

However, as most of the 12 unions that did not respond were smaller affiliates - nine of them have fewer than 10,000 members - the proportion of total TUC membership represented in the survey was very high, at 97.9 per cent. This is virtually the same proportion as in 2016 (97.6 per cent).

The affiliates that responded are listed in Appendix A. In addition to completing the questionnaire, unions were asked to supply examples of:

- > particularly important guidance they had produced for negotiators in the last four years on the bargaining topics covered by the audit
- > particularly important agreements or policies on these topics they had achieved with employers in the last four years.

## **SECTION A**

# THE CLIMATE FOR EQUALITY BARGAINING

The 2020 TUC Equality Audit suggests that, in the period it covered (before the outbreak of the Covid-19 pandemic) there were signs that the climate for equality bargaining had improved slightly compared with the position four years earlier.

As is the case regularly in the collective bargaining TUC Equality Audits, unions were asked whether they had found it more or less difficult to get employers to address equality issues in the last two years. Because the question was asked in early 2020, union responses relate roughly to the two years 2018-19 - not only before Covid-19 but also before the 2020 killing of George Floyd in the US and the subsequent rise of the Black Lives Matter movement.

It would seem that the climate overall in that period 2018-19 was a slightly more optimistic one than was reported in the 2016 TUC Equality Audit, although still very uneven across sectors and industries. The aftermath of the 2016 Brexit referendum cast something of a cloud over this picture in some areas.



Thirty-two unions responded to the question in the latest audit, of whom 12 (33 per cent) said it had become easier to get employers to engage with equality bargaining. Meanwhile, just eight (22 per cent) said it had become more difficult, with the rest (33 per cent) saying it had stayed about the same.

While this is not an overwhelmingly positive finding the balance had been the other way in the 2016 audit, when just 15 per cent of responding unions said it had become easier to engage employers on equality and 53 per cent said it had been more difficult.

For example, three unions in the banking and finance sector (Aegis, NGSU and Accord) had found employers more willing to address equality issues. The NGSU said its employer "recognises the business case for embracing the ED&I agenda with a focus on inclusion" and that measures to progress it had been set and publicised. However, the union also said "there is still a long way to go" to ensure the issues are addressed through "the life cycle of an employee from recruitment, induction, performance management, promotions etc".

Accord found its employers more willing to dismantle some of its hierarchical structures but said there was continuing concern about a change in the system of pay determination. Although the link between pay and performance had been removed, which was positive, some elements of pay were now more devolved, opening up the possibility for abuse and for certain groups to be disadvantaged.

Two unions operating in the rail industry (TSSA and ASLEF) were also among those finding employers more receptive to engaging with equality issues. This was partly to address skills shortfalls, but was also a genuine desire to diversify the workforce. TSSA mentioned that employers are increasingly keen to "benchmark themselves" with awards, processes and tools like the Stonewall index, Inclusive Employers and the union's own Equality Bargaining Standards.

Health services is another area where there had been some progress. Again, recruitment pressures were cited by the SoR as a driver for growing employer interest in the equality agenda, but awareness of inequality had been helped by the NHS Workforce Race Equality Standard and other data.

The GMB had also experienced an improvement in the NHS, where it said there had been "real engagement" around the "people plan", which it said has strong content on strands including intersectionality. However, the union cautioned that, while it is agreed nationally, locally it is only recommended, and implementation at either ground or local level was facing more resistance.

In other sectors, the GMB had found that more employers are aware of their legal duties and that there are more resources, support and awareness on equality issues. It said that, broadly, there is more willingness to be at least seen to do the "right thing", and movement on equality issues is an opportunity for good publicity – "a shareable, demonstrable win for employers". It is not all so cynical, however. The union said: "In some areas we are seeing employers who genuinely engage with equality issues and



see how meaningfully supporting the equality issues and the solutions/policies that as a union we bring to the table, will improve their staff recruitment, retention, productivity and overall worker loyalty and morale."

While UNISON also noted some improvement in the NHS, the union had found difficulties in other sectors in which it organises. Overall, it said it had found many employers less willing to talk equality, which the union put down in good part to the "toxic" political environment since the 2016 Brexit referendum, including a rise in hate crimes and racist incidents.

Unite had also found equality a more difficult topic to address with employers since the Brexit referendum (and around the US presidential election) as a result of the increase in hate crime, attacks, abusive language and divisive political attacks on equality. Added to this are government policies of austerity, cuts and a race to the bottom on standards, especially with increased agency working, privatisation, contracting and sub-contracting.

Unite did mention improvement in some areas, particularly around sexual and other harassment. This had been taken on board to some extent in the public and non-for-profit sectors, but not in the private sector. In some industries there had been more willingness to address the issues of mental health and period dignity.

In the education sector, financial pressures were cited as the key reason why three unions (UCU, NEU, EIS) said getting employers to address equality issues had been more difficult. The UCU pointed to "the ferocious attacks on education funding" that had "made campaigning and bargaining for equality increasingly more difficult", while the other unions said employers were ever-more concerned over any initiatives that might

add to their costs. And the GMB, while positive about some sectors, was less so about schools, where it said academisation had led to fragmentation of national collective bargaining and increasingly business-oriented employers.

The CWU was also finding it harder to get employers in its sectors to move forward on equality because of the challenging climate they are operating in. Although in some areas (telecommunications and the financial sector) some progress is being made, the resources being committed to the issues were limited.

Usdaw said that, while there had been considerable, if slow, progress in negotiating better-than-statutory family pay and leave agreements, these often do not translate into improvements for members on the ground. This is largely down to local management attitudes and behaviours, which have hardened. This is partly because they are under more pressure to achieve sales and performance targets. In addition, 'people managers' had been removed from stores across the retail sector, with day-to-day responsibility handed to store managers, who lack the skills or knowledge to respond well to issues such as staff needing time off as carers or disabled workers requiring reasonable adjustments.

It remains to be seen what effect the seismic events of 2020-21 will have on the steps that have been made in getting equality on the workplace agenda.

## **SECTION B**

## THE EQUALITY BARGAINING AGENDA



## How unions identify their key collective bargaining priorities

With so many changes needed to bring equality and diversity to the world of work, many unions must have a way to set priorities for bargaining on equality issues. They have a variety of mechanisms for this, with most using a range of these. The two most commonly mentioned are through national conference debates and decisions, and specialist equality committees or conferences, with national executives also often playing a part.

Other routes are union officials, local reps' input, membership consultations such as through surveys and, in unions which have them, industrial committees.

The NASUWT's response to the question of how it set its current equality priorities sums up the range of methods used:

"The NASUWT sets its current collective bargaining priorities as a direct result of the 2016 TUC Equality Audit. Priorities are also set on the following basis: - national conference or executive committee decisions - recommendations from equality bodies within the union - consultation with members - annual consultative conferences with members of under-represented groups/with protected characteristics - research including focus groups of specific members - identification of trends in casework."

## **Equality topics unions cover**

TUC Equality Audits have always found unions' priorities in equality bargaining to be as wide-ranging as the sectors they cover, but equal pay is a perennial common topic. This time unions were asked if there had been any changes in their equality bargaining priorities over the last four years.

While the range of topics cited is, again, extremely wide, pay equality is still a common theme - either in terms of ensuring equal pay or tackling gender or other pay gaps. Other commonly mentioned topics were:

- > women's pensions
- > menopause
- > maternity agreements
- disability, including mental health
- > sexual harassment.

Another way of getting an idea of union priorities is by looking at what equality training and guidance they provide for their negotiators.

Section C looks in detail at unions' training provision, but in summary the most common topic of training provided to paid officials, apart from general equalities training, is pay and employment equality. However, the most widespread training topic for lay negotiators, after general equalities, is harassment and bullying.

The detail of topics on which unions have produced guidance for negotiators is also set out in section C. In summary, the most common areas for guidance provided by unions are flexible working/WLB and - again - harassment and bullying.

## Monitoring equality gains in collective agreements

Just over a third of unions (36 per cent) monitor their collective agreements to gain a picture of equality gains or other equality impacts they have achieved - a higher proportion than in 2016 (24 per cent). Not surprisingly, the practice is more common among large unions, where two in three unions conduct monitoring (67 per cent).

One in two unions (50 per cent) produces a formal report on the outcome of collective bargaining achievements on equalities issues, most often through the annual reports to their national conferences. In 2016, just 17 per cent of unions said they produced a formal report.

The TSSA is one union that carries out monitoring and also produces a report. It audits the companies it negotiates with against its 'TSSA Equality Bargaining Standards' (see pages 34 and 37) and reports the results in its Equality in the Rail Industry report conducted every five years. It also uses the TUC Equality Audits as a benchmark. The union notes that this is a fairly new process so it is still working to ensure that the reporting and monitoring process is systematic.

## SECTION C

## SUPPORT FOR NEGOTIATORS



Unions support their paid and lay negotiators to help them in their equality collective bargaining by the provision of training and issuing policies, guidance and briefing materials. This section looks at the topics on which unions are providing support and guidance.

## Training on equality bargaining

An important way in which unions help their negotiators to advance equality at the workplace is through the provision of training. The Equality Audit questionnaire asked unions to indicate which equality bargaining issues they provide training on to three groups in the union: their national paid officials; their local/regional paid officials; and their lay negotiators (Table 1).

Table 1: Unions providing training for negotiators on equality bargaining issues (per cent)

	National paid officials	Local/regional paid officials	Lay negotiators
General equalities bargaining	44	44	56
Pay and employment equality	36	28	36
Gender and/or other pay gaps	31	25	36
Harassment and bullying policies	28	31	56
Flexible working/WLB	25	25	33
Disabled workers	25	25	39
Pregnancy and maternity discrimination	22	28	44
LGB plus workers	22	22	39
Trans plus workers	22	19	36
Sexual harassment in the workplace	22	28	36
Black workers	19	17	36
Women's health	19	25	39
Religion or belief	17	11	28
Working parents, parents-to-be and carers	14	14	19
Hate crime	11	17	31
Young workers	11	14	22
Older workers	11	14	22

In general, more unions provide equality bargaining training to lay negotiators than to paid officials, though training priorities vary depending on the group being trained. While general equalities bargaining is the most common training topic for all three groups (except for lay negotiators, where training on harassment and bullying policies was equally common), thereafter priorities for the groups diverge somewhat.

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SSFor small and medium-sized unions, though not for large ones, flexible working/WLB is one of the three most common topics for national paid negotiators. SS

Key topics for national and local paid officials are pay and employment equality, bullying and harassment and gender and other pay gaps. Meanwhile, training on pregnancy and maternity discrimination, disabled workers and women's health are relatively widespread for local paid officials and lay negotiators.

While large unions will tend to provide more training in all areas than others, Tables 2 to 4 look at which are the most commonly provided training topics for unions in each size band. Each table lists the three most commonly cited topics, and the tables are split into training provided to national paid officials, local/regional paid officials and lay negotiators.

They show that different-sized unions tend to have slightly different equality training priorities for the different groups.

Table 2: Top three training topics for national paid officials by union size band

Large	Medium	Small
Pay/employment, pay gaps (both 83 per cent)	General equalities (43 per cent)	General equalities (38 per cent)
General equalities (67 per cent)	Flexible working/WLB, pay/employment (both 29 per cent)	Flexible working/WLB, pay/employment, LGB plus workers, trans workers, disabled workers, harassment/ bullying (all 25 per cent)

For small and medium-sized unions, though not for large ones, flexible working/WLB is one of the three most common topics for national paid negotiators (Table 2). For large unions, training on pay gaps is now as widespread for national paid negotiators as pay/employment equality issues.

Table 3: Top three training topics for local/regional paid officials by union size band

Large	Medium	Small
Pay/employment, general equalities, pregnancy/ maternity, sexual harassment, harassment/ bullying (all 83 per cent)	General equalities (57 per cent)	General equalities (19 per cent)
	Flexible working/ WLB, pay/employment,	Harassment/bullying (13 per cent)
, , , , , , , , , , , , , ,	pay gaps, pregnancy/ maternity, disabled workers, harassment/ bullying, sexual harassment, LGB plus workers, women's health (all 29 per cent)	Pregnancy/maternity, women's health, pay/ employment, LGB plus workers, trans workers, disabled workers, flexible working/WLB, young workers, pay gaps, sexual harassment (all 6 per cent)

For local paid negotiators, flexible working/WLB is again one of the three most common training topics among medium-sized and small unions, but not among the large unions (Table 3).

Table 4: Top three training topics for lay negotiators by union size band

Large	Medium	Small
Harassment/bullying, disabled workers, hate crime (all 100 per cent)	General equalities (71 per cent)	General equalities, harassment/bullying (both 38 per cent)
	Harassment/bullying (57 per cent)	Pregnancy/maternity, women's health
	Pay gaps, pregnancy/ maternity, sexual harassment, LGB plus workers, Black workers (all 43 per cent)	(both 31 per cent)

In terms of lay negotiator equality training, hate crime is now one of three 'priority' topics for the group of large unions - provided by all six in that size band (Table 4). The same goes for training on disability. Meanwhile, pregnancy/maternity appears to be one of the priorities for lay negotiator training in the groups of medium-sized and small unions.

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## Guidance on equality bargaining

Another major source of negotiating support provided by unions is material in the form of guidance, policy advice or, sometimes, model agreements. This section looks at the extent to which unions include different equality bargaining topics in their suite of materials for paid officials and lay negotiators.

The Equality Audit asked unions about the equality topics on which they have current and up-to-date policies, guidelines or briefing materials for their negotiators. For unions dealing with a small number of employers, who may not produce negotiators' guidance, this includes where the union includes the topics in their claims.

The topics are in two parts. First unions were asked if they had included equality considerations in guidance on a range of general bargaining topics, such as pay and benefits. Second, they were asked if they have negotiating guidance on specific standalone equality bargaining topics such as issues relating to women, Black workers or LGB plus workers.

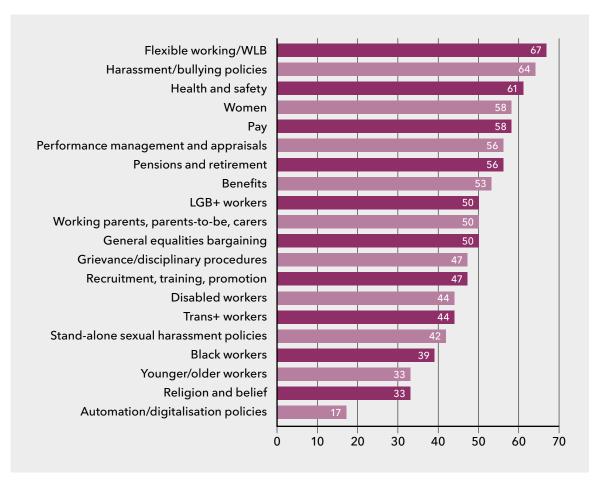
These two groups of topics will be looked at in more detail separately, but Figure 1 shows the proportion of unions indicating they had up-to-date guidance on any of them. It can only give an approximate indication of which are the most common topics for guidance, as some headings overlap with others; for example, guidance on gender pay gaps could be covered under "women" and/or "pay".

SAnother key area would seem to be harassment and bullying policies, where almost two in three also have up-to-date bargaining guidance. 99

Nevertheless, it suggests that flexible working/work-life balance is a priority issue for union equality bargaining, with two in three saying they had up-to-date guidance materials on this topic. Another key area would seem to be harassment and bullying policies, where almost two in three also have up-to-date bargaining guidance.

At the other end of the scale, only one in three unions has produced materials on religion and belief and on younger or older workers, and only one in six on the equality aspects of automation.

Figure 1: Unions including equality guidance in all bargaining topics (per cent)

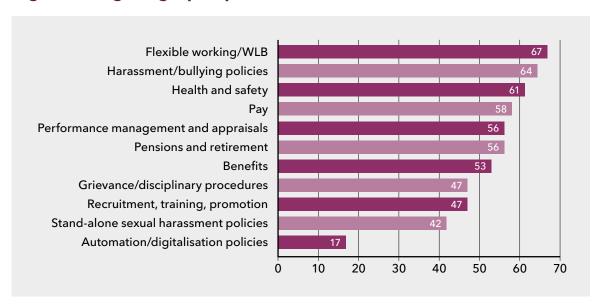


## **Equality elements of general bargaining topics**

Figure 2 shows the percentage of unions who said they had current up-to-date policies or guidelines on general bargaining topics that includes equality elements or, in the case of unions dealing with few employers, have included equality elements in their actual claims on general bargaining topics.

The figures give a broad indication of which areas have most commonly been given attention in the last four years, but it is only an approximate measure as different unions may categorise their guidance differently.

Figure 2: Unions including equality guidance in general bargaining topics (per cent)



This indicates that unions are most likely to have up-to-date equality guidance related to flexible working/work-life balance, harassment and bullying policies, health and safety and pay. Only one in six has so far produced guidance on automation and/or digitalisation that specifically covers equality issues.

In most cases, the proportion of unions with equality guidance on these topics is higher than was found by the TUC Equality Audit of 2016 (Table 5). However, the 'priority' list is slightly different in that, four years ago, guidance on bullying and harassment came top of the list, with pensions and retirement in second place.

Table 5: Unions with equality guidance on general bargaining topics 2020 and 2016 (per cent)

	2020	2016
Flexible working/WLB	67	54
Harassment/bullying policies	64	63
Health and safety	61	54
Pay	58	56
Pensions and retirement	56	59
Performance management and appraisals	56	44
Benefits	53	41
Recruitment, training, promotion	47	37
Grievance/disciplinary procedures	47	32
Stand-alone sexual harassment policies	42	na
Automation/digitalisation policies	17	na

na: not asked

Looking at unions grouped by size band, it can be seen that, not surprisingly, large unions were more likely to have equalities guidance in all the areas listed. But there are also some differences in which bargaining topics have seen most activity (see Figures 3, 4 and 5).

For large unions, the four most common general bargaining topics for equality guidance, cited by all six unions in that band, are harassment and bullying policies, health and safety, pay and stand-alone sexual harassment policies.

Among medium-sized unions the four most common general bargaining topics for equality guidance were slightly different. The top three are flexible working/work-life balance, harassment/bullying and performance management and appraisals, with fourth place taken by four equally widespread topics - pay, pensions and retirement, grievance/disciplinary procedures and stand-alone sexual harassment policies.

Meanwhile, for small unions, the four apparent priority areas are different again. They are health and safety, flexible working/WLB, pensions and retirement, and benefits.

Figure 3: Large unions including equality guidance in general bargaining topics (per cent)



Figure 4: Medium-sized unions including equality guidance in general bargaining topics (per cent)

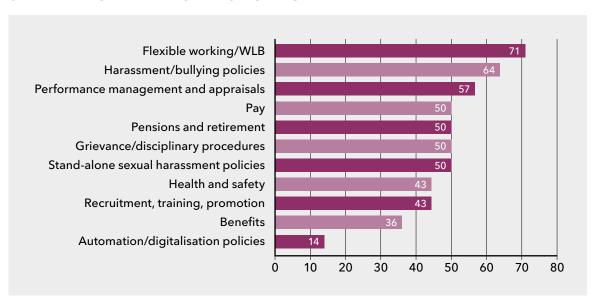
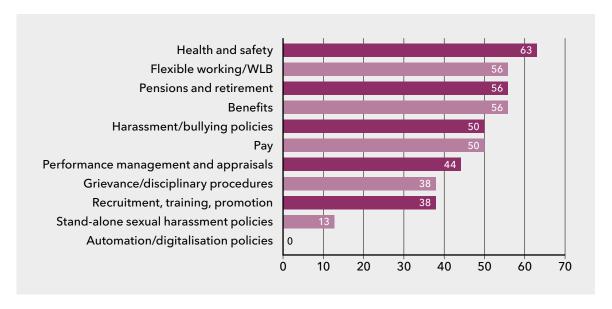


Figure 5: Small unions including equality guidance in general bargaining topics (per cent)



Unions were asked to provide some examples of the most important guidance they had produced on these general bargaining topics that included equality elements.

## Flexible working/WLB

Some of the NAHT's guidance to members is provided to them in their capacity as headteachers who make certain decisions about teachers' pay and conditions. The union has issued guidance to its members advising them to be positive in relation to job-shares, either in their own ranks or among the teachers they manage. It spells out some practical guidance on how the work of job-sharing partners should be organised to best effect.

The RCM has produced guidance on making the case to employers to create more opportunities for their members (midwives and maternity support workers) to have a better work/life balance. This is particularly relevant for such workers, as many employers are very inflexible about how they cover this 24/7 service. The guidance includes setting out the needs of modern-day midwives and also the business case - basically, that there is a shortage of 3,500 midwives in the UK.

## **Health and safety**

UCU's model policy on domestic abuse states that the employer should acknowledge that it has a responsibility in this area. This is because, on top of the fact that it is a crime, it is disruptive and socially harmful:

- > it may have an impact in the workplace
- > the university/college has responsibility for the health, safety and welfare of its staff and learners
- it can affect an individual's performance.

The union proposes a range of practical actions to protect staff or learners from abuse within working hours and also calls for special leave provisions to be available where necessary.

The guidance also addresses staff who are perpetrators or alleged perpetrators of domestic abuse.

The FBU has produced a health, safety and welfare guide on workplace facilities, developed by the National Women's Committee and health and safety coordinators. It makes clear the need for separate facilities for men and women, well-maintained sanitary provision, and areas for pregnant women and nursing mothers.

## **Pay**

UNISON has produced a very detailed guide for branches to get the most out of their employers in relation to tackling the gender pay gap. As well as setting out the detailed requirements of larger employers under the gender pay gap reporting legislation, it advises branch negotiators how to put pressure on employers to review their current policies on pay, recruitment, training, carers' policies and other areas that could help to close the gap.

It includes a model letter to send to employers following the publication of their gender pay gap. It also has a case study of how unions and employers in NHS England are working together to move from gender pay gap reporting to action to tackle their gap using many of the steps set out in the guide.

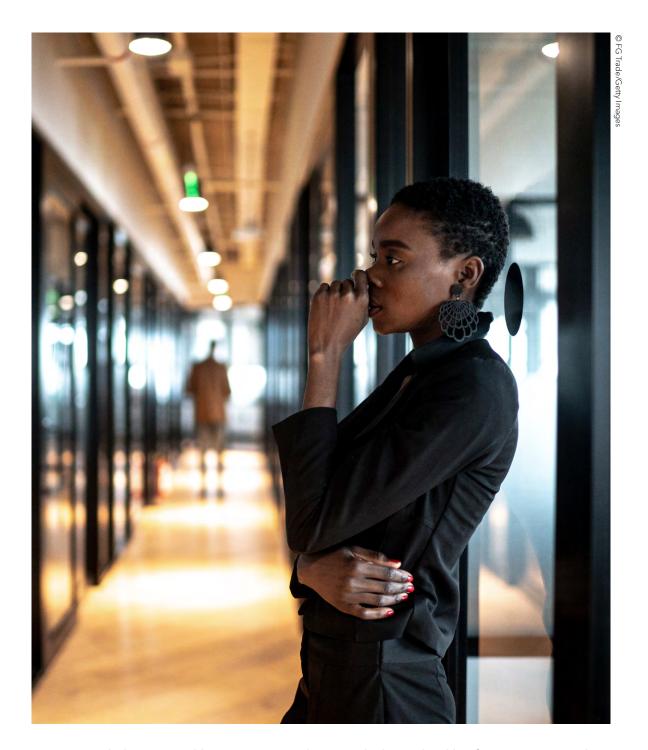
## Recruitment, training and promotion

The NAHT's 2019 pay guidance to heads (and governing bodies) to implement in their schools sets out a mechanism for avoiding inequality in performance-related progression for certain staff, including those returning from maternity or sick leave. It also advises that pay progression trends should be monitored to see if certain groups, for example part timers, progress up their pay scales more slowly than full timers. It suggests that there should be a moderation process for performance appraisals.

## **Sexual harassment**

Equity's comprehensive Agenda for Change report aims to tackle the sexual harassment that has been shown to be widespread in the entertainment industry. It proposes a wide range of mechanisms for this, including getting dignity and respect at work policies attached to members' contracts and in industrial agreements.

It demands that 'engagers' of Equity members must have clear and robust policies, including reporting structures, whistleblowing and grievance procedures for bullying, harassment and sexual harassment, including third-party harassment. Other demands include that, at the start of every rehearsal period or similar, engagers confirm verbally that they have a policy of zero tolerance, and that they do not allow non-disclosure agreements to protect perpetrators of sexual harassment.



UCU's stand-alone sexual harassment guidance includes a checklist for union action that includes pushing employers to adopt a clause in the collective agreement and a model policy which it sets out in the guidance.

The PFA approached football club managers with a request to make a presentation to their players about sexual consent and respectful relationships. The development of the presentation was a collaboration between the union, the FA and Premier League and Women's Aid.

## **Automation/digitalisation**

Unite's guidance on negotiating new technology comes in the form of a model agreement, which has fairness and equality at its core. It stipulates that a key principle of any new technology agreement is that it must not advance one group of workers against another and that it should be introduced only in a way that benefits all workers affected.

A specific section on 'fairness and equality' states: that the introduction of new technology must include action to promote equality and to prevent and eliminate discrimination on grounds of protected characteristics; that equality impact assessments and monitoring should be carried out; and that "the Employer also recognises and supports the role of union equality representatives, union equality courses, and a joint equality committee".

## **Equalities bargaining topics**

Figure 6 shows the percentage of unions that said they had current up-to-date policies, guidelines or briefing materials for their negotiators on equalities bargaining issues or, for those dealing with few employers, had put these as items in claims to employers.

Again, the figures give a broad indication of which areas have been most prominent. The most common topics for negotiating guidance were issues for women, followed by LGB plus workers and working parents, and parents-to-be and carers, as well as general equalities bargaining. Less common is negotiating guidance related to younger or older workers or religion and belief.

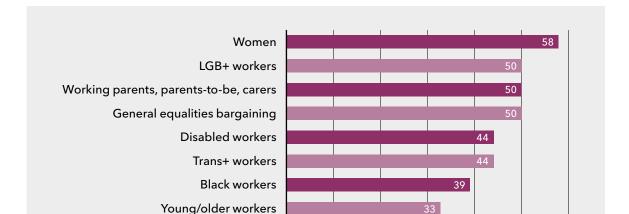


Figure 6: Unions with guidance on equality bargaining topics (per cent)

Ó

10

20

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40

50

60

Religion and belief

SS Most notably, bargaining for disabled workers is the most common topic of guidance for large unions, but it is further down the list for the others, particularly medium-sized unions. SS

Table 6 shows the changes in these figures since the 2016 TUC Equality Audit. The proportion of unions with guidance in some areas has gone down - particularly for disabled and Black workers - while more unions have produced guidance for younger/older workers and on general equalities bargaining.

Table 6: Unions with guidance on equality topics 2020 and 2016 (per cent)

	2020	2016
Women	58	56
General equalities bargaining	50	34
Working parents, parents-to-be, carers	50	54
LGB plus workers	50	51
Trans plus workers	44	44
Disabled workers	44	54
Black workers	39	51
Religion and belief	33	34
Young/older workers	33	22

As with the findings for general bargaining topics, large unions were more likely than smaller ones to have up-to-date guidance in all the equalities areas. And, also as before, there are some differences in 'priorities' between unions of different sizes (see Figures 7, 8 and 9).

Most notably, bargaining for disabled workers is the most common topic of guidance for large unions, but it is further down the list for the others, particularly medium-sized unions. The reverse is true for guidance on working parents, parents-to-be and carers. This appears to have been a more common priority area for medium-sized and small unions than for the large ones.

Figure 7: Large unions with guidance on equality bargaining topics (per cent)

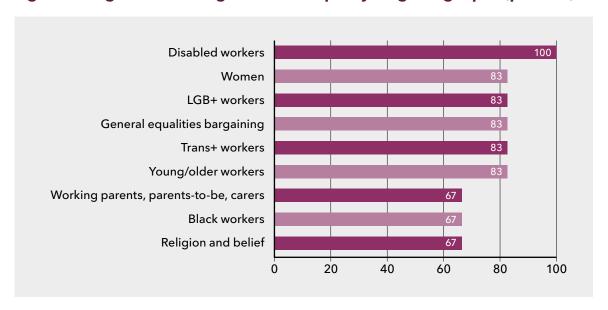
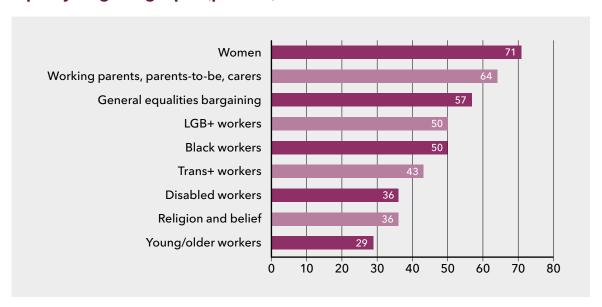


Figure 8: Medium-sized unions with guidance on equality bargaining topics (per cent)



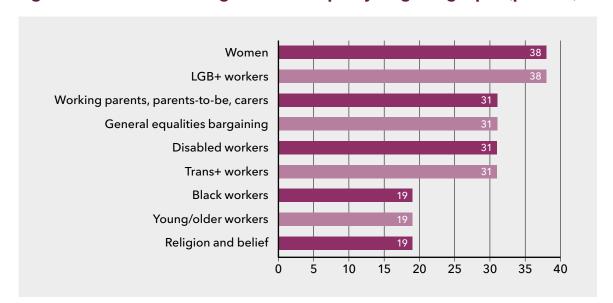


Figure 9: Small unions with guidance on equality bargaining topics (per cent)

Unions provided some examples of bargaining policies and guidance they had produced for their negotiators.

### Women

One of the areas of substantial growth of union policy in this audit is in menopause at work policies. Examples of guidance on this were submitted by a number of unions including the FBU, whose membership is majority male. Its short guide sets out what employers can do but also informs its own representatives and officials on the issues so they can provide adequate support to affected members. It says employers should ensure sickness absence policies and working time arrangements are flexible enough to cater for the effects of menopause on some women, and that they should conduct risk assessments to ensure the working environment will not make symptoms worse.

UCU's guidance similarly refers to risk assessments and says that issues to be looked at include temperature and ventilation, toilet facilities and access to cold drinking water. Improved welfare facilities could also include a quiet place to rest and easily adjustable temperature and humidity controls.

UNISON, with a 70 per cent female membership, provides a 40-page bargaining guide that covers a range of issues to ensure managers take menopause seriously. It includes a model survey for reps/branches to conduct to clarify what problems women are facing in which work areas, as well as guidance on negotiating employer policies.

ASLEF has issued a comprehensive guide, written by the union's Women's Representative Committee, for reps to help them understand women's (and parents') issues in the workplace. The topics covered are rights for parents and parents-to-be, flexible working, toilet facilities, sanitary wear facilities, sexual harassment, female cancers, reasonable adjustments, disability discrimination, domestic violence and menopause.



## **General equalities**

ASLEF's On Track with Diversity 2019 report documents the state of diversity in the railway industry in which it operates and examines why "so few women and BAME people apply for jobs as train drivers". While not a bargaining guide as such, it examines the recruitment practices of the train operating companies with the hope that actions that lead to success at recruiting diversely will spread throughout the industry. It has had some success here, as described on page 37.

Equity's casting policy aims to increase diversity on stage and screen. It says the union will intervene in the casting process to press 'engagers' to give more opportunities to a diverse range of performers. However, the union has clarified that, as long as opportunities have been given,

Equity will not intervene after casting decisions have been made. It notes, for example, that when the union was seen to be critical when a non-disabled actor was given the part of 'Elephant Man", the criticism was not about who actually got the part but the fact that disabled performers were not being considered.

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## LGB plus and trans plus

The TSSA has developed an Equality Bargaining Standard to help reps bargain with employers for LGBT plus inclusive workplaces by setting three levels of award - bronze, silver and gold. It sets out clear steps employers should take to achieve the standards, including training of various tiers of staff. The gold standard requires further efforts, including providing the union annually with evidence of having met each earlier level of the standard, along with discussions on further initiatives.

The UCU's guide on gender identity explains key terms that are commonly used in this area and suggests what actions branches can take within their ranks and press for in their workplaces. These latter include getting employers to develop awareness of the issues among staff, through training and surveys, for example, and developing LGBTQ plus networks.

### **Disabled workers**

UNISON's 32-page guide to bargaining over disability leave includes a model agreement. It says the key points branches should try to have included in an agreement are:

- > Disability leave should be paid.
- > It should be recorded separately from sick leave.
- > It should be removed from trigger calculations in capability procedures etc.
- > There should be a policy for both planned and unplanned disability leave.
- > There should be no maximum duration but what is 'reasonable' in each case.

UNISON has a separate 32-page guide to bargaining for reasonable adjustments, which includes pressing for 'accessibility passports'. This aspect is also the subject of guidance from the UCU, which calls them 'adjustment passports'. The purpose of the passport is to:

- > make sure everyone understands and has a record of what adjustments have been agreed
- > reduce the need to reassess adjustments every time a person changes jobs, is relocated or is assigned a new manager
- > provide the staff member and their manager with a basis for future conversations about adjustments.

The UCU, another union that has produced a short guide to using adjustment passports, has also published a guide for awareness and action on HIV and AIDS in the workplace. Its aim is to inform and advise reps about HIV and how conditions in the workplace can best support people concerned about and/or living or working with HIV.

The TSSA has continued its pioneering work on neurodiversity by producing a TSSA Equality Bargaining Standard to help workplace reps persuade employers to work with them to audit diversity progress in this area. It sets out clear steps employers should take to achieve either bronze, silver or gold standards. The gold standard requires a range



of efforts, including each neurodiverse employee to have an individual development plan and pathway, and a senior manager to be nominated to oversee actions to increase inclusion of neurodiverse people.

Accord issued guidance to members on dealing with anxiety, stress and depression at work, with links to further advice produced by the Bank Workers Charity.

## **Black workers**

The UCU issued its branches with a bargaining guide on tackling workplace racism, which was informed by a survey it had conducted among its Black members. This found Black workers in colleges and universities experienced huge barriers to career progress, high levels of bullying, harassment and exclusion from decision-making, and also high levels of cultural insensitivity. The guide provides detailed guidance on these key bargaining issues:

- > recruitment and selection
- > training
- > promotion and progression
- > temporary and casual staff
- **)** pay rates
- > performance management
- > disciplinary processes.

Unite's health reps' toolkit, Race Ahead in Health: tackling race discrimination in the workplace, sets out practical steps reps can take to do just that. It describes how they can push for: better recruitment and selection processes; action to close the ethnicity pay gap; improving equality in progression and promotion; learning and development opportunities; effective measures to deal with racial harassment, discrimination and bullying; and specifically promoting fairness for Black women at work.

In a different approach, the PFA led a media boycott by professional football players as part of a strategy to push footballing bodies to do more to address racist abuse at matches - to 'make a stand against racism'.

## Young workers

While not strictly limited to young workers, Unite's template for reps negotiating apprenticeships aims to make sure that young workers are not used as a source of cheap labour. It says that protecting apprentices from exploitation starts with direct union input on the structure and the quality of apprenticeships.

To that end, the template covers all aspects of an acceptable apprenticeship agreement, including union recognition for apprentices, the duration of apprenticeships and the full range of pay, terms and conditions as well as on- and off-the-job training issues, mentors, health and safety, assessments and possibilities for end-of-apprenticeship employment.

## How union guidance supports and promotes equality

The Equality Audit asked unions what role their bargaining guidance had played in supporting and promoting equality.

Clearly the core aim of guidance is to help negotiators to win better terms and conditions in the workplace, and some unions cited examples of this.

The FBU, for example, says guidance developed by its National Women's Committee has resulted in successes in local maternity policies.

Unite says its mental health guide, along with seminars it held with HR directors and senior Unite reps in the road transport and logistics sector, has had a range of positive outcomes. It led to mental health agreements being reached, mental health training sessions being held, and new support services being established in those companies.

On race work, the union used its *Unite Race Forward action pack - tackling race inequality in the NHS* to set up training for NHS staff and managers, and, in some trusts, to push for action on recruitment, selection and progression for Black workers.

UNISON says its disability leave bargaining guide has been used by branches to negotiate policies, focusing on having no cap on the leave, as seen successfully in the agreement reached with the Health Research Authority (see page 48).



Equity says its guidance around the casting of deaf and disabled performers is reflected in collective agreements, while the UCU says its reasonable adjustment passport has enabled members and reps to challenge employers who are slow to implement the agreed adjustments.

The TSSA has developed Equality
Bargaining Standards - one on LGBT plus
inclusion and another on neurodiversity
at work - for discussions with major rail
operators. It has so far persuaded two
companies to sign formal agreements on
these and has informal commitments from
eight others.

Still in the rail industry, ASLEF says it has used its *On Track with Diversity* materials highlighting the lack of diversity in the industry to persuade train and freight operating companies to amend their recruitment practices.

Section D of this report gives more details about the successful results of equality collective bargaining, but unions also pointed to some indirect ways in which unions say their guidance has promoted equality. These include by:

- > ensuring important equality issues are addressed in claims. For example, UNISON says its guidance on addressing the gender pay gap supports and informs both national and local pay negotiations, ensuring claims address equal pay matters
- > raising awareness of equality issues within the workplace and positively influencing workplace culture. UNISON, for example said its bargaining guidance on menopause helped activists understand its workplace impact, including on the pay gap, while UCU notes that its reasonable adjustment passport, along with training and campaigning on disability, raises awareness of issues facing disabled staff and students
- > giving members the tools and confidence to assert their rights to equality at work and challenge discrimination
- > collectivising issues so they can be dealt with more openly. The GMB, for example, said its guidance on issues such as domestic abuse encouraged employers to take a whole-staff approach that might previously have been dealt with by the union on an individual basis. It also helped members feel more able to get the support they need
- > visibly demonstrating the union's commitment to equality as a mainstream industrial issue.

#### SECTION D

## RESULTS OF COLLECTIVE BARGAINING IN TERMS OF EQUALITY IMPACT



This section looks at the extent to which unions have achieved successful outcomes to their equality bargaining in terms of reaching agreements or policies with employers. Again, the results are split into two parts: equality gains made in general bargaining topics, such as pay and benefits; and gains on specific stand-alone equality topics.

While these two groups of topics are looked at in more details separately, Figure 10 shows the proportion of unions indicating they had achieved some negotiating gains in all of them. Again it gives only an approximate idea of which topics have the most widespread success.

It suggests that the most common areas for effective negotiating are pay and flexible working/WLB, with more than half of unions succeeding in these areas. Meanwhile, half made gains in the area of general equalities, with the next most successful areas being for disabled workers, for working parents/parents-to-be and carers, and in recruitment, training and promotion.

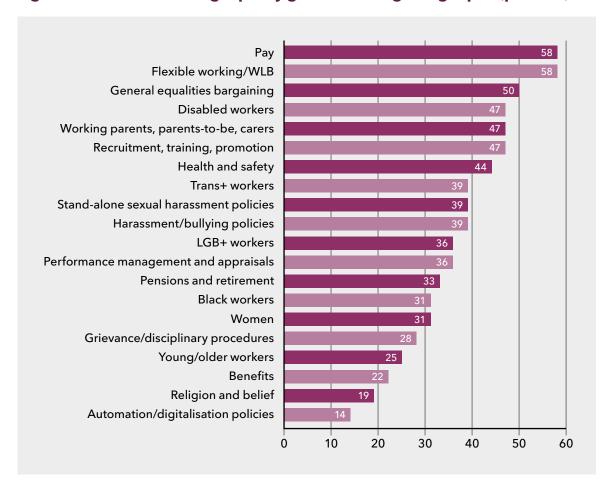


Figure 10: Unions achieving equality gains in all bargaining topics (per cent)

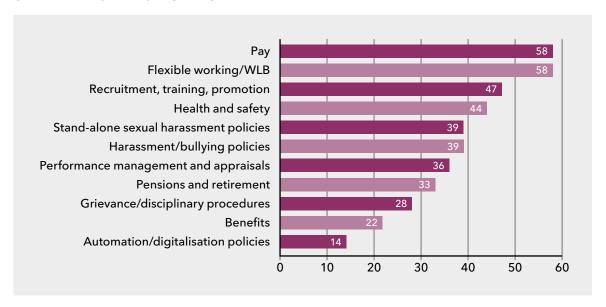
GGUnions are most likely to have made equality gains in the areas of pay, flexible working/WLB, recruitment, training and promotion, and health and safety. 99

## **Equality elements of general bargaining topics**

Figure 11 shows the percentage of unions that said they had achieved successful outcomes on equality aspects in general bargaining topics in the previous four years.

The figures give a broad indication of which areas have most commonly resulted in success, but again it is only an approximate measure. So unions are most likely to have made equality gains in the areas of pay, flexible working/WLB, recruitment, training and promotion, and health and safety.

Figure 11: Unions achieving equality gains in general bargaining topics (per cent)



SSFlexible working/WLB has shot to the top of the list in terms of how widespread these gains have been, and is now on a par with pay, which topped the list in 2016.99

In most cases, the proportion achieving success in these areas is higher than was found in the 2016 TUC Equality Audit (Table 7). This was especially so for flexible working/WLB, recruitment, training and promotion, performance management and appraisals, and grievance and disciplinary procedures.

This has meant that equality aspects of flexible working/WLB has shot to the top of the list in terms of how widespread these gains have been, and is now on a par with pay, which topped the list in 2016. Pensions and benefits were higher up the list four years ago than now.

Table 7: Unions achieving equality gains in general bargaining topics, 2020 and 2016 (per cent)

	2020	2016
Flexible working/WLB	58	41
Pay	58	51
Recruitment, training and promotion	47	24
Health and safety	44	37
Harassment/bullying policies	39	39
Stand-alone sexual harassment policies	39	na
Performance management and appraisals	36	24
Pensions and retirement	33	39
Grievance/disciplinary procedures	28	17
Benefits	22	27
Automation/digitalisation policies	14	na

Looking at gains by unions in different size bands (see Figures 12,13 and 14), in most cases large unions were more likely to have reached equality bargaining agreements in these areas than smaller unions.

However, this is not always the case. They are less likely than both medium-sized and small unions to have made equality gains in the area of recruitment, training and promotion. And medium-sized unions are slightly more likely to have made equality gains in the area of grievance and disciplinary procedures.

Figure 12: Large unions achieving equality gains in general bargaining topics (per cent)

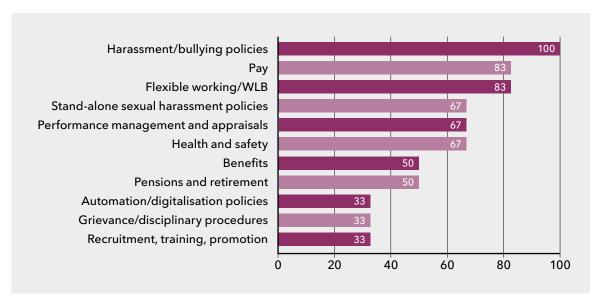


Figure 13: Medium-sized unions achieving equality gains in general bargaining topics (per cent)

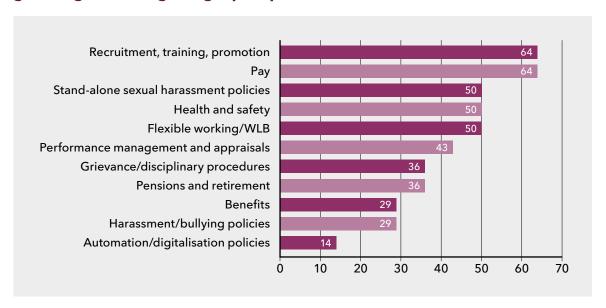
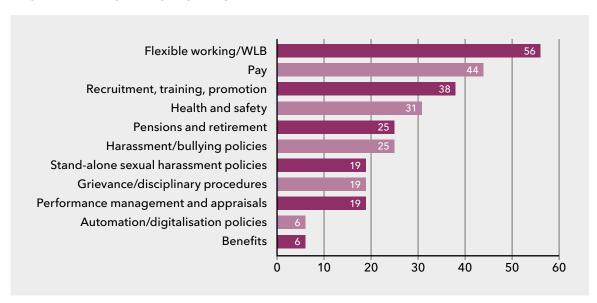


Figure 14: Small unions achieving equality gains in general bargaining topics (per cent)



Unions were asked to supply some examples of important agreements they had reached with employers on general bargaining issues with equality impacts.



#### Flexible working/WLB

Usdaw negotiated a new Lifestyle Break Policy with Tesco in 2020, which extended the length of time staff can take off work and return to the same role in the company. The deal allows permanent members of staff with two years' continuous service to take between four and 12 months off work, unpaid, while remaining in employment.

Unions in the NHS Staff Council, which has overall responsibility for the Agenda for Change pay system, agreed clauses that advise individual NHS employers to take a positive line on 'balancing work and personal life'. An advisory document says employers should have policies that

"emphasise the benefits of flexible working arrangements, balancing work and personal life and employment breaks".

The document also says that all NHS employers must have a carers' policy to address the needs of carers of both children and other dependents, and that this should be drawn up jointly between employers and local staff-side reps.

And in 2019, NAORS reached agreement with the negotiating body for the racing industry that aimed to give racing staff improved WLB (work/life balance) by bringing working arrangements more into line with standard practices. It improved the compensation paid to staff for working more than a 40-hour week in two ways: it switched to paying premium rates once they work over 40 hours in a week, rather than over 85 hours in a fortnight; and the overtime premium was increased substantially. However, this was offset to some extent by reducing the premium for Sunday working from double time to time and a half.

## **Pay**

The RCM and other NHS staff-side unions achieved a framework pay agreement that, among other things, improved starting salaries in each pay band under the Agenda for Change. This was to be done by progressively removing bottom pay points within each band over the three years covered by the deal.

While the aim was to improve recruitment and retention of staff rather than for equality reasons, the measure would be likely to have a positive impact on younger workers, who may be more likely to be on starter grades.

#### Recruitment, training and promotion

Unite, along with other unions, has gained agreements with certain companies in the finance sector to receive annual pay reviews, including ethnicity data around performance-related pay and grading. These revealed that Black employees' salaries were lower than those of white employees and Unite used the analysis to negotiate positive action in recruitment and career progression of Black staff.

## **Health and safety**

Unite's long-running 'toilet dignity' campaign, including ensuring access to toilets for women in male-dominated industries, has resulted in some successes. For example, it has worked with a forestry industry employer to improve access to toilets for women working in woodlands. Available local facilities were identified, and agreement reached for the women to use the employer's official transport to access them.

## Harassment and bullying

Usdaw, Unite and the GMB agreed a bullying and harassment policy with Unilever in 2017 which makes very clear that the company aims to eliminate all forms of harassment, including sexual and racial harassment and harassment relating to sexual orientation, disability, age, gender reassignment and religion or belief, as well as bullying and other unacceptable behaviour.

#### **Benefits**

Unite has reached agreement at food manufacturer Devro in Scotland whereby its criteria for 100 per cent sick pay are relaxed for those with long-term conditions as follows: "In the event of serious illness, major surgery or disabling condition within a 2 year rolling period, the company will honour the 26 weeks sickness benefit being paid at the individual's full rate."

## **Equalities bargaining topics**

Figure 15 shows the percentage of unions who said they had achieved successful outcomes in equality bargaining topics in the last four years.

The figures give a broad indication of which areas have most commonly resulted in success, but again it is only an approximate measure. So unions are most likely to have made gains in the areas of general equalities bargaining, disabled workers, working parents, parents-to-be and carers and trans plus workers.

General equalities bargaining
Disabled workers
Working parents, parents-to-be, carers

Trans+ workers
LGB+ workers
Black workers
Women
Young/older workers
Religion and belief

0 10 20 30 40 50

Figure 15: Unions making gains in equality bargaining areas (per cent)

There have been some changes in the areas in which unions are most likely to have had bargaining success since the 2016 TUC Equality Audit (Table 8).

Negotiating gains have become more widely spread across unions in all areas except for bargaining for women. Success in bargaining for trans plus and LGB plus workers has become very much more widespread, and there has also been a substantial widening in gains for younger/older workers.

Table 8: Unions achieving equality bargaining gains, 2020 and 2016 (per cent)

	2020	2016
General equalities bargaining	50	24
Working parents, parents-to-be, carers	47	39
Disabled workers	47	37
Trans plus workers	39	22
LGB plus workers	36	17
Women	31	46
Black workers	31	24
Young/older workers	25	10
Religion and belief	19	15

SSWhile agreement for disabled workers is top of the list for large unions, for medium-sized and small unions, apart from general equalities bargaining, the most common area of success is for working parents, parents-to-be and carers. SS

Looking at gains by unions in different size bands (see Figures 16, 17 and 18), large unions were, unsurprisingly, more likely to have reached equality bargaining agreements in these areas than smaller unions.

More interestingly, there are some differences in where unions in different size bands are most and least likely to have made gains. For example, while agreement for disabled workers is top of the list for large unions, for medium-sized and small unions, apart from general equalities bargaining, the most common area of success is for working parents, parents-to-be and carers.

And in small unions, Black workers and women are the least likely topics for negotiated gains, while deals for LGB plus works are relatively widespread.

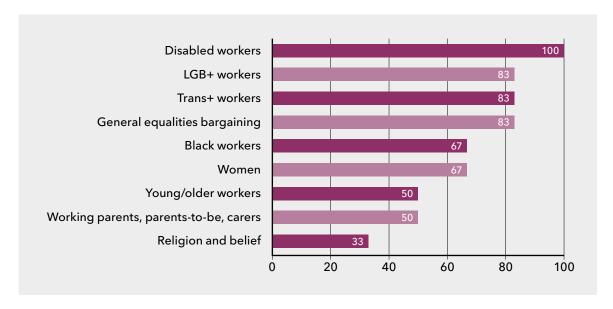


Figure 16: Large unions achieving equality bargaining gains (per cent)

Figure 17: Medium-sized unions achieving equality bargaining gains (per cent)

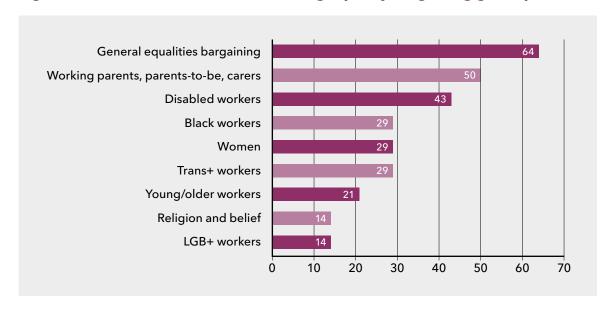
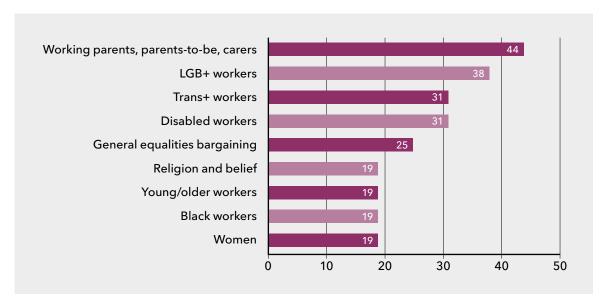


Figure 18: Small unions achieving equality bargaining gains (per cent)



Some unions provided examples of agreements reached with employers on equality topics.

#### Working parents, parents-to-be and carers

At the Aviva insurance company, Unite agreed a parental leave policy in which parents are eligible to the same amount of paid and unpaid time off, regardless of gender, sexual orientation or how they became a parent (birth, adoption or surrogacy). Under the policy, all UK employees are able to take 12 months' leave when a new child arrives, including 26 weeks at full basic pay.

Usdaw and Unite reached an agreement with Alliance Healthcare on paid time off to accompany partners to ante-natal appointments. It spells out in detail the level of paid time off entitlement, including a maximum of two appointments per pregnancy and of three hours per appointment.

Usdaw has also negotiated some improved parental leave and pay deals, including at Morrisons, where those on maternity leave are now on full pay for the first 12 weeks, half pay for weeks 13-27, and Statutory Maternity Pay for the remainder. And at Tesco there is a new paternity deal in which eligible employees are entitled to two extra weeks' leave at up to full pay on top of the statutory two weeks.

Usdaw has also negotiated with Sainsbury's for paid leave for fertility treatment. Female staff can take all IVF appointments as paid leave, while partners can take paid leave for 10 appointments per cycle of treatment.

At Stagecoach, Unite union reps sitting on the bus company's National Women's Committee have produced, jointly with the company's HR, a pregnancy and maternity guide for the company which includes a special risk assessment. This allows a pregnant woman to finish working early without loss of pay if a doctor verifies that she is finding work too much of a strain.

The RCM, along with the other NHS unions, agreed a general directive on parental leave to be given by the NHS Staff Council to NHS employers, which states that the legal right to parental leave should allow arrangements to be "as flexible as possible" and that notice periods "should not be unnecessarily lengthy".

## **Disability**

UNISON reached a disability leave policy with the Health Research Authority, which is described as paid time off work for a reason related to someone's disability. It may be for a long or short period of time and may or not be pre-planned. It is not included when assessing performance, promotion, attendance, selection for redundancy and similar issues. It is available to permanent and fixed-term staff who are disabled using the Equality Act definition.

A guideline amount of such leave is up to 20 days in any 12-month period, but this is not an absolute limit. Formal processes are set out for agreeing and reviewing disability leave.

Usdaw has reached agreement with Tesco to operate an 'adjustment passport' - a live record of adjustments agreed between and individual and their manager to support someone because of a health condition or disability. It is for the individual staff member



to keep and pass on to anyone who may need to know information about their condition. The idea is to reduce the need to re-assess adjustments when changing jobs or other circumstances.

Unite has reached disability/rehabilitation agreements with a number of employers, including at Aberdeen University, where reasonable adjustments include those suffering from mental health problems such as "reasonable paid time off to attend appointments in relation to treatment regimens, eg counselling, physiotherapy".

## Trans plus workers

Unite and Bournemouth Transport have agreed a detailed Transsexual and Transgender Recognition Policy that, among other things, sets out how an individual deciding to undergo gender reassignment should be supported at all stages. It sets out how the employer will handle issues of, for example, dealing with reactions of other staff, time off for treatment, single-sex facilities, confidentiality and reasonable adjustments that may be required, such as in relation to uniforms.

#### Women

At Santander bank, the CWU agreed a programme of action on supporting women going through menopause. In 2019 the company conducted consultations with staff and produced guidelines for line managers, trialled a text-based support service, and held women-only and line manager awareness sessions among other events. A survey was conducted of staff going through menopause that investigated how symptoms affected them and how supported they felt at work, particularly in relation to discussing issues with their line managers.

The company also set out a plan of action for 2020, which includes further actions to "break the taboo" around the topic, provide further guidance for line managers and for women, and review absence management procedures to address menopause-related absence.

Unite also negotiated menopause policies with a number of employers, including GKN Aerospace, where the company has committed, among other things, to: raise awareness and "help to break through the silence"; train managers; identify reasonable adjustments; and provide information and support to employees. And it negotiated with the Nestlé food company to provide suitable uniforms for women going through menopause.

Separately, Unite has persuaded a range of employers to sign up to its 'period dignity' charter in which they agree to provide free sanitary facilities for those who need them. Employers participating include Rolls-Royce, Nissan, Multiplex Construction and the Manchester Metropolitan and Liverpool City region mayors.

And at British Airways and Aviator, Unite has negotiated agreements on cabin crew uniform meaning that women are no longer obliged to wear high heels and may wear trousers.

#### **Black workers**

Unite has been working with a number of NHS trusts to tackle race discrimination in the NHS. It has used its Race Ahead in Health toolkit to gain agreement to train staff and managers, for example delivering a presentation to employees and health professionals at the Royal Eye Unit at Kingston Hospital. At another NHS trust the union negotiated joint training and fairer process after equality monitoring revealed that Black women were hardest hit by redundancies, while in a London ambulance service it negotiated for more employment of Black workers.

## Young workers

Unite forced the London Borough of Waltham Forest and its leisure services provider GLL to pay the London Living Wage (£10.20 an hour) to staff aged 18-20. It is understood that this will benefit 260 young people working for GLL in the borough, who will each see a 25 per cent rise from their previous rate of £8.10.

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#### NOTES

## **UNION CHANGES SINCE 2016 AUDIT**

There have been a number of mergers of TUC-affiliated unions since the last equivalent audit in 2016.

The NEU has been formed from the coming together of the NUT and ATL.

Since the last audit Prospect has merged with BECTU and SUWBBS, UCATT and BSU have merged with Unite and NACO has merged with Usdaw.

Since the previous audit in 2016, NASS has changed its name to NARS; and the Society of Chiropodists and Podiatrists (SCP) has become the College of Podiatry.

NACODS deregistered as a trade union and disaffiliated from the TUC since the last audit.

The 2020 respondents includes the AUE and the NHBC Staff Association, which were not TUC affiliates when the 2016 audit was conducted.

Other changes since 2016 have no bearing on this analysis due to non-responses.

#### **Data analysis**

The percentages of unions quoted in this report are generally of the total number of unions responding to the audit. In some cases, analysis has also been carried out according to union size. The aim of this approach is to acknowledge that different-sized unions have different capacities to collectively bargain, produce guidance and training and focus on different areas.

For such analysis, the unions responding have been grouped into three size categories corresponding to the TUC rules on the composition of the General Council.<sup>5</sup> In this report they are described as either 'large' (section A unions), 'medium-sized' (section B unions) or 'small' (section C unions).

The large unions that responded to the audit are: GMB, NASUWT, NEU, UNISON, Unite and Usdaw.

The medium-sized unions that responded to the audit are: Community, CWU, EIS, Equity, FBU, MU, NAHT, NUJ, PCS, POA, Prospect, RCM, RMT and UCU.

The small unions that responded to the audit are: Accord, Aegis, ASLEF, AUE, BALPA, CoP, FDA, Napo, NARS, NGSU, NHBC Staff Association, NUM, PFA, SoR, TSSA and UCAC.

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<sup>5 &</sup>quot;Section A shall consist of members from those organisations with a full numerical membership of 200,000 or more members. Each such organisation shall be entitled to nominate one or more of its members to be a member or members of the General Council and the number of members to which the organisations comprising Section A shall be entitled shall be determined by their full numerical membership on the basis of one per 200,000 members or part thereof provided that where the total number of women members of any organisation in Section A is 100,000 or more that organisation shall nominate at least one woman. Section B shall consist of members from those organisations with a full numerical membership of 30,000 up to 199,999 members. Each such organisation shall be entitled to nominate one of its members to be a member of Section B of the General Council. Section C shall consist of seven members of unions with fewer than 30,000 members."

## **APPENDIX A**

# UNIONS WHO RESPONDED TO THE 2020 TUC EQUALITY AUDIT

The following unions participated in the 2020 TUC Equality Audit. Membership figures are as at January 2020 and as supplied to the TUC.

Union	Membership
Accord	24,505
Aegis	4,646
Artists Union England	416
ASLEF	20,756
British Air Line Pilots Association	8,250
College of Podiatry	10,146
Communication Workers Union	198,235
Community	31,886
Equity	48,176
FDA	17,554
Fire Brigades Union	32,664
GMB	597,147
Musicians' Union	31,744
NAHT	30,560
NARS	2,137
Napo	5,235
NASUWT	284,062
National Education Union	439,038
National Union of Journalists	31,900
National Union of Mineworkers	241
Nationwide Group Staff Union	12,768
NHBC Staff Association	758

POA	31,237
Professional Footballers Association	3,765
Prospect	143,776
Public and Commercial Services Union	177,361
RMT	85,861
Royal College of Midwives	36,834
Society of Radiographers	26,357
The Educational Institute of Scotland	54,831
Transport Salaried Staffs' Association (TSSA)	18,041
Undeb Cenedlaethol Athrawon Cymru	4,007
Union of Shop, Distributive and Allied Workers (Usdaw)	411,435
UNISON	1,171,000
Unite	1,200,303
University and College Union	112,765

The following unions did not participate in the 2020 TUC Equality Audit. Membership figures are as January 2020 and as supplied to the TUC.

Union	Membership
BDA	8,438
Advance	6,624
AEP	3,467
AFA-CWA	433
BFAWU	16,980
BOSTU	1,121
CSP	45,000
HCSA	3,245
Nautilus International	14,921
NSEAD	1,095
URTU	8,711
WGGB	1,463

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