

**TUC Equality Audit** *2016*



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# Foreword

This year's Equality Audit comes at a time when unions face an unpredictable and challenging climate for bargaining on equality.

The economic recovery has been weak and uneven, with many of our members feeling the squeeze of stagnant wages, insecure work and continued inequality. We have seen the impact of employment tribunal fees on access to justice for members facing discrimination at work. And following the referendum vote to leave the European Union, we will all be fighting to protect jobs, investment and rights at work and tackle racism in all its forms.

Despite all of this, unions continue to make progress in bargaining for equality. Whether it is equal pay, flexible working, pensions or bullying and harassment, this report is full of examples of smart and effective bargaining for positive changes. And at the workplace level, reps are working day in and day out to tackle issues including disability and mental health, performance management inequality and work/life balance.

As ever, the audit provides a rich resource of examples of the approaches unions have taken and the successes they have been able to achieve. I hope that it will inspire and support all affiliates to continue to put bargaining and campaigning for greater equality and a better working life for all our members at the heart of all that we do.



**Frances O'Grady**  
TUC general secretary

# Executive summary

## Key findings

Over the past two years:

- ❖ Despite some improvements in the economic climate, 18 unions said that getting employers to address equality issues had become harder; only five said it had become easier.
- ❖ Almost a third of unions felt that employers' equality policies, or their implementation, had been diluted.
- ❖ Around one in six unions have provided advice to negotiators to help mitigate the impact of public spending cuts on equality.
- ❖ Equal pay remains the most common priority for unions.
- ❖ Bargaining for women is the area where most unions (56 per cent) have policies or guidance in place.
- ❖ Unions have had most success in negotiating equality policies in pay, with just over half reporting bargaining gains.
- ❖ Disability-related issues are by far the most common area (52 per cent) that workplace reps have tackled on behalf of members, with gender equality issues coming second (29 per cent).

## 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 and 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 2016 audit focuses on collective bargaining, and was conducted for the TUC by the Labour Research Department (LRD).

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

41 of the TUC's 52 affiliates replied. This response rate of 79 per cent is an improvement on the 67 per cent of 2012, and represents 97.6 per cent of the TUC's membership.

The national union survey was supplemented by two other pieces of research:

1. 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.

2. An exploration of family-related leave, pay and flexible working aimed at obtaining local information not always held nationally. This comprised a second survey of reps, and an analysis of parental leave and pay agreements on the Labour Research Department's (LRD) Payline database of collective agreements.

## Bargaining climate

Unions continue to face a difficult climate for bargaining. The weak and tentative economic recovery has not been felt by everyone. Real wages in the UK fell by more than 10 per cent from 2007 to 2015, and millions of people are in insecure work. Unions' comments reveal that this climate has not encouraged employers to address equality issues. Only five unions said this had become easier in the last two years, while 18 said it had become more difficult.

The most widespread reasons for this appeared to be financial, with many unions saying that employers faced pressure to focus on the bottom line at the expense of the needs of staff. One union reported that equality was seen by employers as a "luxury", a view echoed by others in both public and private sectors.

Around one in six unions have continued to provide advice and guidance to negotiators to help mitigate the impact of spending cuts on equality.

The introduction of fees in employment tribunals has also had a hugely significant impact, leading to a seventy per cent drop in individual claims, with women, BME, disabled and low paid workers hardest hit.

In this environment, almost a third of unions felt that either employers' equality policies, or their implementation, had been diluted in the last two years.

## The bargaining process and guidelines

The audit looks at ways in which unions attempt to make progress on equality topics through their bargaining.

- ❖ Sixty per cent of unions try to set a national agenda for equality bargaining, with more than half of unions involving national equality officers in setting the overall collective bargaining agenda.
- ❖ The most common way that unions identify their equality bargaining priorities is on the basis of their national or sectoral conferences, although discussions between officials are almost as important. Six in 10 take recommendations from equality bodies in the union.
- ❖ Equality bargaining priorities over the last two years have varied, but the most common key issue has been equal pay.

Unions provide guidance and briefing materials to negotiators on a huge range of equality topics. A small number of unions have explicitly chosen to 'mainstream' equality bargaining, but many have taken steps to ensure that their general guidance for negotiators on issues such as pensions and pay takes account of the impact on women and minority groups.

In terms of policies or guidance on equality topics, the most common area for such materials is bargaining for women, especially on equal pay. A majority of unions also have guidance on working parents, disability, BME and LGB workers, with increasing numbers also producing guidance on trans workers.

## Negotiating success

Despite a difficult bargaining climate, unions have had some success in negotiating improvements on a variety of equality-related topics in the last four years.

The most successful area is pay, for example, raising the wages of low-paid groups of workers. Next most common is bargaining gains for women.

Four in 10 unions said they had negotiated deals around flexible working. However, as in 2012, this success must be balanced against the experience of many local union reps who have again indicated that it has become harder in practice to get employers to accept flexible working requests.

Other areas where a good number of unions have negotiated equality improvements are: working parents and parents-to-be and carers; pensions and retirement; harassment and bullying; disability; and health and safety.

## Areas for action

Workplace reps reported that they were far more likely to have tackled disability equality issues in the last two years than any other area, with over half of reps having dealt with disability-related issues. While it is encouraging that 37 per cent of unions reported bargaining success in this area, the sheer numbers of members who have raised this with their reps suggest that this will continue to be an important area of focus.

At the same time, there are a number of specific groups or issues where less than 25 per cent of unions report bargaining gains. These include: BME (24 per cent), LGBT (17 per cent), religion and belief (15 per cent) and older or younger workers (10 per cent). Disability and age were also highlighted as the two areas where most reps felt that more guidance was needed.

This audit has demonstrated that unions have made clear progress despite the difficult climate, particularly on gender, equal pay and flexible working. However, the upsurge in racist incidents and anti-immigration rhetoric in the aftermath of the recent EU referendum suggest that anti-racism and bargaining for race equality will be central to union work in the coming period, while continuing the fight to tackle inequality at work in all its forms.

# Introduction

The TUC Equality Audit 2016 examines not only the huge range of issues unions address to try and improve equality for all workers, but also the processes by which they attempt to achieve it.

The main part of the audit was again carried out by the Labour Research Department (LRD) through a questionnaire sent to all TUC affiliates in November 2015 for response by end of January 2016.

In response to feedback from unions, some changes were made to the Equality Audit process this time around. These aimed to better reflect the variation between unions of different sizes and structures, to explore whether unions are 'mainstreaming' equality issues into wider bargaining, and to focus on a small number of best practice examples of guidance and collective agreements.

These changes mean that the 2016 Audit report is more descriptive in places than in previous reports, and many of the numbers included cannot easily be compared with earlier reports.

The national union survey was supplemented by two other pieces of research carried out by the LRD.

The first is a survey of workplace reps across all unions to investigate what equality issues they have been facing in their workplace and whether they feel sufficiently trained, informed and supported in dealing with those areas.

Almost 1,500 workplace activists from 35 unions responded to the survey, giving a valuable picture of equality concerns in the workplace.

The second piece of work is a survey of union reps on family-related leave, pay and flexible working, plus analysis of parental leave and pay agreements recorded on the LRD's Payline database of over 2,000 collective agreements.

The aim of this second part was to obtain local information on agreements not necessarily held at national level. It also mirrored similar work carried out for 2012 audit to allow trends to be examined.

Section A of this report sets out the context for collective bargaining on equality in recent years, including the continuing impact of public sector cuts

but also the apparent side-lining of equality issues by many employers.

Section B describes how unions set their equality bargaining priorities, communicate those priorities to their officers and reps and monitor the outcome of their bargaining efforts. It then looks at the training unions provide to their negotiators to help with bargaining on equality topics.

Section C looks at the extent to which unions have up-to-date negotiating advice or policies on equality to support bargaining. It includes examples supplied by unions of what they feel has been particularly important in the last four years.

This section also sets out where unions have achieved equality bargaining success in the past four years. It includes examples of excellent agreements or policies reached with employers that have been driven by the union.

Appendix A, based on a survey of 1,499 workplace reps, examines what equality issues local reps have been facing and whether they feel they have the resources to deal with them.

Appendix B, based on a survey of 444 local reps and an analysis of collective agreements stored on the LRD Payline database, takes a comprehensive look at the state of collective bargaining on pay and leave for working parents. This includes negotiations over the right to Shared Parental Leave, which was introduced in the period covered by the audit.

## The national survey response

The response to the survey was higher than in 2012, with 41 of the TUC's 52 unions replying – or 79 per cent. This compares with 67 per cent in 2012.

As the largest TUC affiliates are more likely to respond than smaller ones, the proportion of total TUC membership covered by the survey was 97.6 per cent. However, this figure was no higher than in the 2012 audit, which covered 97.3 per cent of TUC membership. This is because four unions with more than 10,000 members did not respond to the audit this time, when only three unions of that size failed to respond in 2012.

Responses from affiliates are listed in Appendix C.

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 last two years have continued to be a challenging time for unions to negotiate over equality, with the slow and uneven economic recovery having little impact on workers' terms and conditions or job security.

Unions were asked whether it had become more or less difficult to get employers to address equality issues in the workplace in the last two years. Thirty-four unions answered the question, of whom 18 (53 per cent) said it had become more difficult. It seems the climate has not improved since the last Equality Audit period (2009–2012), when 57 per cent of unions responded in the same way.

Just five unions (15 per cent) said it had become easier to engage employers on equality in the last two years, with 11 (32 per cent) saying it had stayed the same.

The PFA was one of the few unions that had found it easier, and they attributed this to the fact that the Equality Act 2010 had become better known. The NGSU had fed into a new diversity strategy developed by the employer and Accord put improvement down to new recognition deals being signed.

But far more common were reports of employers being more reluctant to address equality issues.

The most commonly mentioned reasons were financial; not just due to public spending cuts and reforms but also in the private sector to what Usdaw called "a clear shift in employer focus from the needs of employees to the needs of the business". A Unite survey of its reps also found "a high proportion considered that financial pressures on employers have caused equality to be sidelined."

The GMB similarly said equality is "seen as a luxury, nice to have but not essential", while BALPA cited "commercial pressure" and Aegis said, "cost pressures/targets override everything else". TSSA also said that, "issues that require financial resources are difficult to progress unless it is the same agenda of the employer to do so".

Two unions (AEP and Community) said that insufficient facility time for reps was also making it more difficult to negotiate equality gains.

Although one or two unions suggested that the employers they deal with in the public sector are

more receptive than those in the private sector, this is not a strong trend.

In the public sector, Prospect noted that continuing cuts had led to pressures on managers to deliver with fewer resources. It also said: "There are pressures to meet targets and impose a forced distribution in performance management systems, which leads to discriminatory outcomes." There is also a "lack of commitment from managers to implementing work/life balance policies."

In the private sector, zero-hours and other precarious contracts as well as job security and redundancy remain key concerns. A quarter of unions have assessed the equality impact of redundancy and restructuring proposals.

However, UNISON felt "the most acute and severe impact" has been the introduction of fees in employment tribunals, leading to "a huge collapse in tribunal cases" including those involving sex, race and disability discrimination. Indeed, earlier this year, the House of Commons Justice committee revealed a drop in cases of almost 70 per cent after fees were introduced in 2013.<sup>1</sup>

Overall, almost one in three unions (32 per cent) felt that equality policies, or their implementation, had been diluted in the past two years. Examples provided by unions include:

UCU "undertook two surveys of disabled members in the workplace that demonstrated the difficulties in, for example, getting reasonable adjustments." Usdaw also report a growing reluctance for employers to agree that a person with a limiting illness or disability satisfies the definition of a disabled person under the law, making it increasingly difficult to get reasonable adjustments agreed, implemented and/or renewed. CSP notes that, "sickness policies are becoming increasingly draconian, disproportionately affecting disabled workers."

RCM negotiated a stronger flexible working policy, with the guidance set into the national terms and conditions handbook but "in practice, members are finding it more difficult to get their flexible working

<sup>1</sup> <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07081>

requests approved." Similarly, a BDA rep reported increasing difficulty in negotiating flexible working patterns for women returning from maternity leave.

NASUWT reports that "schools no longer take equality issues as seriously as previously as the national inspectorate does not inspect or report on this area. Also, increased autonomy and flexibilities afforded to employers has resulted in increased inequalities across the equality strands."

And finally, GMB reports that, "pay and facility time are being taken back from union representatives, especially from branch equality officers in workplaces."

**SECTION B**

# Structures and processes for collective bargaining

## Bargaining units

Nearly all unions now deal with multiple bargaining units, with only two out of the 41 responding to the audit questionnaire dealing with a sole bargaining unit (see Chart 1). One in six unions deal with over 1,000 bargaining units.

Just over half of unions (56 per cent) deal with bargaining units in both the public and private sectors. The vast majority (83 per cent) deal with at least some bargaining units in the private sector, and 66 per cent deal with at least some in the public sector. Just over a quarter (27 per cent) deal with bargaining units in the voluntary/third sector.

## How unions identify their key collective bargaining priorities

The majority of unions try to set an agenda at national level for collective bargaining to be implemented throughout the union, with more than eight in 10 indicating they do so "strongly" (27 per cent) or "very strongly" (54 per cent).

For most unions, national policy conferences are the key mechanism for determining the union's collective bargaining priorities, supplemented by executive committee decisions, sectoral conferences and committees and union equality bodies, as well as informal mechanisms including discussions with other unions in their sectors.

Unions were asked what had been their key collective bargaining priorities in the last two years.

Perhaps unsurprisingly, the most widespread priority was pay, followed by pensions. Other commonly mentioned issues were protection of facilities time, job security/redundancies, bullying and harassment, zero-hour/precarious contracts, equal pay and workload issues. Many unions also had priorities specific to the industries they operate in.

## Taking equality issues into account in identifying overall bargaining priorities

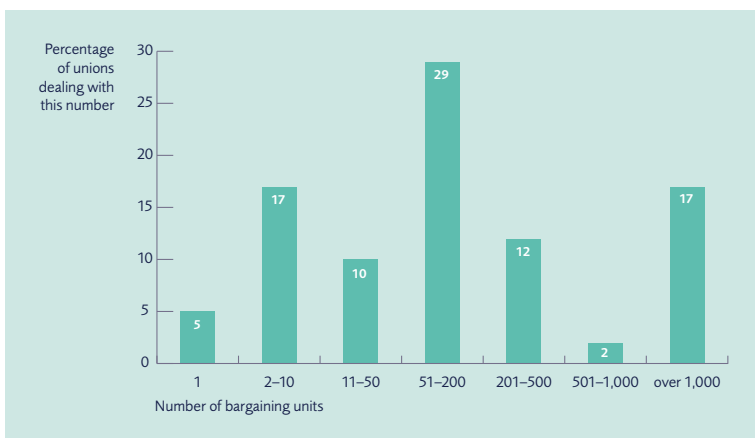
The Equality Audit investigated how unions take equality issues into account in setting their overall bargaining priorities. More than half of unions involve national equality officers formally in identifying the union's national or sectoral bargaining priorities (see Chart 2).

Equality officers and equality reps at other levels are also involved, either formally or informally, in setting national or sectoral bargaining priorities in some unions.

Other ways in which equality is taken into account in priority-setting include through unions' elected equality and diversity committees, who may submit motions to national conference on bargaining topics or find ways to push an issue up the union's bargaining agenda.

In Equity, for example, the Minority Ethnic Members Committee wanted to update and consolidate the

**Chart 1: How many units unions bargain with**



**Chart 2: Unions involving equality officers in identifying collective bargaining priorities (%)**



union's policy statement on "inclusive casting". It involved the other equality committees and consulted the industrial committees prior to agreement by the Equity Council. A union campaign on the statement is now being developed, one strand of which is focused on collective agreements, ensuring that Equity contracts reflect the policy as and when they are negotiated.

UNISON formally consults with its equality groups and there is also an Equality Liaison Committee, made up of the presidential team, chairs of NEC committees and chairs and reps of equality groups, to implement motions from National Delegate Conference and national equality conferences.

The UCU, as well as its equality advisory structures, has direct equality input via its specific NEC seats for Black, Disabled, LGBT and Women's Committee representatives.

Unite's equality committees have input to the union's policy conference. In addition its 2014 conference agreed a major new strategy called Restoring Equality as Part of The Industrial Agenda, which led to the union's equality agenda being implemented throughout its structures, including its industrial sector conferences.

Other mechanisms for taking equality issues into account in setting bargaining priorities include monitoring of legal cases and developments, monitoring of unions' own internal cases and internal union research.

### Setting the equality collective bargaining agenda

As revealed in previous Equality Audits, the setting of the equality bargaining agenda is a rather less centralised process than for the bargaining agenda in general. Nevertheless, the majority of unions try to set to set an equality bargaining agenda at national level to be implemented throughout the union, with just under 60 per cent indicating they do this either "strongly" (20 per cent) or "very strongly" (39 per cent).

The most common way in which unions identify their equality bargaining priorities is on the basis of their national or sectoral conferences (80 per cent), although discussions between officials are almost

**Table 1: How key bargaining priorities on equality issues are identified**

	<i>Percentage of unions using method</i>
On the basis of national/sectoral/industrial conference or executive committee decisions	80
Through discussions between officials	71
On the basis of recommendations from equality bodies in the union (conferences or committees)	61
On the basis of surveys	46
Through input from equality reps (at workplace or branch level)	44
Through discussions/workshops/seminars involving members from protected groups	41
Through analysis of grievances from members	37

as important (71 per cent). A majority also take recommendations from equality bodies in the union (61 per cent).

Union membership surveys can also be a useful tool in agenda-setting:

- ❖ Unite has carried out two surveys to inform its equality activity, one of BME members and the other of its reps on equality issues faced at work, which will feed into the agenda for this year.
- ❖ TSSA conducted a survey of rail workers on the equality issues they had faced which, together with consultation with reps and self-organised groups, formed the basis of its equality agenda, Time to Grow. It also led to the development of equality standards, which will be incorporated into all the union's forthcoming bargaining.
- ❖ NGSU, which bargains with a single employer, analysed member grievances, which led to a review of the company's harassment and bullying policy.

The survey of 1,499 workplace reps carried out as part of this audit looked at how equality issues arise in the workplace as topics that reps need or want to tackle (see Appendix A). The most likely route is

through member grievances, cited by 71 per cent of reps. Other common routes are as a response to actions by the employer (57 per cent) and through informal suggestions from members (44 per cent).

### Recent and future equality bargaining priorities

As well as asking how priorities in bargaining for equality are set, the questionnaire asked what they were and what they were likely to be in the future.

As was the case in the 2012 Equality Audit, the priorities in 2014–16 have been as varied as the occupations and industries that the unions represent. But also, as in previous years, equal pay was the most widespread issue for unions over the last two years.

Other commonly mentioned priorities were family leave, older women workers' issues and tackling female and BME under-representation in particular jobs or industries.

The priorities for the next two years were more diverse with no single area standing out, although a few more unions mentioned topics relating to older women and support for carers.

### How the equality agenda is communicated to negotiators

The 2016 Equality Audit questionnaire looked at how unions' equality bargaining agendas are communicated to negotiators.

Most unions have a range of informal ways to share their bargaining objectives with full-time negotiating officials, including their equality aims. These include discussions between officials, provision of best practice documents, email circulars or updates placed on websites or raised at meetings.

In some unions there are also more formal mechanisms. In the RMT, for example, national executive decisions on bargaining objectives go directly to regional organisers to be incorporated into their negotiations. In the CWU, formal correspondence is sent to national negotiators following equality conferences.

UNISON uses a range of formal publications to transmit equality objectives to negotiators. Equality, challenging discrimination and racism

are integral to its Union National Priorities and Objectives publication.

Unite presents an implementation report of progress on priorities, including on equality issues, for each industrial sector at the union's biennial industrial sector conferences. Industrial sector committee delegates and executive council meetings are also updated on the union's equality strategy.

A number of unions, including UCU, ATL, Usdaw and BECTU, have formal meetings of negotiators to relay bargaining topics, while Nautilus International and the PFA use officer training and seminars.

Websites, regular email circulars and reps' training are common methods for relaying bargaining objectives to lay union negotiators.

ATL's equality officer and regional officials provide support and mentoring to lay negotiators.

Some unions have more formal methods of communicating the equality bargaining agenda to lay negotiators. ASLEF has a charter containing a series of aspirations, including those relating to equality, that negotiators are expected to work towards, while other unions issue circulars to lay negotiators, such as the CWU's Letters to Branches.

Several unions hold briefings, meetings and seminars for lay negotiators, including the CSP, which includes a presentation and discussion on equality priorities at a quarterly industrial relations committee.

### Equality reps

Branch or workplace equality representatives are a key resource for establishing equality priorities and implementing them in the workplace is.

Some unions have overall equality reps, while others have reps covering specific strands of equality.

Nine unions (22 per cent) have provision for general equality reps in their rulebook (Chart 3). These are ASLEF, UCU, Napo, Unite, BECTU, NGSU, UNISON, NASUWT and CWU. In addition, four unions (10 per cent) have rulebook provision for race equality reps; these are Napo, BECTU, UNISON and CWU. Just two unions, UNISON and CWU, have rules for women's equality reps.

Three unions, BFAWU, CWU and UNISON, have rules on youth equality reps at this level, while UNISON is the sole union with rulebook provision for disability and LGBT equality reps.

Many other unions encourage their local groups to establish such posts on a voluntary basis.

Thirteen unions were able to supply some estimates of the number of branch/workplace equality officers existing at present, including 11 providing the number of overall equality officers. This figure ranged enormously: from just two in one of the smaller unions to 270 in one of the larger unions.

### Training on equality bargaining

The questionnaire asked unions about the training they provide to negotiators on equality bargaining topics (see Chart 4). Lay negotiators are most likely to receive such training.

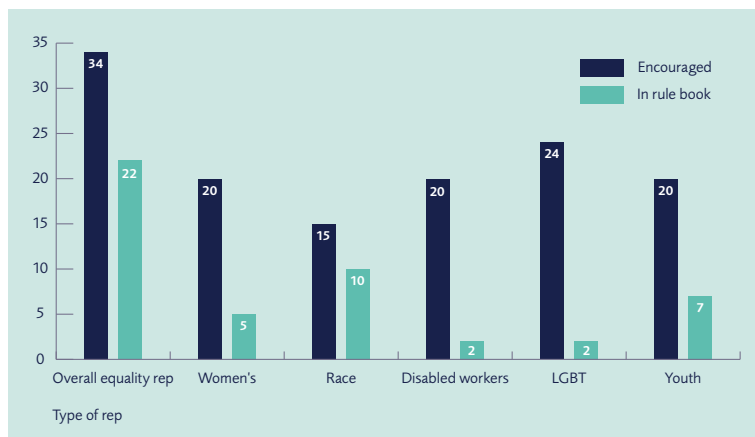
The most common topics for training in the last two years were general equality bargaining and harassment and bullying. The next most widespread training topic for paid officials was on flexible working and work/life balance, while for lay negotiators it was on disability equality.

Other course topics mentioned by unions included Macmillan cancer awareness for women, neurodiversity awareness, unconscious bias, inequality in collective bargaining and mental health awareness training. NASUWT also runs training for both full-time and lay negotiators on female genital mutilation, the Prevent strategy and Fundamental British Values. Prospect holds seminars on equality in the performance and appraisal systems.

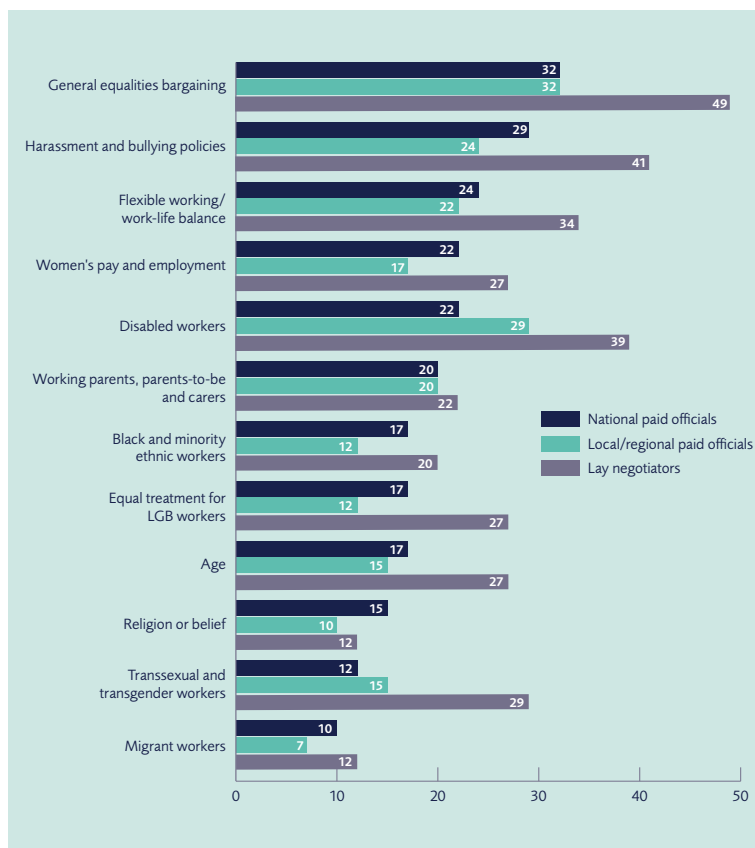
The survey of workplace reps (see Appendix A) found that just over half of them had received any trade union training covering equality issues in the last four years.

The topics reps said they had been trained on largely mirrored the responses of the national unions: the most widespread area reported by reps who had been trained was general equalities, while the most common individual areas covered were harassment and bullying and disability.

**Chart 3: Unions with branch or workplace equality reps (%)**



**Chart 4: Unions providing training for negotiators on equality bargaining issues (%)**



Community has recently expanded its education programme for lay reps to have equality and diversity training as a separate course. In addition, the entire programme now features equality and diversity as a key component. The aim of the new course is to train reps who then go back into the workplace to implement equality action plans. The programme is supported and monitored by regional staff and evaluated at NEC sub-committee level. In six months, 40 reps will have received this training and implemented action plans in the workplace. The union says the programme has also led to a "more proactive approach from reps".

### Monitoring the results of the equality agenda

A quarter of unions (24 per cent) carry out monitoring of their collective agreements to gain a picture of the equality gains or other equality impacts they have achieved. However, just 17 per cent produce a formal report on equality collective bargaining achievements. Several unions reported on how they track agreements and report back to the relevant national committees.

ASLEF keeps a database of information on all the companies it negotiates with and where it is with its charter aspirations.

Unite makes use of the LRD's Payline database for monitoring agreements, and reports to its unions' equality and industrial conferences and officers at regional and national level.

UCU also has a bargaining database and reports results to its annual congress. The National Equality Committee (sub-committee of the NEC) has oversight and receives reports at each committee.

ATL's annual report to members includes equalities collective bargaining achievements and it issues regular briefings on the outcomes of collective bargaining negotiations with multi academy trust employers.

Similarly, NASUWT has established a pay progression template to gather and monitor equalities pay data from employers.

Napo annually asks branches to provide details of their equality bargaining successes and provides a report on these in the union's annual report to AGM. And the PFA monitors any "fit for purpose" developments occurring over its three-yearly negotiations periods and incorporates them in its annual reports.

In BECTU the results of equality bargaining are integrated within its annual conference report (under a separate equality and diversity report) and also in the union journal throughout the year.

Unions also review achievements through equality committees, industrial committees and national executive bodies and informal discussions between officials.

## SECTION C

# Guidelines and negotiations on equality

This section of the report examines the types of guidelines and briefings unions have available for their negotiators on a wide range of equality areas. It also investigates the extent to which negotiations on these topics have led to policies and agreements with employers over the past four years, with some examples of what those deals contain.

As before, the Equality Audit process involved asking unions if they had up-to-date guidance for their negotiators on a range of specific equality topics, and whether they had achieved any bargaining successes in those areas.

However, this year unions were also asked if they had included a range of equality considerations in their guidance on general bargaining topics, such as pay and benefits, and if they had achieved success in any of these areas.

An example of such an approach is taken by Unite, whose 2014 policy conference agreed a major new strategy called Restoring Equality as Part of the Industrial Agenda. This includes the statement "Equality issues must not be [seen] as separate from mainstream industrial matters", and has led to moves to embed equality in the union's industrial sector strategies.

## Guidance on collective bargaining for equality

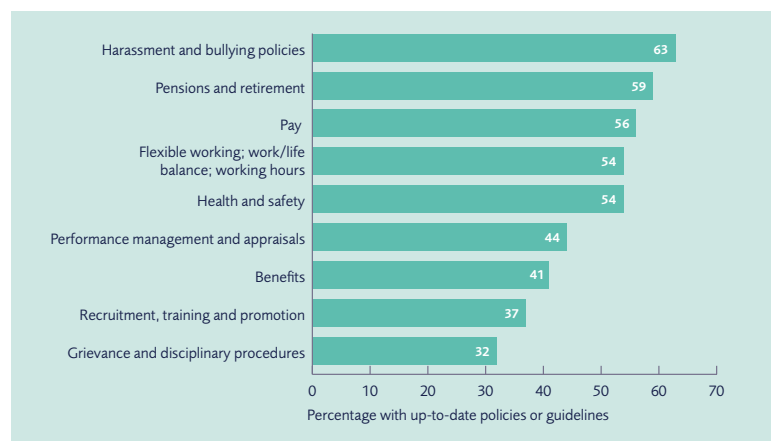
### Equality elements of general bargaining topics

Chart 5 shows the percentage of unions who said they had current up-to-date policies, guidelines or briefing materials for paid officials or lay negotiators on general bargaining topics, which include equality elements. (In the case of small unions, this might involve including the items in their claims.) However, the figures can only give a broad indication of which areas are being given most attention, as different unions may categorise their guidance differently.

Prospect has made equality central to a whole range of general bargaining topics in its guidance, and has done this from the point of view that equality arguments can help make inroads in an otherwise difficult bargaining environment. It notes:

"In these times of austerity, organisational change and growing work pressures, negotiators and

**Chart 5: Unions with equality guidance in general bargaining topics**



reps need to be able to call on the widest range of arguments and evidence available to them. Sometimes equality guidance or legislation can provide a different and effective route to address negotiating challenges."

A guidance document issued in December 2015 set out some ideas for tackling a number of issues from an equalities perspective (see box opposite).

RCM says much of its general guidance, such as that contained in its evidence to the Pay Review Body, will include equality issues which constitute a thread embedded throughout its work, rather than a standalone area of guidance. This includes some of the guidance produced during the 2014–15 pay dispute and the 2012 attempts to move to regional terms and conditions, for example.

### Flexible working; work/life balance; working hours

The TUC and many unions have for a number of years seen flexible working and work/life balance as a general bargaining issue, rather than as something just for working parents. However, the principle was given legal weight in June 2014 when the statutory right to request flexible working was extended to all employees with 26 weeks' service. Unfortunately, the procedure that underpinned that right was weakened at the same time.

When the law was changed Usdaw was one of a number of unions to issue a new briefing for reps on



### Equality perspective in all bargaining areas

Prospect's guidance on bringing equality arguments into general negotiations includes those on pay, performance management/appraisal systems, restructuring/relocation, redundancies, work/life balance, health and safety, and pensions.

As an equal pay audit can identify which groups have access to other pay-related benefits, as well as differences in pay between staff groups, it gives a checklist on what to cover in the audit as well as a link to a fuller Prospect negotiator's guide on equal pay.

The union says it is seeing "an increasingly aggressive approach to performance management in many areas, both in the public and private sectors". It suggests this can also be addressed through the equality agenda.

Its analysis indicates that disabled workers and BME groups are most at risk from such practices, but because behaviour-based ranking systems are subjective, other members may also be affected. It presents points for reps and negotiators to consider when negotiating or reviewing performance

management/appraisal systems, including whether certain groups are likely to receive lower markings.

Other points in the Prospect guidance cover:

- ❖ restructuring/relocation: for example, does a new location disproportionately affect members with caring responsibilities or disabled members who may experience transport problems?
- ❖ redundancies: for example, are members on alternative working patterns more likely to be targeted for redundancy?
- ❖ work/life balance: does the organisation have a comprehensive policy on this?
- ❖ health and safety: for example, is there a policy on the effect of the menopause on women members?
- ❖ pensions: for example, how to mitigate the disproportionate gender impact of unequal pay and length of service in relation to maternity leave.

the new universal right to request. As well as setting out the basic law, the briefing deals with issues to negotiate on with employers. These are: asking to keep the existing, stronger procedure in agreements; a fair process for managing competing requests; and ensuring the policy is flexible enough to meet individuals' needs.

UNISON's guide for negotiators, *Flexible Working: making it work*, looks at the subject on an organisational level, and encourages stewards to work with both members and managers to make flexible working benefit all sides.

The survey of workplace reps (see Appendix A) found that flexible working and work/life balance was an extremely widespread issue, with 62 per cent of reps saying they had dealt with it in the last couple of years. It was the second most common equality topic faced overall and the top one in some industries. However, some (12 per cent) felt they did not have enough guidance to deal with it.

### Health, safety and well-being

Unite has urged its negotiators to use its *Women's Health, Safety and Well-Being At Work* guide to ensure, for example, that women's health and safety concerns are not forgotten about when negotiating over health and safety or conducting risk assessments in the workplace.

It sets out reasons why particular attention should be paid to women's health and safety concerns, providing the TUC's "gender-sensitivity" checklist as an aid. Further chapters examine specific issues which are particularly relevant to women, covering domestic violence, sexual harassment, pregnant workers/new mothers (and related issues), menopause, stress and mental health and cancer. It provides practical information, checklists, simple legal information and negotiating aims in each section.

The survey of workplace reps found that 41 per cent had supported members with mental health issues

in the last two years (see Appendix A). Almost all of them felt that they had the guidance to deal with it.

### Performance management and appraisals

While 44 per cent of unions had issued guidance in this area, it would seem that more is needed to tackle this issue, judging by the responses of reps (see Appendix A).

One in three reps surveyed said they had faced issues of performance management inequality in the last couple of years. Of these, almost a quarter (24 per cent) felt they had done so with insufficient guidance.

### Bullying and harassment

An area that often had its origins in the equality agenda but has been made part of the general bargaining agenda for some unions is bullying and harassment.

Nautilus International first took action on this in the 1990s, after ill treatment of women members. This has developed over the years to several layers of support for all members, and the union's latest guidance on the subject, *Protect and Respect: guidance for Nautilus International members on recognising and tackling bullying and harassment in the maritime workplace*, explains how the issue should be identified and dealt with.

NASUWT has been campaigning to tackle prejudice-related bullying, and issued a detailed booklet called *Preventing and Tackling Prejudice-Related Bullying*. This states, "Prejudice-related bullying is often characterised by abusive behaviour, intolerance or ostracism on the grounds of an individual's gender, gender identity, ethnicity, body image/size, sexuality, disability, age, religion or belief." The union's approach aims to get schools to deal comprehensively with the problems for staff and students.

Harassment, bullying and discrimination was a very common issue faced by reps surveyed for this Audit, with 60 per cent of them saying they had dealt with these issues in the last couple of years. It was the third most common equality topic tackled, but one in six reps said they needed more guidance on the issue.

### Domestic violence

A number of unions have been working on the issue of domestic violence, with some reporting that they take a 'mainstreaming' approach to building the issue in to negotiations with employers. The RMT has asked its lead officers to table its model domestic violence policy with all employers for incorporation into collective agreements. The model policy covers all employees of the company and sets out that abuse happens in all societies and cultures. It states that abuse "can have a damaging effect on the recipient's mental and physical health, resulting in poor performance and attendance at work. It is therefore a major issue."

It goes on to set out certain principles, such as that the company should treat victims sympathetically, provide them with support and information, provide and publicise a central point of contact, and provide training to line managers and union reps.

It states that the company will, where appropriate, provide practical support for victims, for example in relation to work attendance or timekeeping, providing special leave or flexible working, providing a safe working environment to prevent unauthorised people entering the location and allowing pseudonyms on staff name badges.

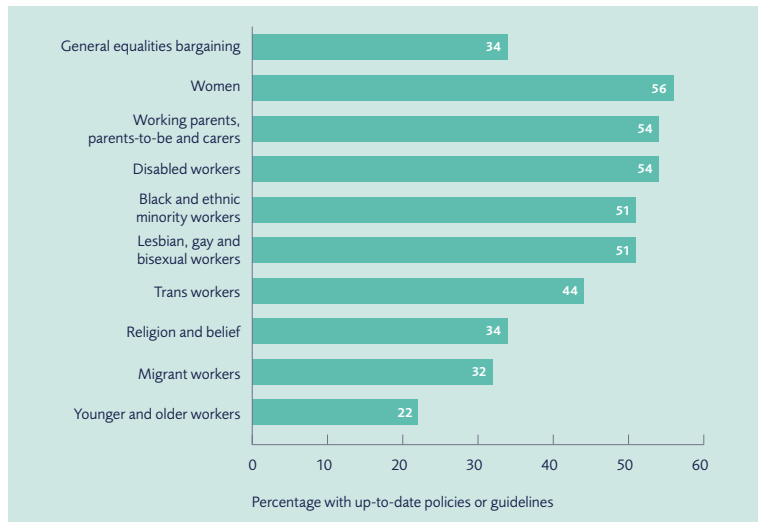
### Equalities bargaining topics

Chart 6 shows the percentage of unions who said they had current up-to-date policies, guidelines or briefing materials for paid officials or lay negotiators on equality bargaining topics. As before, however, the figures can only give a broad indication of which areas are being given most attention, as different unions may categorise their guidance differently.

The individual area where guidance seems most commonly available is bargaining specifically for women, such as equal pay for work of equal value and occupational under-representation. This is followed by guidance for working parents, parents-to-be and carers and disabled workers.

### General equalities bargaining

A third of unions had up-to-date policies or guidance for negotiators on general equalities bargaining topics, most commonly on equality law but also

**Chart 6: Unions with guidance on equality bargaining topics**

on topics such as equality and procurement and recognition and facilities time for equality reps.

UNISON's 2011 guidance to branches on the Public Sector Equality Duty still stands, and sets out the general and specific duties in some detail. It also suggests to branches how they can use the duties to negotiate improvements and recruit and organise new members.

There are detailed sections on public authority procurement, which must comply with the duties,

and on Equality Impact Assessments. UNISON says these remain "the most reliable way of demonstrating that equality issues relating to people with protected characteristics have been given due regard prior to a change."

A number of unions, including UCU, Napo and GMB, have issued guidance or toolkits to branches and/or equality reps covering a comprehensive range of equality bargaining areas.

### Bargaining for women

Just over half of unions have issued guidance on women's employment issues. Not surprisingly, with the gender pay gap still over 19 per cent, one of the most important bargaining issues for unions is still equal pay.

Unite's guidance on this topic, part of its Pay Up campaign, provides negotiators with detailed information on checking for equal pay at the workplace, arguments to persuade employers to conduct equal pay audits, and a step by step guide to carrying one out. It also contains a model agreement on equal pay and a negotiators' checklist as well as an outline of the law in this area.

UCU meanwhile is urging its branches in higher education to demand equal pay reviews in local negotiations, using the Public Sector Equality Duty, equality impact assessments and/or equal pay audits.

### Unite's guide for negotiators on race equality

Unite's guide for negotiators, *Race Equality*, provides bargaining guidance on recruitment and selection, career development, equal pay, health, redundancy and retention, caring responsibilities and homeworking, cultural needs, negotiating for race equality in the public sector union equality representatives and immigration document checks and workplace raids.

Harish Patel, Unite National Officer for Equality explains "members use this guide to help them with negotiations and to deal with cases e.g. in the health sector our reps have used the profile

form which lays out how you can tackle equality issues to ensure that the bargaining agenda reflects those concerns."

Harish says "members regularly use the profile form as a tool to deal with the NHS Workforce Race Equality Standards so that when they request data on BAEM representation it can be compared with the results of the reps workplace profiling. Members have also successfully used the section Benefits of Race Equality as well as the examples in the section The Bargaining Agenda in their negotiations on race equality."

### Black and ethnic minority workers

Over half of unions have issued guidance on race equality issues.

One of UNISON's key priorities, as stated in its Union National Priorities and Objectives, is "Promoting equality and challenging all forms of discrimination, including racism, supporting migrant workers."

It has produced *Challenging Racism in the Workplace: a practical guide for UNISON branches*. This notes that legal equality duties in the public sector give reps an opportunity to work with employers to push towards race equality but urges them to press employers for an approach that "focuses on outcomes rather than a tick-box process to achieve compliance."

It gives advice on negotiating a race equality scheme, ethnic monitoring and equality impact assessments and on a range of issues, such as recruitment and performance monitoring, that its black members have identified as being of particular relevance.

Equity's key equality bargaining priority in the last two years has been to challenge long-standing discrimination in employment in its industry. Its Inclusive Casting Policy Statement calls, among other measures, for artists from diverse backgrounds to be considered for any role where personal characteristics are incidental to the role.

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

Just over half of unions have current materials on bargaining for working parents, parents-to-be and carers. While union guidance serves to keep negotiators up-to-date with the legal framework in this area, which has changed a number of times in recent years, it is also aimed at encouraging them to seek improvements on statutory minimum rights.

Unite's guidance, for example, details the rules for Shared Parental Leave (SPL), which became a statutory right for parents of babies born or adopted in April 2015. But it also outlines the union's key negotiating aims in this area, which are that:

- ❖ All contractual maternity leave, pay and benefits should be maintained or enhanced.

- ❖ Any existing contractually enhanced pay and benefits should be matched for SPL.
- ❖ All fathers'/partners' leave should be a right from day one.
- ❖ The employer should actively promote SPL to fathers in their workforce.

Usdaw's briefing on the topic summarises the key arguments on negotiating improvements to maternity pay to benefit both employees and employers. It also advises negotiators to strengthen their case by providing company-specific evidence and questions such as how many employees take maternity leave each year and which competitors pay more. Usdaw also has an online tool to calculate how much improvements to maternity pay might cost the employer.

UNISON's detailed guide on bargaining for maternity rights sets out both rights and negotiating points in a wide range of areas. Its negotiating aims on pensions, for example, are to try to negotiate that if a woman misses pension contributions due to being on unpaid maternity leave, she can 'buy' missing periods of service at a favourable cost once she returns to work.

As with some other unions, the UNISON guidance also caters for the specific needs of its members. For example, the union has a number of term-time only workers in its membership. For them the guide encourages negotiators to aim for agreements which mean that, where the statutory calculation of maternity pay includes a member's unpaid or low-paid time, maternity pay should be based on the best paid eight weeks or two months over the past year.

Another 'customised' set of guidance is that from UCU, who has produced a maternity rights guide specifically for fixed-term contract and casually employed staff. The guide sets out nine negotiating points for its branches to aim for in negotiating for such staff.

One of the main problems is that women on fixed-term contracts face a higher threat of redundancy while on leave to care for a child. UCU notes that Research Councils UK, which provides grants for

### UNISON's guidance on bargaining for trans workers

UNISON is one of a number of unions that has produced material to help negotiators support trans members. Its pamphlet *Gender Identity: an introductory guide for trade union reps supporting trans members* explains key terminology.

Carola Towle, UNISON National Officer for LGBT equality explains: "Many of our reps report a lack of confidence in supporting and representing trans members for the first time. This guide complements our trans equality bargaining factsheet, answering basic questions and making sure reps understand and use appropriate terminology and questions."

Carola Towle says, "It is one of our most often reordered and reprinted pieces of guidance – and in its third edition, as our understanding develops."

"The guidance gives trans members confidence that UNISON will support and represent them well. A common issue raised by trans members is that they are expected to train their manager/organisation before they are treated decently at work. UNISON does not expect trans members seeking support to be responsible for training their union reps before they can assist."

"Some employers reproduce passages of this guidance in their policy, information and training materials – we are always happy to share!"

research projects undertaken by UCU members, mitigates this problem by allowing for research grants to be extended for researchers going on maternity leave, so that they can return from maternity leave and finish the project they were working on.

### Lesbian, gay and bisexual workers

Half of unions had up-to-date materials on bargaining issues related to LGB workers (sometimes with trans workers' issues included, but some also had separate guidance on trans issues).

UNISON's factsheet on LGBT members working abroad points out that, while discriminatory treatment against LGBT people looking for work or in the workplace is unlawful in the UK, it is not the case everywhere. It provides advice to negotiators in organisations where workers are posted overseas.

UNISON also has produced specific advice on tackling biphobia in the workplace, and on workforce monitoring for sexual orientation and gender identity, which it suggests should only be considered if strong policies and procedures to promote LGBT equality are underway.

GMB has produced a guide for its reps on specifically LGBT domestic violence and abuse,

noting that LGBT victims or survivors tend to suffer high levels of abuse before seeking help. It sets out ten points to developing a workplace policy which include recognising the problem, responding, providing support, and referring individuals to appropriate help. It also has a section on dealing with members who are perpetrators.

### Trans workers

Four in 10 unions had guidance on bargaining for trans workers.

NASUWT has also produced guidance on this topic covering pupils and students as well as staff. It is aimed at employers; to support them in ensuring their workplaces are trans-inclusive. As well as outlining the relevant law, it provides important practical advice on issues that will arise if people are transitioning in the workplace.

### Disabled workers

Guidance on bargaining for disabled workers was available in half of unions.

TSSA reported that Network Rail is supporting the union in conducting research to identify the support and training needs of managers who line manage people with neurodiverse conditions such as dyslexia, autism spectrum disorders and adult ADHD.

Prospect has materials on neurodiversity and discrimination and has guidance on disability, appraisal and performance.

Other unions producing guidance on disability-related issues include the PFA, which has a mental health brochure for footballers, and the CWU, which has produced factsheets on the topics of dyslexia, disability rights and the Equality Act, chronic fatigue syndrome, diabetes and autism.

It is noteworthy that issues related to disability have been the stand-out area faced by reps at the workplace over last couple of years, according to the responses received. More than half of all reps in the survey had dealt with issues around disability, compared to 29 per cent for the next most common strand (gender). In addition, sickness absence and disability was the most common specific area tackled, cited by 65 per cent.

However, issues affecting disabled workers were also the most likely area for reps to report a lack of available guidance, with 36 per cent of those tackling it saying that they had insufficient guidance to do so.

### Religion and belief

One in three unions has guidance on negotiating around religion and belief. One is the PFA, which has developed a Muslim Awareness Programme for community staff and coaches to enable them to gain a greater understanding of Islam.

### Younger or older workers

BECTU has produced a Runners Charter to boost the position of young members who work as runners (an entry-level position and the most junior role in a production company). It sets out minimum rates of pay and conditions of work, with the aim of encouraging employers to sign up and ensure that runners are treated fairly and equitably as key members of the crew.

Meanwhile Unite issued a guide encouraging young women to consider apprenticeships in science and engineering.

## Results of collective bargaining in terms of equality impact

### Equality elements of general bargaining topics

Chart 7 shows the percentage of unions who said they reached agreement or policy with employers on general bargaining topics which include equality elements in the last four years. The figures can only give a broad indication of which areas are being given most attention, as different unions may categorise their guidance differently.

Nevertheless it can be seen that pay is the area where most unions feel they have achieved success, with half of those responding indicating they have made gains in their pay bargaining with an equalities impact.

### Combating low pay

The RMT's efforts to improve conditions for low-paid workers in the rail industry paid off when cleaning supervisors, travel safe and security staff working for outsourcing company Interserve on the Dockland Light Railway received an eight per cent pay rise after the threat of industrial action. In addition, cleaners employed by Carillion on the London Overground fought off a threat of redundancy and won improved conditions at work, also after threatening industrial action.

**Chart 7: Gains by unions in equality elements of mainstream bargaining topics**



### GMB's case for a Respect at Work policy

GMB members at G4S were raising concerns about treatment at work. GMB worked to agree a comprehensive Respect at Work Policy which states that G4S is "committed to conducting business with integrity and utilising the talents of everyone providing a working environment free from any unfair discrimination, harassment, bullying and victimisation."

GMB led the negotiations with management with specific arguments on why the policy would benefit the company. This focused on the business case, the benefits for staff morale and service quality, and the legal and ethical need to improve.

The policy includes a detailed explanation for the basis of the policy, clear and detailed definitions of bullying and harassment, and an outline of

what is acceptable and non-acceptable behaviour in the workplace. The policy also states that the union can ensure the employer is responsible and accountable for applying the process and managing harassment and bullying. It was also agreed that employers must provide training for managers and supervisors and make all staff aware of the policy. Finally, it was agreed that the employer would collect statistics on the number of complaints made, where within the company complaints were coming up and any patterns, such as if more women were raising complaints.

The policy is supported by confidential telephone helplines and employee support and guidance, including from GMB shop stewards, human resources and equal opportunity committee members.

### Performance appraisal

Many unions have been concerned that the increasing use of performance appraisal systems for pay and grading decisions can end up being discriminatory if not conducted in an open and objective way.

NASUWT, through the relevant JNC, has reached agreement with a multi academy trust<sup>2</sup> (MAT) which seeks to ensure that such decisions are achieved "in a fair, equitable and transparent way". The employer sets out the relevant legislation, including equalities legislation, stating that it "will ensure that all pay related decisions are taken equitably and fairly in compliance with statutory requirements." To reinforce this, the employer has agreed to monitor the outcomes and impact of the policy annually through the local management and discuss these with the trades unions at the school and trust level.

### Pensions

Usdaw was unable to prevent Tesco from closing its defined benefit pension scheme. However, it

did, through "robust representations" manage to negotiate some improvements to the company's original proposals. This clearly had benefits for older workers: for example Usdaw secured higher maximum employer contribution rates for the replacement scheme than Tesco had proposed. But there were also improvements for some younger workers: the union managed to negotiate a bigger pension for those who retire early due to ill health, especially for younger scheme members.

### Bullying and harassment

The GMB worked with G4S to tackle potentially discriminatory treatment at work. This is outlined in the case study above.

### Domestic abuse

Unite has agreed a Domestic Abuse and Stalking Policy with Nottingham Community Housing Association.

The policy acknowledges that "because it is a large and diverse organisation operating within a multiplicity of communities, there will be staff in its employ who will experience some form of domestic abuse and/or stalking at some point in their career with the company."

<sup>2</sup> NASUWT has preferred not to name the multi academy trusts referred to in this report

## Flexible working - are employers playing ball?

To supplement the information on flexible working collated by the audit questionnaire from national unions, the LRD conducted a survey of union workplace reps on flexible working.

The law on flexible working changed significantly in June 2014. Since then, all employees with 26 weeks' continuous service have the statutory right to request a change to their contract terms to work flexibly. There is no longer any need to be a carer or to have a special reason to justify the request.

The new law abolishes many features of the old statutory request procedure and replaces it with a broad duty to deal with applications in a "reasonable manner". The request can only be turned down for one of eight statutory "business reasons", but unions report that it is still too easy for employers to reject requests.

Indeed only six per cent of workplace reps responding to the survey said that getting access to, or maintaining, flexible working arrangements in their workplace had got easier in the last two years. Almost half said it had got harder, while a little under half said it had stayed about the same. Those responding from the public sector were more likely than those in the private sector to say it had got more difficult.

Many reps, particularly those in the public sector, commented that flexible working requests were being denied because of cuts in staffing or staffing shortages. A typical comment came from a rep in an NHS trust who said: "Due to decreased staff numbers there is increasing difficulty covering

services so reducing hours/compressing hours/ changing work patterns becomes harder."

Similarly a rep in the prison service reported that: "Due to severe staffing cuts many workplaces are reviewing their 'business needs' and therefore getting this benefit is increasingly more difficult."

While the problem is most evident in health, education and other public services, the private sector is not immune, with reps reporting less flexibility.

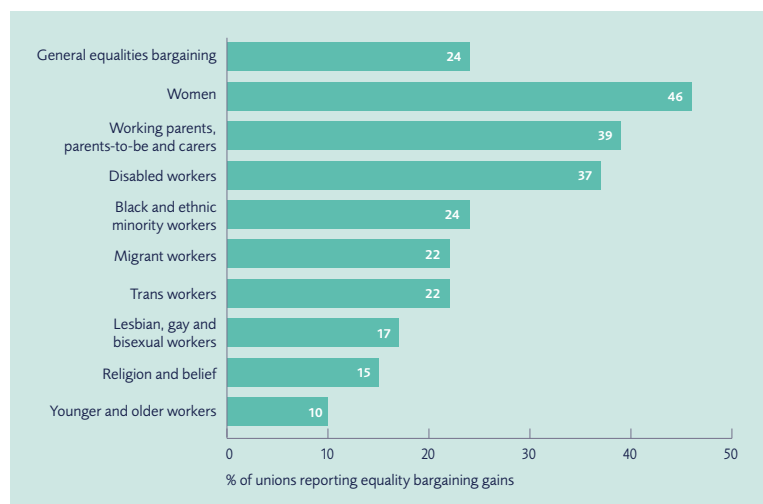
### Improvement on statutory right

On the positive side, around a third of reps said their employer had extended the right to request flexible working to employees without the 26 weeks' service required for the statutory right. There was virtually no difference between public and private sectors in this.

Reps saying their employer allows flexible working requests straight away include those at the Fairtrade Foundation, Leeds City Council, South Yorkshire Police, NOMS, BT, Royal Botanic Garden Edinburgh, London Fire and Emergency Planning Authority, Royal United Hospitals NHS Foundation Trust, East Kent Hospitals University NHS Foundation Trust and Cambridge University Hospitals.

However, while plenty of reps said their employer allows requests "from day one", many of them echoed the comment of one Usdaw rep, who said: "They say you do but make it very hard for you to get it."



**Chart 8: Gains by unions in equality bargaining topics**

It sets out the various legal requirements that form the basis of the company's approach, and says it is "aware that the performance of employees experiencing abuse is likely to be adversely affected, including areas around attendance and productivity. When addressing performance issues, the company will make *all reasonable efforts* to consider all aspects of the employee's situation."

The company agrees to train managers and HR in the relevant issues to identify abuse, support employees in the workplace and signpost them to services, and also update their diversity training to help staff with additional barriers.

The policy also has sections on:

- ❖ identifying abuse
- ❖ workplace safety
- ❖ encouraging disclosure
- ❖ planning for success
- ❖ maintaining performance
- ❖ what other can employees do
- ❖ dealing with perpetrators of domestic abuse and/or stalking in the workplace.

### Equalities bargaining topics

Chart 8 shows the percentage of unions who said they reached agreement or policy with employers on specifically equality bargaining topics in the last four years. The figures can only give a broad indication of which areas are being given most attention, as different unions may categorise their guidance differently.

As was the case with the union guidance available, the individual area where success is most commonly reported is bargaining specifically for women, with a little under half of unions reporting gains in this area.

### General equalities bargaining

An example of a deal originating in the public sector, but designed to have a positive impact on private firms, is an Employment Charter agreed by Derby City Council and Unite, UNISON and GMB. The charter, which among other things guarantees that all employees will receive at least the living wage, covers all directly employed staff at the council. However, it also covers "staff working for companies that the Council have a business relationship with through procurement." The council encourages all employers across the city to adopt the charter as best practice.

The charter covers stable employment contracts, active support for trade unions and refusal to award contracts to companies found guilty of blacklisting workers, among other topics.

Unions and employers in further education agreed joint guidance on equality in employment in further education colleges in 2012. While the guidance is thorough, it states that it is "not a model policy" and colleges are left to develop their own equality policies. It includes detailed appendices specifically on mainstreaming disability equality and on trans equality.

CWU also reports that one of its employers has set up a Diversity Council and also various network groups linked to the equality strands, leading the union to push for progress on broader equality areas. One such success is the agreement to mentor a significant number of women and BME members, and the employer has agreed to meet the cost of this project.

### **BECTU's successful campaign for transparency in theatres**

The success of BECTU's long running equality monitoring transparency campaign has enabled the union to develop a ground-breaking diversity action plan for the theatre industry.

The union ran a 10-year campaign to commit key funding or regulatory institutions in the creative industries to publish the equality monitoring data for each company that receives funding or licences on behalf of the public. When surveys began to emerge showing the collapse of BAME employment in the creative industries the union's proposals had to be listened to.

While the British Film Institute agreed to begin requiring monitoring and to publish the data, the absence of equality monitoring in the film industry has led to delays while setting up new systems. However the Arts Council of England, which had previously collected its clients' equality monitoring data but kept it secret, also agreed to publish it, and did so.

In December 2015 the Arts Council of England published the data for almost 100 theatres around the country, each of which employ more than 50 staff. This showed wide disparities in BAME representation in the workforce, even within the same city. In London, 42 per cent of the staff of Rich Mix were ethnic minority compared with 23 per cent at Soho Theatre, 15 per cent at the South Bank Centre, 7 per cent at the Royal Opera House and 3 per cent at the English National Opera. Two theatres – Hull Truck Theatre and Theatre by the Lake in Keswick – were 100 per cent white. With this new transparency BECTU was able to prove that the problem existed within individual theatres which were then under pressure to address the lack of diversity.

BECTU decided to support and enable their theatre branches to take the issue forward in their workplaces. A working group of union reps from theatres around the country – commercial theatres as well as Arts Council clients – was set up along with representation from the union's black members committee to develop a diversity action plan together.

The action plan asks each theatre to set up a joint diversity committee with union reps and carry out equality monitoring in their workplace if they have not already done so. They study the data, establish whether there is under-representation and, if so, ascertain the reasons for it. Is it that BAME applicants are not successful or are there few BAME applicants in the first place? The theatre should review their current sources of applicants and look for alternative sources of more diverse talent. They should also review their recruitment methods and processes and change where necessary. For example, a theatre that advertises a vacancy by putting a notice in the window would attract only white applicants if the theatre is based in an area where only white people are passing by.

The success of the working group has much to do with combining the expertise of the theatre reps, who know what really goes on, with the expertise of the black members committee, who can advise on sources of BAME talent.

BECTU will be piloting the action plan in one or two theatres and then roll it out nationally. "Getting the employer to recognise there is a problem in their own company and then take real action to address it is the main barrier in achieving diversity," commented BECTU diversity officer Janice Turner. "The success of our transparency campaign directly led to this new initiative."

### Maternity and Adoption Pay in Tesco

Usdaw has negotiated successive improvements to the maternity and adoption leave policy in Tesco that has almost doubled the period of paid leave – from full pay for the first eight weeks up to full pay for the first 14 weeks. This has equalised maternity arrangements between shop floor staff and managers who already received 14 weeks' full pay.

The union made a strong business case presenting evidence of the link between improving maternity and adoption pay and retaining women workers. Retaining women and reducing recruitment and training costs are particularly crucial in retail as it is not only the largest private sector employer of women but also has a traditionally high turnover rate.

This, combined with the fact that employers can recover the bulk of statutory maternity and adoption pay costs from the taxpayer makes improving these payments a cost effective way for employers to attract and hold on to women staff.

Usdaw's National Officer with responsibility for the partnership agreement with Tesco said: "Improvements to paid leave are particularly welcome at this time given the continued freeze on child benefit and other in work benefits such as Tax Credits. This agreement clearly has obvious financial benefits for members but it has also levelled the playing field ensuring that shop floor workers receive the same benefits as those in managerial positions."

### Working parents and parents-to-be

Unite has agreed an enhanced parental leave policy at Unilever UK, in which eligible employees taking shared parental leave may receive up to 39 weeks full pay. The arrangement is discretionary, and not contractual, and depends on returning to work for at least 12 months after the leave has been taken.

NASUWT has negotiated an arrangement at a multi academy trust that entitles staff on maternity leave to accrue public holidays, as well as annual leave, while on maternity leave.

To supplement the information collated by the audit from national unions, LRD conducted additional research on parental leave and pay agreements.

This included analysis of current agreements in this area on the LRD's Payline database, which records over 2,000 collective agreements in all. It also comprised a survey of union workplace reps, to get an idea of trends in family-related leave and pay policies over the last two years.

Full details are set out in Appendix B (see page 31) but some summary results are set out below.

The analysis of LRD Payline agreements found that:

- ❖ Eighty-six per cent of the 268 maternity agreements are better than the statutory minimum.
- ❖ Eighty-two per cent of the 250 paternity agreements are better than statutory.
- ❖ Eighty-three per cent of the 206 adoption agreements are better than statutory.
- ❖ Thirty-eight per cent of the 117 Shared Parental Leave agreements are better than statutory.
- ❖ Fifteen per cent of the 188 parental leave agreements are better than statutory.

The reps' survey suggested that gains in the area of maternity and paternity pay and leave had been rare in the last two years. Around 10 per cent of reps reported changes to maternity benefits and just six per cent in paternity pay and leave. These levels are much lower than those reported in 2012 (see Appendix B).

Just under half of the reps in the survey indicated that their employer pays employees on Shared

Parental Leave at above statutory rates and a number reported enhanced adoption entitlements for adopters. (For more details see page 35.)

### Disabled workers

Unions are continuing to work on agreements that support disabled people's chances in the workplace.

### Black and ethnic minority workers

BECTU has continued to run its Move on Up diversity events, which provides BME professionals with the opportunity for one-to-one interviews with the major film and broadcasting employers. It has held three more events over the last four years with members taking part in more than 1,000 meetings with executives who have the power to hire staff or freelancers or commission programmes.

### Trans workers

Unite has agreed a Transsexual and Transgender Recognition Policy with Bournemouth Transport which supports individuals whether they wish to undertake gender reassignment or not. It provides "a framework for line managers to work to in respect of the issues that must be considered and/or undertaken when staff or individuals within the recruitment process identify themselves as undergoing or wishing to undergo gender reassignment."

It sets out in detail the support measures to be provided during transition, dealing with reactions, time off for treatment, single sex facilities, records and confidentiality, responsibilities and recruitment.

Unite has also worked with Derbyshire County Council on detailed guidance for managers on creating a supportive workplace for trans employees.

### Community are helping to break down barriers for disabled people

Community have negotiated an adult apprenticeship agreement and play an important role in supporting disabled people at Royal Strathclyde Blindcraft Industries (RSBi) to ensure disabled people have equal access to opportunities in the workplace.

RSBi is an arm's length company of Glasgow City Council and is the manufacturing division of City Building. RSBi employ 300 people and over fifty per cent of the workforce have a disability. Robert Mooney, NEC Community member stated "there is a great partnership at RSBi with trade unions, the local authority and City Building Management"

Steven McGurk, Community branch secretary at RSBi says "we are proactive and not reactive. Working with the employer we work together to provide reasonable adjustments from the outset we don't wait for a situation to arise."

City Building train at least seventy new apprentices each year, the union identified barriers for pupils

with learning disabilities. The union realised that the pupils were very good with the practical skills but struggled with numeracy and literacy tests. With the support of the RSB's Learning Centre the union have been able to work with the pupils to achieve their numeracy and literacy through a quality accredited vocational programme.

Audrey McJimpsey, learning centre manager explained, "In the past five years RSBi have employed fourteen former pupils from the school programme. Three of these former pupils, after intensive work on their numeracy and literacy, went on to become adult apprentices, two in joinery and one in floor laying. Two of the apprentices have completed the programme and one is half way through his programme, they are all now employed within City Building."

Steven McGurk said, "If the relationship that we have with the employer and local authority didn't exist this agreement wouldn't have been able to happen, it's a team effort."

## APPENDIX A

# Workplace reps' experience of equality issues

To supplement the information received from national unions as part of the 2016 TUC Equality Audit, the LRD carried out a survey of trade union workplace reps to investigate their experience of dealing with equality issues at work.

Responses were received from 1,499 activists who had held a post in their workplace union at some point in the last two years. They came from 35 different unions and 68 per cent of them worked in the public sector, 28 per cent in the private sector and five per cent in the voluntary or third sector.

## The issues reps have dealt with

The reps were asked if they had dealt with any equality/inequality issues related to members' personal characteristics (such as gender or age) over the past couple of years. Almost three quarters (73 per cent) of respondents reported that they had dealt with issues linked to at least one of these areas.

More than half of all reps responding (52 per cent) said they had dealt with issues affecting disabled members (see Chart 9).

This compares with the next most common answer, which was issues related to gender (29 per cent), followed by issues to do with young or old age (25 per cent).

There was a clear uniformity to the finding that issues linked to disability were the most widespread area

that had been faced: it was the most common in every size of workplace, every region and in all three sectors (public, private and voluntary). It was also the most common equality topic to be faced in every industry, except in media and entertainment, where gender topped the list.

Gender issues were the second most common topic dealt with in most industries, but in three industries, communications, energy and water, and retail and distribution, issues related to members' age came in at number two.

Reps in the public sector were more likely than others to have dealt with issues related to disability: 55 per cent of these reps compared with 47 per cent in the private sector and 38 per cent in the voluntary sector.

Reps in the private sector, on the other hand, were more likely than others to have dealt with topics related to members' age, sexual orientation or religion/belief.

Those in the public and voluntary/third sectors were more likely than those in the private sector to have dealt with issues around gender.

Reps were also asked about which of a range of more *specific* equality/inequality topics they had dealt with (see Chart 10). When these more specific areas were presented, the proportion who had dealt with them went up: 91 per cent of all reps in the survey said they had dealt with at least one of them in the last couple of years.

The most common topic that had been tackled by reps was sickness absence and disability, reported by two-thirds (65 per cent) of all respondents. Other big areas of activity were flexible working and work/life balance (62 per cent) and harassment, bullying and discrimination (60 per cent).

Sickness absence and disability was the number one equality topic in both public and private sectors, though in the voluntary sector it was pipped by two other areas: flexible working and work/life balance; and harassment, bullying and discrimination.

Sickness absence and disability was also top of the list in all regions/countries of the UK except London, where flexible working and work/life balance was a more widely cited topic.

**Chart 9: Percentage\* of reps dealing with issues, by members' personal characteristics**



\*Percentage of all reps responding to the survey (Base = 1,499)

It was also the most commonly cited issue in most industries. Exceptions were in education, media and entertainment, and passenger transport, where flexible working and work/life balance was a slightly more common issue. And in manufacturing and the voluntary sector, the number one issue was harassment, bullying and discrimination.

The equality issues reps had dealt with had arisen in a number of ways. They were asked to indicate which of a range of routes presented applied (and could select as many as applied).

The most common route was through members' grievances, cited by 71 per cent of the reps responding. Other common triggers were actions taken by the employer (57 per cent) and informal suggestions from members (44 per cent).

### Information and guidance

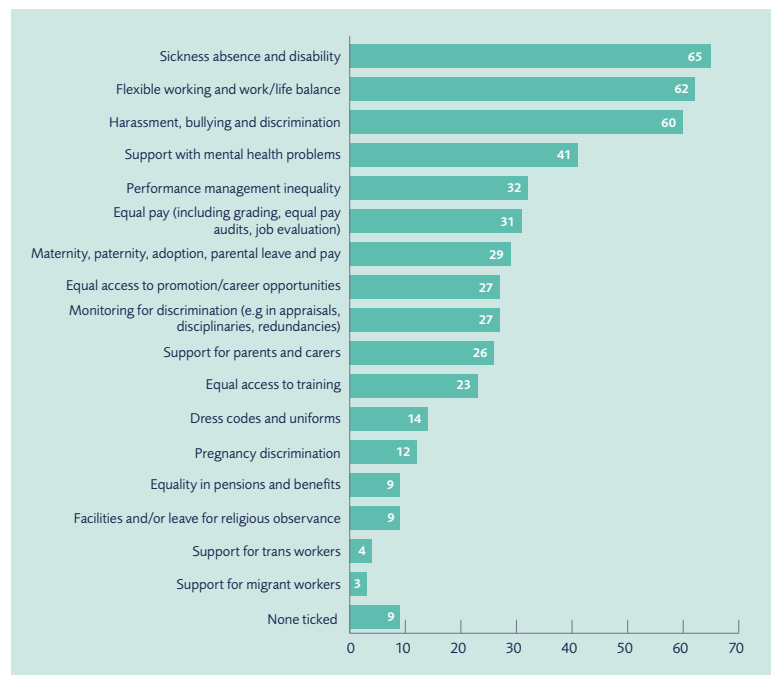
The survey investigated which sources of information and guidance reps had used when dealing with equality issues in the workplace. Almost all (95 per cent) identified at least one of the sources on the list.

The most common, not surprisingly, was guidance material from their union, cited by 73 per cent, followed by verbal or written advice from a union official at 68 per cent.

The TUC wanted to identify the topics where reps felt they needed more guidance or information. The figures in Table 2 reflect the percentage of reps who had dealt with each issue (or personal characteristic) but said they experienced a shortage of guidance or information on it.

The main area lacking was found to be on issues affecting disabled members, where 36 per cent of reps who had tackled these had reported a lack of guidance or information. However, none of those

**Chart 10: Percentage\* of reps dealing with specific equality issues**



\*Percentage of all reps responding to the survey (Base = 1,499)

who had dealt with the *specific* area of sickness absence and disability felt there was a shortfall in guidance on that specific topic.

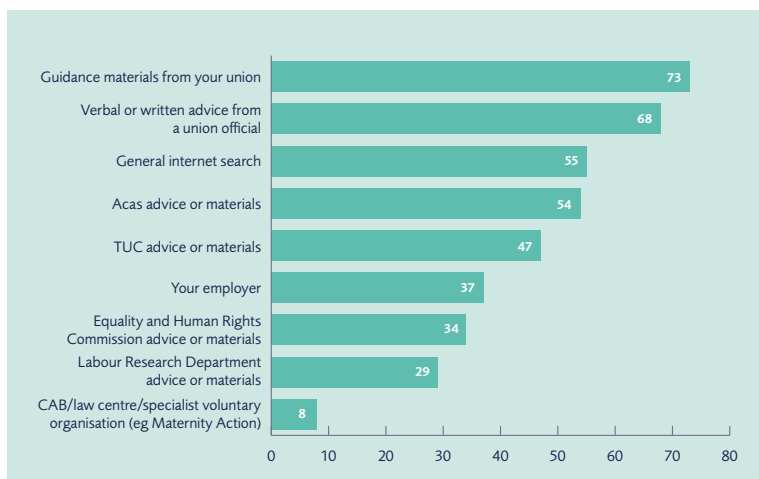
Twenty-five per cent of reps who had dealt with age-related issues felt they did so without sufficient information, as did 24 per cent of those who had faced inequality issues relating to performance management. There were also substantial numbers citing guidance shortage in the areas of equal access to promotion/career opportunities and training, and on harassment, bullying and discrimination.

**Chart 11: Percentage of reps\* citing how equality issues arose**



\*Percentage of reps answering the question (Base = 1,373)

**Chart 12: Percentage of reps\* using sources of information and guidance, by type**



\*Percentage of reps answering the question (Base = 1,421)

**Table 2: Percentage of reps saying there was insufficient guidance on issues they had tackled (broad areas and specific topics)**

Disabled workers	36
Age (young or old)	25
Performance management inequality	24
Equal access to promotion/career opportunities	20
Equal access to training	17
Harassment, bullying and discrimination	17
Gender	13
Race	12
Flexible working and work/life balance	12
Religion or belief	9
Sexual orientation	7
Trans status	5
Equality in pensions and benefits	5
Equal pay (including grading, equal pay audits, job evaluation)	4
Maternity, paternity, adoption, parental leave and pay	2
Support for parents and carers	2
Pregnancy discrimination	1
Sickness absence and disability	–
Dress codes and uniforms	–
Facilities and/or leave for religious observance	–
Support for migrant workers	–
Support for trans workers	–
Support with mental health problems	–
Monitoring for discrimination (e.g. in appraisals, disciplinarys, redundancies)	–

\*Percentage of reps answering the question (Base = 650)

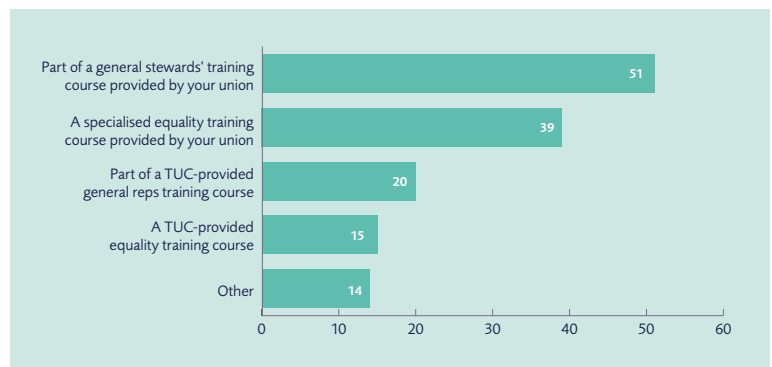
## Trade union training

A little over half (53 per cent) of the reps had received any trade union training covering workplace equality issues in the last four years.

Of those, the most common route was as part of a general stewards' course provided by their union (51 per cent). Thirty-nine per cent had been on a specialised equality course provided by their union and 15 per cent had attended an equality course provided by the TUC (see Chart 13).

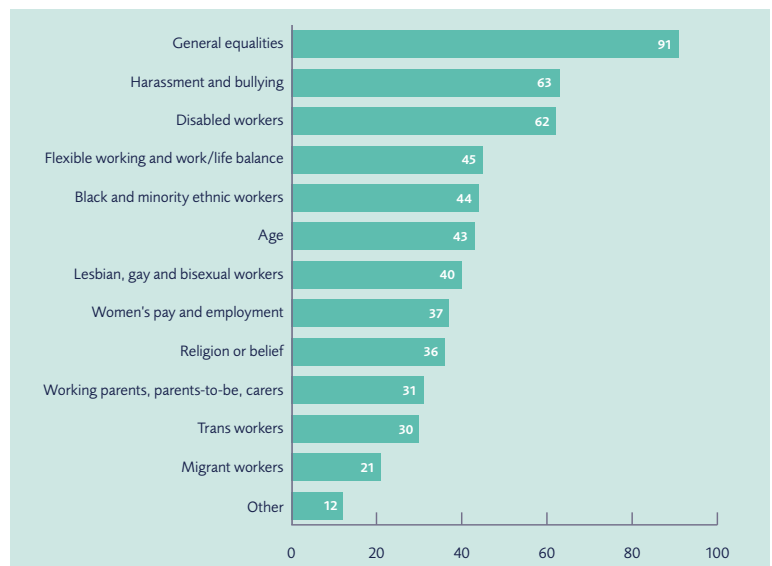
Those who had received training in the last four years were asked which equality areas had been covered. The most widespread topics covered, apart from general equalities, were harassment and bullying, and disability (see Chart 14).

**Chart 13: Percentage of reps\* receiving equality training, by delivery type**



\*Percentages are of those who had received equality training in the last four years (Base = 791)

**Chart 14: Percentage of reps\* receiving equality training, by equality area**



\*Percentages are of those who had received equality training in the last four years (Base = 785)



## APPENDIX B

# Union bargaining for working parents

To supplement the information received from national unions as part of the 2016 TUC Equality Audit, the LRD analysed information on maternity and paternity leave and pay on the LRD's Payline database which has over 2,000 collective agreements recorded on it.

The LRD also carried out a brief survey of workplace reps to get an idea of trends in the development of family-related leave policies in recent years. A total of 444 reps from 27 different unions responded.

This follows similar analysis carried out for the 2012 TUC Equality Audit, which allows an approximate comparison of the current situation compared with four years ago.

The good news is that there has been some success in negotiating better-than-statutory provision for the new Shared Parental Leave scheme, with almost four in 10 agreements on Payline offering enhanced pay and/or leave.

Meanwhile the reps' survey suggested that only small proportions of employers have made or proposed changes to maternity and paternity pay and leave in the last two years. Around 10 per cent of reps reported changes to maternity benefits and just six per cent in paternity pay and leave. These levels of change are much lower than those reported in the 2012, when 24 per cent had seen changes in maternity entitlements and 37 per cent in paternity entitlements in the previous two years.

These low levels of change are perhaps not surprising given that the two major legislative changes in the last two years have been the new right to Shared Parental Leave, which replaced Additional Parental Leave, and the changes in adoption pay and leave rights, which were brought more in line with those of birth parents in that period.

## Shared Parental Leave (SPL)

The introduction of SPL for parents of children born after 4 April 2015 was a significant change, but also one where negotiating enhancements to the statutory rights is particularly important. Statutory Shared Parental Pay is even less generous than Statutory Maternity Pay; it is paid at the same flat rate of £139.58 per week, but with no right to 90 per cent of earnings for the first six weeks.

In any case, as men earn more on average than women, fathers stand to lose more of their income than mothers if they are reduced to statutory rates, making it more difficult for families to take up the right.

A little under half (45 per cent) of the reps in the survey suggested that their employer pays employees on SPL at above statutory rates, and the analysis of 117 SPL agreements stored on LRD Payline found that 38 per cent offered enhanced pay and/or leave entitlements. The enhanced agreements were predominantly either in the public or the finance sector.

Of those agreements that were better than statutory, four-fifths (82 per cent) paid occupational Shared Parental Pay at a rate matching the occupational maternity pay that a mother would receive for the same period (minus any maternity pay already taken).

In the public sector, the civil service gives SPL matching maternity. Other public sector agreements doing so include the Bank of England, the Medical Research Council, National Assembly of Wales, Registers of Scotland, NHS Scotland, the Scottish Parliament and the South Wales Fire and Rescue Service.

Universities where shared parental entitlements match maternity include University of Aberdeen, Aston University, Bristol University, Brunel University, Durham University, University of Exeter, University of Greenwich, University of Leicester, University of Liverpool, LSE, University of Manchester, University of Reading, University of Strathclyde, University of Sunderland, University of the West of England and York St John University.

In the finance sector, occupational shared parental pay matches maternity at Aviva, Lloyds Banking Group, Royal Bank of Scotland, Santander, TSB and Virgin Money. Other private sector agreements with matching entitlements are Accenture Business Services, Scottish Power Energy Network and Unilever. BT only enhances occupational shared parental pay if both parents work for the company.

In a ground-breaking move, Santander made SPL and pay available for grandparents, providing that both the grandparent and parent are employed by the company.

In the voluntary sector, the National Trust is a large employer with a maternity-matching entitlement.

## Adoption pay and leave

Adopters are now entitled to similar rights to birth parents in that adoption leave is now a "day one right" and Statutory Adoption Pay is paid at the earnings-related level in the first six weeks, mirroring Statutory Maternity Pay.

Despite the legal changes in the area of adoption pay and leave rights, only eight per cent of respondents to the reps' survey had seen changes in adoption entitlement at their workplace in the last two years. To some extent this is because their contractual adoption entitlements were already in line with the new legislation. More than half of those saying there had been no change also said adoption and maternity pay and leave were aligned. However, in other cases employers seem to be lagging behind the law in failing to update their policies to bring adoption entitlements into line.

The aim for union negotiators then is to get contractual adoption arrangements improved beyond the statutory minimum.

Reps at a number of employers, including Tesco, Transport for London and those covered by NHS Agenda for Change arrangements, reported that adoption entitlements have been extended in line with contractual maternity leave. At the University of Plymouth, adoption pay, which had previously been at the statutory rate only, has been aligned with contractual maternity pay, with 12 weeks at full pay and 12 weeks at half.

But 29 per cent of survey respondents said their adoption pay and leave entitlements were not as beneficial as for maternity. The rep at East Berkshire College, for example, said their maternity pay was contractual but adoption pay was statutory. And at the University of East Anglia, while the adoption leave entitlement is matched to maternity, the pay is not.

Analysis of the 206 contractual adoption agreements on Payline reveals that 83 per cent are better than statutory in some way.

The trend in these agreements has been that the leave and pay offered to the primary adopter has

matched that offered to birth mothers with the same service requirements.

In most of the Payline adoption agreements where entitlements are better than statutory, the adoption leave, pay and service requirements are now the same as for maternity and apply to parents of children of any age.

## Maternity pay and leave

Just 10 per cent of respondents to the reps' survey said there had been changes or proposed changes in maternity provisions in the last two years.

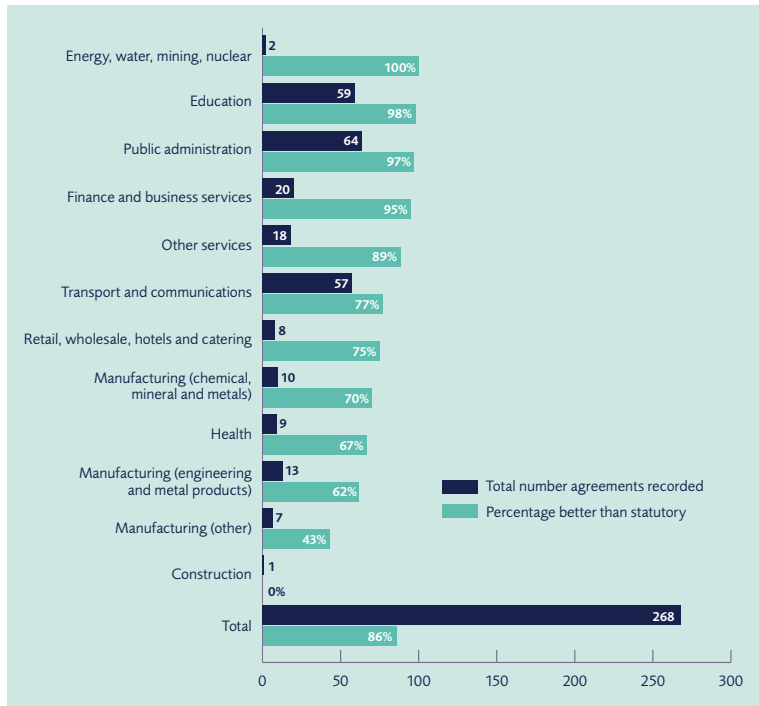
Of those that had seen changes, most were positive. Barclays Bank increased maternity leave to 26 weeks at full pay for staff with 26 weeks' service. Santander increased maternity pay to 16 weeks at full pay for those with an expected date of childbirth on or after 26 June 2016. Tesco now gives 14 weeks at full pay to staff with two years' service and Scottish Police Officers with 63 weeks' service now get 18 weeks at full pay.

There were also some more detailed improvements. The arrangement regarding holiday entitlement while on unpaid maternity was improved at Guernsey States Health and social services, and in England and Wales health employers updated maternity leave policies to allow for the accrual of bank holidays, as well as annual leave, while on maternity leave, in line with the legal requirement. At Flybe, as a result of a grievance, maternity pay is now being calculated on all elements of pay.

Payline records 268 maternity collective agreements of which 231 (86 per cent) are in some way better than statutory. This proportion is slightly higher than was revealed in a similar exercise carried out for the 2012 TUC Equality Audit, when 79 per cent were better than the statutory regime.

Agreements in the public sector are more likely to beat statutory entitlements (97 per cent do so) than those in the private sector (where only 74 per cent do so).

Enhanced maternity provision is more prevalent in certain industrial sectors (see Chart 15). However, the Payline data is less reliable here as it contains only a small number of agreements in some sectors.

**Chart 15: Maternity agreements on Payline**

The ways in which the agreements tend to surpass the legal minimum are as follows:

- ❖ They provide for a longer than 52-week statutory period of (ordinary plus additional) maternity leave.
- ❖ They provide for some paid leave without the statutory service requirement of 26 weeks prior to the qualifying week.
- ❖ They provide, in some way, for more maternity pay than the legal minimum, which is six weeks at 90 per cent of average earnings plus a further 33 weeks at a flat rate of £139.58 per week (or 90 per cent of average earnings, whichever is the lower).

A few agreements offer a longer period of maternity leave. Edinburgh City Council and Westminster Council both offer up to 63 weeks' maternity leave, and police officers get up to 15 months' maternity leave.

To get Statutory Maternity Pay women must have at least 26 weeks' service by the 15th week before the baby is due. A few agreements offer the enhanced maternity pay straight away: Medical Research Council (26 weeks' full pay), University of Liverpool (eight

weeks' full pay and 16 weeks' half pay) and Queen's University Belfast (18 weeks' full pay). Barclays Bank gives six weeks full pay to staff from day one (staff with 26 weeks' service get 26 weeks' full pay).

Four-fifths of agreements on Payline (83 per cent) extend the period of enhanced maternity pay beyond the statutory six-week period.

Two-thirds of agreements (67 per cent) offer a period on full pay and for half of the agreements (51 per cent) the period on full pay is greater than six weeks.

Several higher education agreements offer choices between having a shorter period of enhanced pay at a higher rate or a longer period at a lower rate. For example, at the University of Aberdeen there is a choice between 18 weeks at full pay, or nine weeks at full pay, followed by 18 weeks at half pay.

For Statutory Maternity Pay, the first six weeks are paid at 90 per cent of weekly earnings averaged over a qualifying period.

Tesco's arrangement helps individuals (with two years' service) whose earnings vary. The first six weeks of maternity leave are paid at whichever rate is higher: the normal contractual pay or average weekly earnings during the qualifying period.

In the public sector, the NHS Agenda for Change occupational maternity entitlement for staff with one year's service is eight weeks at full pay followed by 18 weeks at half pay.

The Local Government Green Book occupational maternity entitlement is six weeks at 90 per cent, followed by 12 weeks at half pay, for staff with one year's service. Burnley Borough Council pays six weeks at 90 per cent, followed by 24 weeks at half pay. Glasgow City Council pays six weeks at 90 per cent, followed by 33 weeks at half pay.

Fire Service (Grey Book) entitlement is the same as the local authority Green Book but some services improve on this. Shropshire Fire and Rescue Service pays 26 weeks at full pay followed by six weeks at half pay to staff with one years' service. London Fire and Rescue Service pays 15 weeks at full pay, followed by 24 weeks at half pay. South Wales Fire and Rescue Service pays 18 weeks at full pay to staff with 26 weeks' service. Humberside Fire and Rescue Service and Merseyside Fire and Rescue Service

both pay six weeks at 90 per cent followed by 33 weeks at half pay.

School teachers with one year's service, are entitled to four weeks at full pay, followed by two weeks at 90 per cent, then 12 weeks at half pay. Staff in the civil service generally receive 26 weeks at full pay if they have one year's service. At the Disclosure and Barring Service staff receive 27 weeks at full pay.

The most generous public sector maternity paid leave is at Registers of Scotland where staff with one year's service get 52 weeks at full pay. The Bank of England gives 26 weeks at full pay to staff with 26 weeks' service.

There is considerable variation in higher education. The most common entitlement on the Payline database is 12 weeks at full pay or six weeks at full pay followed by 12 weeks at half pay. The University of Manchester and Oxford University both give 26 weeks at full pay to staff with 26 weeks' service. The University of Southampton also gives 26 weeks at full pay, but staff must have one year's service.

### Paternity leave

Very few respondents to the reps' survey (six per cent) said there had been any changes or proposed changes to paternity pay or leave in the last two years.

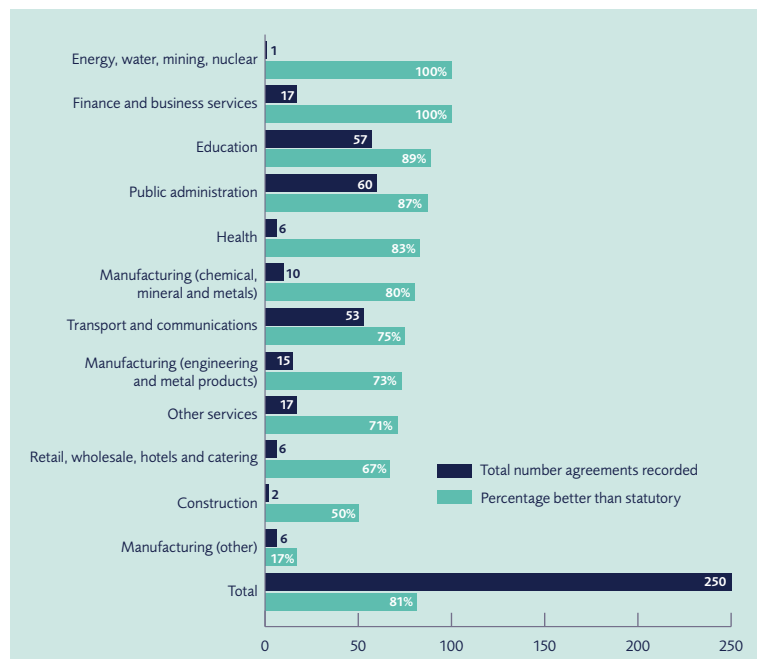
Among those who have improved entitlement are the University of Plymouth, which now provides two weeks' paternity leave at full pay, and at Swindon Borough Council, where the rep reported that the union had just negotiated two weeks on 90 per cent of earnings. Staffordshire University has increased the amount of paternity leave paid at full pay from three days to one week. And Frimley Health Foundation Trust now gives eligible employees one or two weeks on full pay less any statutory paternity pay payable.

On the downside, however, one rep in the private sector said their entitlement had been reduced from two weeks on full pay to one.

Payline records 250 paternity agreements and 81 per cent of these offers more than the minimum requirement of two weeks' statutory paternity pay for staff with 26 weeks' service.

This proportion is slightly higher than was revealed in a similar exercise carried out for the 2012 TUC

**Chart 16: Paternity agreements on Payline**



Equality Audit, when 76 per cent were better than the statutory regime.

Agreements in the public sector are more likely to improve on statutory entitlements (88 per cent do so) than those in the private sector (where only 73 per cent do so).

Enhanced paternity provision is more common in certain industrial sectors such as education and public administration (see Chart 16). However, the Payline data is less reliable here as it contains only a small number of agreements in some sectors.

Three-quarters (74 per cent) of agreements on Payline offer at least five days' paternity leave at full pay. Almost half (44 per cent) of agreements offer 10 or more days of paternity leave at full pay.

In 2015 the Co-operative Bank increased paid paternity leave up to a maximum of four weeks at full pay. Royal Mail generally gives two weeks at full pay, but in HR Services staff get three weeks and Customer Service and Sales CMA grades get four weeks.

In the public sector, Registers of Scotland offers a maximum of four weeks' paternity leave at full pay.

The Welsh government and the Welsh National Assembly both offer three weeks' paternity leave at full pay, as does the Disclosure and Barring Service.

There is no service requirement for the 10 days' paternity leave at full pay at Aviva, Crown Paints, Department of Transport, Liverpool University, Liverpool Hope University, London Metropolitan University, the Medical Research Council or the University of Cambridge.

There is no service requirement for the five days' paternity leave at full pay at Cardiff University, Hertfordshire Fire and Rescue Service, London Fire and Emergency, Merseyside Fire and Rescue Service, the National Trust, the Police, the University of Brighton or the University of Worcester.

## Parental leave

As of April 2015 the right to take unpaid parental leave was extended to parents of children aged under 18. Previously the age limit was five unless the child was disabled. Parents can take a total of 18 weeks per child, and can take up to four weeks in any one year, but must have one year's service with the employer to qualify. Under the statutory provisions, Parental Leave must be taken as whole weeks rather than single days unless the child is disabled.

Almost half of respondents to the reps' survey reported their employer provided some amount of pay for Parental Leave. A fifth said it was available to those with less than one year's service and one third said they allowed for more flexibility than the statutory procedure in how the leave is taken.

However, these figures are a little unreliable as there is some confusion over the term parental leave. In some cases respondents appear to be referring to time off for family and dependants in emergencies or Shared Parental Leave in this section of the survey.

Nevertheless, there are a number of parental leave arrangements in place that provide some payment.

NHS Scotland's model policy requires employers to provide eligible employees four weeks of their parental leave on full pay. Reps responding to the survey confirm that this has been implemented at several Scottish NHS employers including NHS Ayrshire and Arran, NHS Greater Glasgow

and Clyde, NHS Lothian, NHS Tayside and NHS Scotland itself.

In terms of flexibility, a rep at the University of Bedfordshire said the way parental leave must be taken "is not prescriptive" and can be taken in "short or long blocks". At University Hospitals of Leicestershire the leave can be taken on a day-by-day basis, while the rep at the University of Manchester reports that "the agreement states that the university will be as flexible as possible both over minimum and maximum periods".

Reps reporting that their employers have extended the leave to those without a year's service include those at Cardiff and Vale College and British Gas (for those who have completed a six-month probation period), Fujitsu Services (26 weeks' service), and for all employees at HM Prison Service, Swindon Borough Council, University of Liverpool and Turning Point Scotland. Dial Leeds and London Fire and Emergency Service only require staff to have completed probation/initial training rather than having one year's service.

Payline records 188 parental leave agreements of which 15 per cent improve on the statutory entitlements.

As well as the four weeks' paid at NHS Scotland, the Homes and Communities Agency pays the first three weeks of parental leave at full pay. The Big Lottery Fund allows parents one week's parental leave on full pay per year if they have a child under the age of eight. The Department of Transport allows parents of disabled children up to three weeks' paid parental leave in any 12-month period up to a maximum entitlement of 26 weeks' paid parental leave.

A number of agreements allow for leave to be taken as single days. These are Aston University, Cereal Partners UK (Bromborough), Co-operative Banking Group, Durham Police Staff, Institute for Employment Studies, North Lanarkshire Council, Northern Ireland Civil service and the University of Reading.

## APPENDIX C

# Unions' response to the 2016 TUC Equality Audit

**Table 3: Unions responding to the audit, ranked by membership at July 2015**

Union	Membership
Unite	1,312,098
UNISON	1,234,042
GMB	629,549
Usdaw	434,622
NUT	332,389
NASUWT	293,022
PCS	231,323
CWU	197,462
ATL	127,933
Prospect	115,255
UCU	107,580
RMT	82,256
UCATT	61,229
CSP	40,050
Equity	39,292
FBU	37,865
Community	31,886
MU	30,807
RCM	30,088
NUJ	27,123
SoR	26,816
BECTU	24,753
Accord	22,616
TSSA	20,670
ASLEF	20,364
BFAWU	19,331
Nautilus International	15,704
NGSU	11,951
URTU	11,023
SCP	9,486
BDA	7,989
BALPA	7,800
Napo	7,359

Advance	6,966
Aegis	4,853
AEP	3,256
HCSA	3,123
PFA	2,913
BSU	1,777
WGGB	1,208
NUM	1,078

**Table 4: Unions not responding to the audit, ranked by membership at July 2015**

Union	Membership
EIS	53,435
POA	30,282
NAHT	29,261
FDA	16,551
UCAC	3,801
NASS	1,920
NACO	1,683
BOS-TU	1,066
AFA-CWA	500
SUWBBS	500
NACODS	231





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