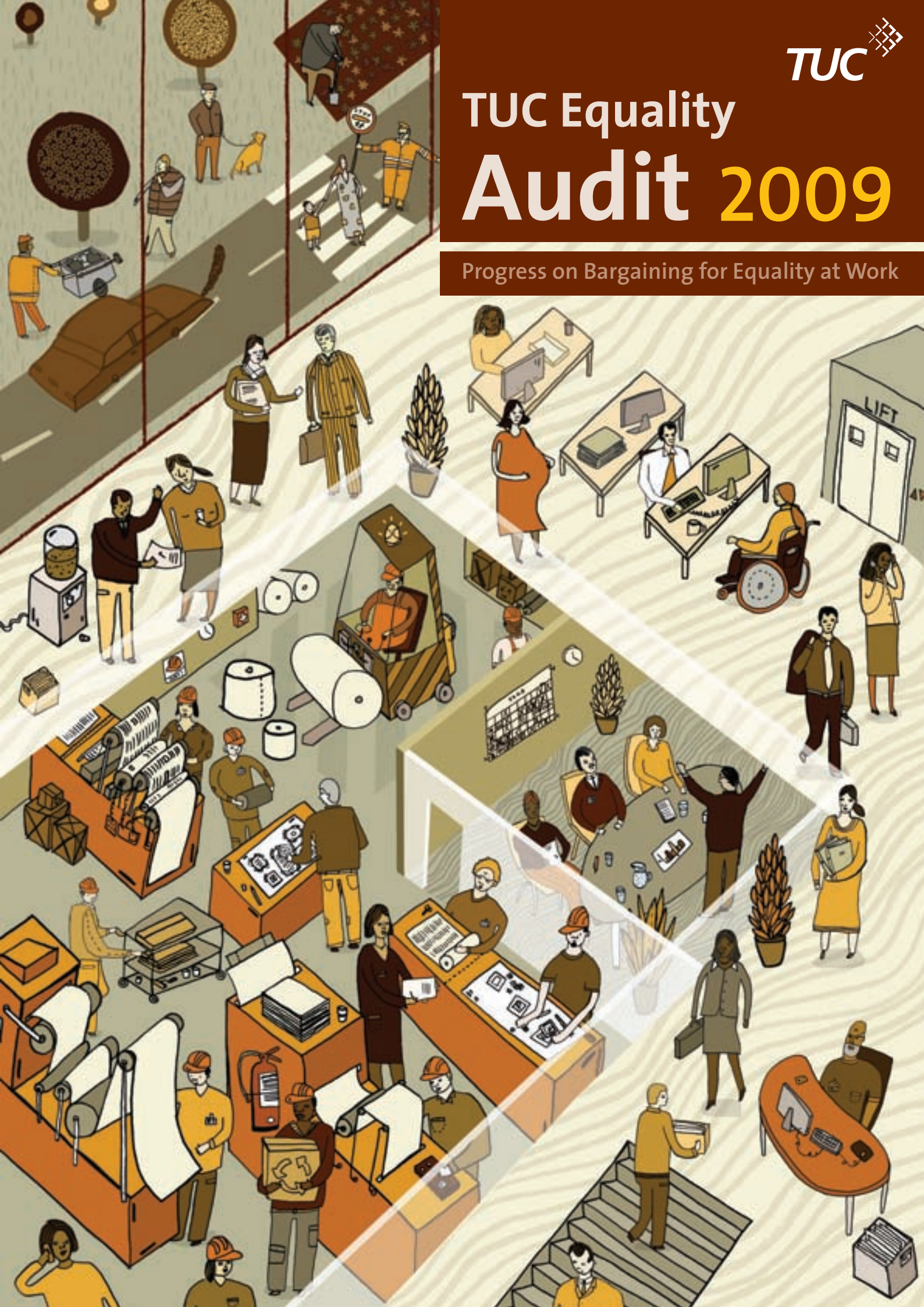


TUC Equality Audit 2009

Progress on Bargaining for Equality at Work



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Foreword by Brendan Barber



Achieving fairness and equality in the workplace is a core objective for trade unions. This report shows how trade unions are pursuing this objective through their negotiations with employers and highlights their achievements in this area.

The biennial TUC equality audits emerged from an important TUC rule change in 2001, which committed the TUC and our affiliated trade unions to promoting equality in all aspects of our work. The focus of the audits has alternated between union membership and internal structures and union bargaining activities and achievements in promoting equality in the workplace. This audit is the second one to focus specifically on bargaining and workplace activities, the previous such audit being in 2005. Obviously, there have been some significant changes

in the environment for bargaining for equality in the past four years (not least in the law), so while efforts were made to ensure comparability with 2005, some of the survey questions were altered to reflect these changes.

I am pleased to say that in 2009 over 70 per cent of our affiliates responded to the survey and submitted supporting evidence, such as policies and guidance for negotiators and examples of collective agreements. This is an excellent response rate and, as our larger affiliates were most likely to respond, it means the audit covers 99.3 per cent of the 6.2 million trade union members the TUC represents.

The report highlights the wide range of issues that trade unions are now pursuing in the workplace as they seek to improve the lot of all workers, including working parents and carers, women, disabled workers, younger and older workers, black workers, and lesbian, gay, bisexual and transgender workers. It is perhaps no surprise that the priority for equality bargaining most frequently mentioned by trade unions in response to the audit was equal pay. This reflects the stubborn persistence of the gender pay gap and the need for trade unions to continue with their longstanding campaigns to tackle the undervaluation of women's work.

A key objective for the TUC in recent years has been the creation of a more effective and unified legal framework for equality. We therefore welcome the Equality Bill that is currently progressing through Parliament. However, the law is of limited use without people in the workplace and wider society promoting awareness of equality rights and developing policies and actions that will ensure they are respected. Although not in the Bill at present, the TUC will continue to fight for trade union equality representatives to be given statutory rights to time off and access to facilities so that they can do this kind of work. This simple measure could make a world of difference, ensuring that action is taken in the workplace to prevent

FOREWORD BY BRENDAN BARBER

discrimination occurring, rather than relying on issues progressing to tribunals and the courts for redress.

I hope this audit – together with the most recent audit on union membership and internal structures in 2007 – will assist trade unions in reviewing and further developing their activities on equality. While advances have been, and are being made, in terms of the legislative framework for equality, the challenging economic environment may mean unions having to fight harder to keep equality and fairness on the agenda with employers.

A handwritten signature in dark blue ink, reading "Brendan Barber". The signature is written in a cursive, flowing style.

Brendan Barber
General Secretary, TUC

Executive summary

The biennial TUC Equality Audits reveal the enormous spread and depth of work done by TUC affiliates in their attempts to provide real equality for all categories of worker. The 2009 TUC Equality Audit is no exception.

Unions have issued guidance in hundreds of detailed areas across all 12 broad equalities areas covered by this audit, and in the majority of areas there is evidence that this work has borne some fruit in terms of real results in the workplace.

The bulk of this report is descriptive, providing a detailed picture of the nature of the negotiating policies that unions are attempting to follow in their collective bargaining with employers. It also provides detailed information on some of the best collective agreements they have managed to reach.

This report provides figures for the number or proportion of unions issuing guidance on each of the detailed topics. It will be noted that these tend to be lower than the equivalent figures published in the 2005 TUC Equality Audit (the last one covering collective bargaining). However, this cannot necessarily be construed as representing a decline in activity on the part of affiliates, as the Audit questionnaire is not designed to give an accurate statistical picture of trends over the period 2005–09. The completed questionnaire represents the subjective view of the individual completing it, who is often a different individual from the person who returned the previous Audit.

The figures for this 2009 TUC Equality Audit give an indication of which topics unions have felt it most useful to advise their negotiators on, and also in which areas they are most likely to have achieved success in terms of collective bargaining with employers in the last four years. The table on page 7 summarises this picture.

Many unions have issued general equality policies or guidance for their negotiators. This includes materials to raise awareness of and build the case for equality, advice on the overall legal framework, and guidance on negotiating around time off and facilities for representatives dealing with equalities issues.

The other top issue for the provision of guidance/policy is **flexible working and work/life balance**, which covers the standard range of flexible working options but also the aim of extending the right to request to all workers and ‘tackling the long-hours culture’. Flexible working and work/life balance is also an area where a relatively high amount has been achieved through collective bargaining, with 44 per cent of unions saying they have achieved results on this topic.

A large proportion of unions (63 per cent) have issued materials to negotiators on women’s pay and employment, which was also cited as the clear top equalities bargaining priority for unions over the last two years. However, fewer than a third of unions (30 per cent) say they have achieved bargaining success with employers in this area.

Topic	% Current guidance/policy	% Negotiated success since 2005
General equalities	65	16
Flexible working/work/life balance	65	44
Women's pay and employment	63	30
Harassment and bullying	61	33
Working parents and carers	58	51
BME workers	58	35
LGB workers	56	33
Disability	54	35
Age	49	37
Religion and belief	42	23
Migrant workers	35	23
Trans workers	35	16

The area where most unions report that they have actually struck deals with employers since 2005 is **working parents, parents-to-be and carers**. Just over half of all unions (51 per cent) have been successful in this area. While the law has been substantially improved in this area over the past four years, it seems this has stimulated negotiators to improve upon the statutory minimum arrangements rather than relying on them.

An indication of unions' acceptance to take on an ever-widening range of equalities issues is provided by the fact that more than one in three unions have issued negotiating guidance or policy on issues around trans workers, and the same proportion have done so in the area of migrant workers.

Indeed almost a quarter of unions have achieved negotiating successes for migrant workers' equality in areas such as provision of time off for English language training, recognition of foreign qualifications, prevention of unreasonable deductions from wages and recognition agreements with agencies supplying migrant workers.

Section 1: Introduction

The TUC Equality Audits reveal the enormous spread and depth of work done by TUC affiliates in their attempts to provide real equality for all categories of worker. The 2009 TUC Equality Audit is no exception.

Unions have issued guidance in hundreds of detailed areas across all 12 broad equalities areas covered by this audit, and in most of those there is evidence that this work has borne some fruit in terms of real results in the workplace.

The audit was carried out by the Labour Research Department (LRD) through a questionnaire distributed to all TUC affiliates (as at November 2008) asking for examples of both up-to-date policies and guidance on the range of equalities bargaining topics and details of good negotiated agreements.

The main questionnaire survey was supplemented by a number of other pieces of work carried out by the LRD, in an effort to obtain local information on agreements not necessarily held at national level by the unions. These were:

- an analysis of parental leave and pay agreements recorded on the LRD's Payline database of over 2,300 collective agreements
- a survey of union negotiators (lay and officials) on the topic of equal pay audits
- a survey of union negotiators (lay and officials) on the topics of retirement ages, flexible retirement and pre-retirement benefits.

Information gleaned from all these parts of the research is incorporated at various points within this report where appropriate.

The next section sets out the context for equalities collective bargaining in recent years, while section 3, the main section of the report, looks at the extent to which unions have made negotiating advice or policies available to their negotiators to help them in their bargaining over a wide range of equalities issues. It also sets out where they achieved success in putting the guidance or policies into practice – in other words in reaching successful agreements with employers.

The unions were first asked whether they had current policies/guidelines/briefing materials or had put in claims on each of the topics. In some cases these materials may have been drawn up some years ago but are still valid. This report gives a flavour of some of the documentation that unions have produced and concentrates on material drawn up since the last TUC Equality Audit covering collective bargaining published in 2005.

The unions were then asked what they had achieved on the same range of equalities issues *since* 2005. The information set out here therefore is restricted to agreements negotiated in the **last four years**, in other words since the 2005 TUC Equality Audit was produced.

The bulk of this report is descriptive, providing a detailed picture of the nature of the negotiating policy unions are attempting to follow in their collective bargaining with

employers. In addition it is providing detailed information on the collective agreements they have managed to reach – both the fairly standard type agreement and the best practice.

The response

The response to the national union survey element of the 2009 Equality Audit was very similar to that of 2005. In total 43 of the TUC's 60 affiliated unions* replied (72 per cent of the total), and as larger unions were again more likely to respond than smaller ones, the proportion of the TUC's membership covered by the survey was very high (99.3 per cent).

All unions with more than 10,000 members responded to the Audit, as did 10 out of the 22 unions with between 1,000 and 10,000 members. However, none of the five unions with fewer than 1,000 members was able to return the questionnaire. (Lists of unions who did and did not respond are set out in Appendix A).

Two completed questionnaires were received from Unite, reflecting the fact that TGWU and Amicus were separate unions for much of the four-year period covered by the Audit. As a result, all of the figures quoted in this report are based on 43 responses. They are referred to in the report as Unite (TGWU) and Unite (Amicus).

* Counting Unite as two unions

Section 2: The bargaining context

The general bargaining framework

The Audit appeared to indicate that unions are tending to deal with fewer bargaining units on average than they were in 2005. Just 14 unions (33 per cent) deal with more than 200 units compared with 38 per cent in 2005, and only seven unions (16 per cent of the total) deal with more than 1,000 units compared with 21 per cent in 2005.

Number of units unions bargain with (2009)

Number of bargaining units	Unions dealing with this number
1	5
2–10	4
11–50	5
51–200	1
201–500	5
501–1,000	2
Over 1,000	7

Most unions have a fairly centralised system for setting the collective bargaining agenda. Asked how much the union tries to set a bargaining agenda at national level to be implemented throughout the union, almost three-quarters replied either ‘strongly’ (34.9 per cent) or ‘very strongly’ (37.2 per cent).

The composition of unions’ membership

Unions were asked to provide monitored or estimated figures for the proportions of various groups in their membership. The responses revealed there are still many gaps in union monitoring of membership characteristics, even with gender breakdown, which has long been requested by the TUC for its statistical purposes.

Number of unions providing figures on membership breakdown

Category of membership	Number of unions providing data
Women	34 (97%)
BME	15 (48%)
Disabled	10 (29%)
LGB	5 (13%)
Transgender	1 (2%)
Migrant	1 (2%)
Aged under 26	21 (60%)
Aged over 50	22 (60%)

Among those unions who gave membership breakdown figures, the proportion of women ranges from 3.4 per cent in ASLEF to 83 per cent in the SoR. Across the unions this gives an (unweighted) average of female memberships of 45.2 per cent. For BME members, the

proportions range from 0.2 per cent in the SoR to 13 per cent in the RMT, with an average of 6.0 per cent. For disabled members, the range of figures for unions providing the information is 0.2 per cent in the SoR to 10 per cent in Unite (TGWU), with a percentage average of 2.3 per cent. The proportion of LGB members ranged from 0.1 per cent in the NGSU to 1 per cent in Community, with an average of 0.5 per cent. The proportion of members aged under 26 spreads from 0.1 per cent in Aspect to 21 per cent in Accord, with an average of 8.5 per cent. For over 50s, the range is 7.2 per cent (FBU) to 80 per cent (Aspect), with a percentage average of 31.8 per cent.

Priorities in equalities bargaining

The setting of the equalities bargaining agenda is a rather less centralised process than for the bargaining agenda in general.

A minority of the unions responding (20 out of 43) stated that they try either strongly (23.3 per cent) or very strongly (23.3 per cent) to set the equalities bargaining agenda at national level (i.e. 46.6 per cent compared with a total of 72.1 per cent for bargaining in general).

This tendency to be less centralised in setting the bargaining agenda for equalities appears to have increased since the 2005 TUC Equality Audit, when 69 per cent of unions tried strongly or very strongly to set the agenda nationally.

Unions typically had a range of methods for identifying their key priorities on equalities bargaining, the most common of which is through conference or executive committee decisions. In all 81 per cent cited this method compared to 95 per cent saying this is the main method for identifying bargaining priorities in general.

Other important methods of identifying equalities priorities were on the basis of recommendations from equality bodies in the union and discussions between officials – both cited by 63 per cent of unions. The NASUWT, for example, puts much emphasis on the priorities which come out of its series of Consultation Conferences for under-represented groups. Over half of unions (56 per cent) said priorities were based on surveys or discussions with affected groups of members, e.g. black or LGBT members, and 30 per cent said they used input from workplace or branch equality reps.

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

The responses were very diverse in their format and often linked several equality goals in a single response. But grouping them together, the clear top equality bargaining priority over the past two years (ranked by the number of unions putting it forward) was equal pay.

Other issues prioritised by a lot of unions were parental rights, particularly maternity leave and pay, race equality/fighting the far right and disability equality. Around a quarter of unions mentioned one of the linked topics – work/life balance, stress/workload or flexible working.

Looking to the future, the responses indicated that the same issues were likely to continue to be important over the next two years, with two further areas – career/pay progression and compliance with statutory equality duties – assuming increasing in significance.

SECTION 2: THE BARGAINING CONTEXT

The climate for equalities bargaining

Unions are very mixed as to whether it has been more or less difficult to get employers to address equality issues over the past two years. Only 29 of the 43 respondents answered a direct question on this, with seven saying it has been more difficult, eight saying less difficult and 14 saying it has stayed the same.

A clue to this confusion is revealed by the comment from Aspect, which said it had become: “More difficult AND less difficult! The public sector equalities duties create a platform for discussion and negotiation that is helpful; however ongoing budgetary constraints and the focus on minimising costs both reduces attention on equalities issues and demands high commitments of time and energy to pursuing agendas such as pay and job protection.”

Unions indicating that equalities bargaining had become easier frequently referred to the legal environment.

A couple of unions referred to the more difficult economic climate in prioritising equality issues. The CWU responded: “The intense focus on industrial issues sees equality issues not being brought to the fore in terms of the bargaining agenda.” And Unite (TGWU) said: “Our absolute priority must be ensuring that the current economic situation is not used directly or indirectly to justify discrimination or undermining of equalities commitments or advances.”

A fuller list of union comments on the climate for equalities bargaining is set out in Appendix B.

Section 3: 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 which topics have been the most fruitful in terms of successful union negotiations over the past four years, what those agreements typically contain and some examples of current good practice on these issues.

Unlike the report of the 2005 audit, this report includes information on guidance and negotiating success together under each topic heading.

Overall bargaining for equality

This topic is a new one for the 2009 TUC Equality Audit, reflecting new legislation (particularly on equality duties in the public sector) and union developments (particularly in relation to equality reps).

Overall 28 unions (65 per cent) had produced guidance for their negotiators or presented claims on general equality issues.

One is Prospect, which issued a detailed circular to its branch secretaries on a major strategy produced by the Cabinet Office, *Promoting equality, valuing diversity: a strategy for the civil service*. The strategy provides a framework for action in the service around the four key themes of: behaviour and culture change; leadership and accountability; talent management; and representation.

Prospect's circular points out to its branch secretaries the Cabinet Office statement that "trade unions as key stakeholders should be involved at department level, as well as national level, in a partnership to deliver the new strategy". The circular provides advice and guidance on trade union sides' involvement and influence in implementing the new strategy.

On implementing public sector equality duties, UCU has distributed a toolkit to its officers called *Implementing the equality duties*, covering the statutory race, disability and gender requirements. The NUT has also produced guidance on implementing the equality duties, including model equality schemes, and has distributed checklists of questions for local association secretaries to put to their local authorities on equality duties.

UNISON and UCU together carried out a major project to develop comprehensive and very practical guidance for implementing the disability equality duty in colleges. This sets out the legal duty, makes the case for trade unions to be involved in implementation, not merely consulted on it, and shows how unions can use the duty to organise, recruit and negotiate. It also contains detailed positive case studies.

SECTION 3: GUIDELINES AND NEGOTIATIONS ON EQUALITY

General equalities bargaining

	% with up-to-date policies or guidelines
Legal framework	30
Materials to raise awareness and build the case for equality	33
Using public sector equality duties	28
Recognition and facilities time for reps dealing with equality issues	23
Equality in procurement	19
Total	65

Five unions gave examples of success through negotiation using the public sector equality duties and the associated specific duties, such as the requirement to conduct equality and diversity impact assessments of proposed policies and the requirement to have race and gender equality schemes in place.

Prospect had an input into the production of the **MOD's** Equality and Diversity Impact Assessment Tool, which the union feels is still limited in scope but could be “a very important tool” for its representatives when pursuing members’ equality and diversity interests.

The tool tells senior managers what issues they should be subjecting to scrutiny for their impact on equality and diversity, and provides a clear method for how they should carry out that scrutiny, as well as giving examples of how workplace policy changes can have an adverse effect on certain groups.

The union advises its members to use the tool to respond to MOD policy proposals, for example, to introduce a recruitment and retention allowance or a workplace reorganisation, to ensure there is proper consideration of their impact on equality for different groups.

UNISON has agreed a strongly worded equality and diversity policy with **Bromsgrove District Housing Trust**, which not only goes beyond its statutory equality duties but also bans from membership those who are members of a racist organisation (see box below).

The NUT’s **London Borough of Waltham Forest’s** equality officer has drawn up and used a comprehensive list of questions to put to the local authority to ensure that the public sector equality duties are put into practice in a wide of range of areas. On pay, for example, it asks whether schools’ pay policies have been the subject of impact assessments, whether data has been collected on responsibility payments and what measures are in place to support women and disabled staff to access higher scale points.

Housing trust policy goes further than the law

UNISON has agreed a strongly worded equality and diversity policy with Bromsgrove District Housing Trust that:

- explicitly goes beyond the requirements of equality legislation
- applies to any person or organisation carrying out work for the Trust
- bans from membership those who are members of a racist organisation.

(continued)

SECTION 3: GUIDELINES AND NEGOTIATIONS ON EQUALITY

It states that “the Trust aims to exceed equality related legislation by actively ensuring it does not discriminate on any grounds” and that it “does not tolerate any acts of direct or indirect discrimination on any basis irrespective of whether it is covered by legislation”.

It says the organisation is committed to ensuring that “no individual receives less favourable treatment either prior to or during their employment at the Trust on any discriminatory grounds”. And it gives, as examples of such grounds, marital status, domestic circumstances and trade union membership, as well as the more common grounds of gender, nationality, race and ethnicity, religion or belief, and age.

The organisation expects such principles to apply not only to the Trust’s own activities but also “where individuals or organisations are carrying out work on behalf of or in partnership”.

The policy sets out specific actions to foster equality and diversity in the areas of recruitment and selection and training and development, and states it will consult with staff and union reps to ensure the trust’s practices are meeting the requirements of its members. A representative group will assist with this.

There is a clear policy against members of racist groups, stating: “No member of the Trust may be a member of an organisation whose constitution, aims, objectives or pronouncements contradict the general duty to promote race equality,” and that non-compliance with this is likely to result in disciplinary action.

While eight unions have issued guidance or policies on equality and procurement, none provided examples of where they had succeeded in building equality considerations into procurement.

Recognition and facilities time for reps dealing with equality issues

Ten unions have issued materials on negotiating for reps who deal with equality issues, and some have already got results.

One is NASUWT, which has negotiated recognition agreements with two sets of academy schools, **ARK Academies** and **ULT Academies**, that include recognition and facilities time for representatives dealing with equality issues.

Unite (TGWU) has negotiated with **Ineos Oil Refinery** to have a network of equality reps with facilities and paid time off. They have also agreed to have a review of all equal opportunities policies and procedures in order to update and develop best practice as part of a negotiated agreement. The union has also agreed facilities and paid time off for union equality reps in the **local government** agreement and at **London Buses**.

Flexible working and work/life balance

Overall 28 unions (65 per cent) had up-to-date guidance in this area.

One union with a major interest in tackling long hours is the NUT which, in its words, “has campaigned tirelessly over the years to seek to establish effective limits to teachers’ workload”. Thanks partly to this, in 2003–05 the Government introduced reforms to teachers’ work, but according to the NUT: “The findings of the 2007 School Teachers’ Review Body (STRB)

SECTION 3: GUIDELINES AND NEGOTIATIONS ON EQUALITY

Workload Survey bear witness to the fact that teachers overall have not benefited from a significant reduction in workload.”

The union has therefore produced detailed guidance on developing work/life balance policies for schools listing the components of a good policy, which it urges its divisions to seek to include in local authority policies.

These include both statutory rights and examples of good practice under the following headings:

- time off in lieu
- training
- facilities/equipment
- welfare
- working at home
- organisation of meetings
- flexible working (including rights to time off for family and domestic reasons)
- leave of absence
- time off for religious observance
- time off for fertility treatment
- statutory parental leave
- statutory paternity leave
- maternity and adoption leave and pay
- part-time working
- job sharing
- the position of the head teacher

Flexible working/work/life balance

	% with up-to-date policies or guidelines	In 2005
Reduced hours	47	44
Flexible working for all workers	44	n/a
Tackling the long-hours culture	42	48
Job sharing	38	56
Flexitime	37	46
Term-time working	30	13
Compressed hours	26	23
Total	65	88

n/a: not asked in 2005

In terms of successful negotiations on flexible working and work/life balance, a total of 19 unions said they had achieved results through collective bargaining, most commonly on working reduced hours and tackling the ‘long-hours culture’.

While there is a legal right for employees with children or who care for adults to request flexible working, some unions have managed to negotiate agreements in which all employees have the right to make such a request.

SECTION 3: GUIDELINES AND NEGOTIATIONS ON EQUALITY

Unions and management in **higher education institutions** have come to an agreement on this at a national level – though it is up to local institutions as to whether they adopt it. It pushes the agenda beyond the legal basics by setting out a case for offering flexible working to all staff, including:

- promoting a fairer working environment
- simplicity, as there is an increasing range of employees with the legal right to request, and applying different conditions to different groups is administratively complex
- retention and commitment of employees who do not have the legal right but who would like to improve their work/life balance, including those combining work with education, undertaking voluntary work or pursuing particular interests outside of work.

The guidance also spells out the benefits of having a positive approach to flexible working, including having an advantage in a competitive market for skilled workers, increasing demand from customers (students) for provision of services at non-core times and the ability to cope with the increasing proportion of potential employees that will have caring responsibilities of various types.

The NHS unions negotiated amendments to NHS Terms and Conditions in 2007 including one that committed both sides to developing flexible working. It also stated that “all jobs should be considered for flexible working; if this is not possible the employer must provide written, objectively justifiable reasons for this”.

This theme was taken up in UNISON’s agreement with the **Shropshire and Telford Hospital NHS Trust** on flexible working, which is open to any member of staff, not just those covered by the right to request legislation. While the policy does not give an automatic right to work flexibly it states that, “wherever possible, requests for flexible working patterns will be accommodated”.

It sets out a wide range of flexible working practices that it will consider, including, as well as those covered in the questionnaire, team-based/employee-based self-rostering. This means employees who manage their own working hours within a team or individually, usually within set boundaries and in compliance with departmental/team needs.

USDAW’s agreed policy with **Unilever** also goes beyond the legal minimum, stating that “all employees have the right to request flexible working and to have their request seriously considered”. In addition, it does not stipulate what the individuals’ reasons for working flexibly should be, saying it will “adopt a ‘reason neutral’ position, and will not rank reasons for flexible working in any order of acceptability”.

The application form in this case asks the individual to outline how their request would allow their team/department to meet its business targets and what might be the impact on customers. It also asks them to anticipate any problems for their colleagues and outline how these might be overcome.

The policy is welcoming to the idea, saying that “a positive approach to flexible working will create a win-win situation for both business and the individuals concerned”.

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Flexible working and work/life balance at Tesco

USDAW has been working in partnership with Tesco to remove barriers to career progression and established a joint project team made up of lay members, senior company management and USDAW officers to examine in more detail the availability of flexible working arrangements. The project was set up to consider a number of issues, specifically:

- Improving retention rates for women returners and in particular ways in which women's wishes to work flexibly at a senior level in stores can be supported.
- Ways to enable a better spread of part-time work throughout the store grading structure to tackle the 'glass ceiling effect'.
- Re-examining the profile of management roles and considering options for more flexible working practices at this level, including job-shares.

USDAW reports a number of very positive outcomes, including the fact that job-share options are now being trialled at senior store manager level.

In addition, a new role within the company has been introduced – that of Team Leader. Based on the shop floor, this is a better-paying role than General Assistant and includes additional responsibilities to support department managers. By acting as a stepping stone to more senior managerial positions, it has provided the opportunity for General Assistants to progress. USDAW is currently seeing that many of these new roles are taken on by women who work part time.

In consultation with USDAW, Tesco is currently trialling term-time working in its Dundee Call Centre.

Collective action wins family-friendly working

Collective action by workers at **Hilton Food Group** in Huntingdon resulted in the company backing down over the imposition of new shift patterns. Workers feared that the new shifts, which would have meant 13-hour days, would have a negative impact on family life including childcare arrangements.

Workers will now have the choice whether to accept their new shift or not. Unite (TGWU) is campaigning for full negotiations with the company and, in particular, to ensure that the health and safety of workers is not affected detrimentally by any changes to working conditions.

Tackling the long-hours culture

Eleven unions reported bargaining successes in tackling the long-hours culture, including BECTU, which has negotiated a reduction in weekly hours for **film industry** construction crews with a number of employers – from 50 in 2003 to 37.5 in 2007.

BALPA has achieved some improvements in pilots' working hours in a number of **airline operators** with whom it negotiates. These include:

- increasing pilots' minimum rest time between flying duties
- increasing the defined length of a day off between flying duties

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- enhancing pilots' leave by ensuring they finish earlier on the day they commence their leave
- putting a limit on the number of flying hours within a roster period (which is typically around a month).

The union has also negotiated increased opportunities for part-time working at British Airways.

Working parents, parents-to-be and carers

A total of 58 per cent of unions responding to the TUC Equality Audit have up-to-date policies or guidelines on negotiating for parents and carers.

Many of these documents focus on keeping negotiators abreast of the fast-changing legislative position on this subject, particularly the changes made under the Work and Families Act 2006. The Act changed provisions on access to maternity leave, maternity and adoption pay and the right of carers of adults to request flexible working, among other things.

Working parents, parents-to-be and carers

	% with up-to-date policies or guidelines	In 2005
Maternity pay above statutory	49	71
Maternity leave above statutory	49	58
Paternity (maternity support) pay above statutory	47	65
Paternity (maternity support) leave above statutory	47	58
Adoption leave and pay above statutory	47	54
Dependency/carers' leave above statutory	37	50
Parental leave above statutory	37	52
Childcare support	40	44
Time off for ante-natal support above statutory	35	n/a
Time off for fertility treatment	26	33
Total	58	83

n/a: not asked in 2005

Overall, 25 unions responding have been successful in the last four years in negotiating deals for working parents going beyond statutory requirements.

One agreement offering enhanced conditions in a range of these areas is that between Prospect and the Forensic Science Service, where maternity leave and adoption leave run at nine months on full pay. Other good conditions for working parents are 15 days' paid paternity/maternity support leave, paid emergency dependants' leave, Childcare vouchers – both an allowance and a salary sacrifice scheme - and paid time off for fertility treatment.

To supplement the information on family-related leave in the 2009 TUC Equality Audit, the LRD carried out an analysis of deals on its Payline database of over 2,300 collective agreements to investigate further what was going on in this area. A detailed report is provided at Appendix C to this report and the information here is confined to that obtained via the main Audit survey.

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Maternity leave and pay

Despite the improvements in the legal position, which gives individuals a right to 52 weeks' leave with 6 weeks paid at 90 per cent of average earnings and 33 weeks' paid at statutory maternity pay, unions have been able to negotiate agreements that give better-than-statutory leave and pay arrangements in specific workplaces.

The NUJ has been particularly active in this area, with superior maternity arrangements at the **Financial Times**, **RCN Publishing** and, best of all, **Penguin**, where women with one year's service receive 25 weeks on full pay and 14 weeks on SMP.

Unite (TGWU) has negotiated maternity and paternity improvements with a number of employers. At **Associated British Ports**, as well as improving on the maternity entitlement, the union negotiated a positive rewording over stillbirth and miscarriage before 24 weeks to ensure it is not included in sickness absence monitoring. The union also improved the maternity pay at **Peugeot** from 26 weeks at 100 per cent and 14 weeks at 90 per cent pay to having a further 12 weeks paid at £200 a week.

And NACO has negotiated a draft agreement with **Dairy Farmers of Britain** for managers who have two years' service to receive 12 weeks on full pay and a further 12 weeks on half pay.

UNISON has secured a period at full or at least 90 per cent pay for 26 of the 52 weeks of maternity leave at **NHS Highland**, **British Gas Energy and Services** and **Scottish Water**.

The RMT also has a number of above-statutory maternity agreements. The best of these in terms of weeks at full pay are at **Transpennine Express**, which gives 39 weeks' maternity leave at basic pay or 90 per cent of average earnings, whichever is greater, while **Northern Rail** gives 39 weeks on full pay.

Paternity/maternity support leave and pay

Fathers or partners who share responsibility for a child's upbringing have the right to 10 days' leave around the birth of the child if they have 26 weeks' service with the employer. They must be paid statutory paternity pay for the time they take off.

The best deal reported as part of the 2009 TUC Equality Audit was from the CWU, which has negotiated three weeks on full pay at **People Organisational Development Services**. The union has also negotiated two weeks' leave on full pay at a number of other employers, as has the BSU at the **Britannia Building Society**.

USDAW has negotiated an increase in paternity leave to 11 days for members on '6-to-5' shifts at **Parcelnet** and **Allied Bakeries**, enabling those workers to have a clear two weeks' leave.

Adoption leave and pay

Twenty unions have negotiated enhanced arrangements for prospective adopters. The best deals are often where employers give the same enhanced contractual rights to leave and pay for adoption as for maternity.

The CWU has agreed a policy with **Isle of Man Post** that entitles employees with one year's service who are adopting up to 26 weeks' adoption leave on full pay. And at **BT** those with over 26 weeks' service are entitled to 18 weeks' basic pay plus regular allowances (excluding

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overtime) followed by eight weeks at half pay or lower rate statutory adoption pay, whichever is the greater, before moving on to the statutory rate for 26 weeks.

Childcare support

USDAW reports that the **Co-op** introduced childcare vouchers in 2006. As part of the 2007 pay settlement, the company introduced a new range of employee benefits called U Choose. This included the option of receiving salary-sacrifice childcare vouchers.

At **Penguin**, returning mothers are entitled to a childcare allowance of up to £98 a month.

LRD has supplemented the information on childcare provided by this Audit with a separate analysis of childcare agreements recorded on its Payline database of collective agreements. This lists 214 agreements with some childcare provision.

The most common provision is of childcare vouchers, supplied by 146 employers, with another eight providing cash childcare payments.

Nursery places are provided by 41 employers, the vast majority of whom are in the further or higher education, public administration or NHS sectors, with the notable exception of **Land Rover**. The vehicle manufacturer provides a heavily subsidised crèche that offers childcare to employees at around £50 a week per child.

Ante-natal support

A number of unions said they had negotiated time off for ante-natal support above the statutory minimum. For example, USDAW has negotiated a paid half shift for employees of **Allied Bakeries** to enable them to attend ante-natal scans with their pregnant partners.

Time off for fertility treatment

Eight unions reported bargaining success in the area of time off for fertility treatment.

USDAW has negotiated a comprehensive agreement with **Tesco**, which states that the company will be “flexible and sympathetic... facilitating time off work when required”. It allows an affected employee up to one week’s paid leave per IVF cycle (which can be granted three times over the course of an employee’s employment) at full pay to cover procedures, scans and operations plus rest and recuperation after the event. They are also entitled to unpaid time off under the compassionate leave policy.

In addition, the partner of someone undergoing treatment can have two paid days off per treatment cycle if their attendance is required as part of the treatment cycle, or unpaid compassionate leave if not.

The agreement also includes clauses on what happens if the treatment is successful or unsuccessful or if the treatment causes sickness absence. There is also a clause on egg or sperm donors, who may swap shifts, vary their working hours or use holiday allocation.

Women’s pay and employment

A total of 27 (63 per cent) of unions have policies/ guidelines in this area, compared with 75 per cent in 2005. The most common topic for guidance/policy in this area is equal pay for work of equal value.

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Unite (Amicus) has a guide to equal pay that sets out the causes of the gender pay gap and the relevant legislation. However, it focuses most strongly on the issue of equal pay audits as unions' most important tool to achieve pay equality within employers.

The guide sets out the benefits of an audit, what it should include, how to negotiate around an audit and an action plan for achieving equal pay, and it offers real case studies throughout.

In 2006 the RMT produced a Charter for Women, drawn up by a special women's conference to determine women members' priorities. A booklet gives brief advice on how to tackle these priorities, which are low pay, lone working, sexual harassment, sanitary and toilet facilities, uniform, menopause, support during pregnancy, working parents' pay and leave, family-friendly working and childcare facilities.

A number of unions with members in the public sector, including Prospect and the NUT, have produced guidance on women's pay and employment within their materials on the public sector gender duty. The NUT's guidance includes checklists for negotiators of issues to raise with local authorities and individual schools on their duty to promote gender equality and their duty to conduct impact assessments.

Domestic violence remains on the bargaining agenda, with 35 per cent of unions saying they have policies or guidance for negotiators on the topic. BECTU's policy is comprehensive and makes 12 recommendations to employers, including allowing members seeking to escape violence at home to have time off to address practical and legal problems and providing awareness training for at least one manager/personnel officer to ensure they handle such situations sensitively and effectively.

Women's pay and employment

	% with up-to-date policies or guidelines	In 2005
Equal pay for work of equal value	40	56
Workplace policies on domestic violence	35	50
Improving part-timers' pay and benefits	33	42
Equal pay audits	33	48
Positive action on occupational segregation	28	n/a
Tackling women's low pay	20	na
Total	63	75

n/a: not asked in 2005

Equal pay audits

Seven unions reported bargaining successes in the area of equal pay audits.

Unite (Amicus) reports that a number of finance sector employers have signed up to its Equal Pay Campaign, which focuses on employers carrying out equal pay audits, job evaluation where necessary and delivering fair pay and transparent pay systems in organisations. The union encourages employers to cover age, disability, race and gender when carrying out an equal pay audit (see also section on Black and minority ethnic workers, page 25). As part of the audit, employers and unions develop action plans to close the pay gaps and achieve fairness in pay for all workers.

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First Direct, part of HSBC, signed up to the Amicus Equalities Charter. The bank has given its commitment to working with Amicus to address gender inequality. In its two sites at Leeds and Hamilton, the company agreed to develop a programme of work to improve the pay and opportunities of its women employees. It has conducted equal pay audits on an annual basis and has shared the results with Amicus.

And Unite (TGWU) has reached agreement at **British Waterways** for an annual equal pay 'health check' of overall basic pay and earnings, an in-depth three-yearly equal pay audit, continued monitoring of equality and pay, equality-proofing of recruitment, promotion, progression, training and other HR processes, and to develop the audit in relation to ethnic origin, disability and age as well as gender.

To supplement this section of the 2009 TUC Equality Audit, the LRD carried out a survey of union reps and negotiators to further investigate developments in this area. An article based on the survey, which was published in *Workplace Report* magazine in April 2009, is reproduced in this report at Appendix D.

The LRD survey made clear that public sector employers were much more responsive than those in the private sector to union calls for equal pay audits, no doubt partly because of their enhanced statutory duties on equality. It also indicated a level of nervousness on the part of some employers and unions about being public about conducting equal pay audits because of concern that they could lead to legal action.

Equal pay for work of equal value

Eight unions reported success in bargaining around how an employer makes sure the legal right to equal pay for work of equal value is adhered to in practice.

For example, in **further education** in 2005 the unions and management at a national level negotiated a *Joint Agreement on Guidance for Equal Pay in Further Education*, which gives practical advice to colleges on implementing their legal duties. This includes the areas of recruitment and selection, promotion, training, benefits and services and review and consultation.

Tackling women's low pay

USDAW successfully negotiated the abolition of the lowest grade (Grade 1) at **Gratton**, on which only cleaning staff – who were mostly women – were employed. The lowest grade is now Grade 2.

At **BT**, Connect negotiated separate payments in 2007 and 2008 for those low in the pay ranges to help tackle the gender pay gap.

Improving part timers' pay and benefits

Ten unions reported improving part-timers' pay and access to benefits.

NASUWT mentioned the standardised national formula for calculating part-time teachers' pay which was successfully negotiated after years of having a variety of formulae in different schools and local authorities.

The new agreement states that part-time teachers must have a pro-rata statement of agreement about their working hours and be paid pro rata the salary they would have been

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paid had they been teaching full time in that post. They cannot be directed to work on a non-defined day but can only do so by agreement.

The teaching unions have also negotiated improvements to part-time teachers' pensions, so they now have automatic entry into the national teachers' pension scheme and have to opt out rather than opt in.

Positive action to address job segregation

Eight unions said they had agreed positive action measures to address occupational segregation by gender.

One is Unite (Amicus), which reports an agreement with **Barclays Bank** to address the historical factors that contribute to gender inequality in the finance sector. A commitment to take action to achieve full equality for women has been made by establishing a staff and union reps working group. This will develop a programme to improve women's pay and opportunities, including regular equal pay audits with an action plan to address all the issues. The union will be involved with this and with identifying and sharing best practice in the finance sector.

Unite (TGWU) negotiated a successful outcome avoiding potential sex and race discrimination with **Eurest**, which ran the Heathrow Terminal 5 construction canteen, for staff who had worked there and were to be redeployed.

Domestic violence

Eight unions reported success in negotiating workplace policies for dealing with domestic violence.

RMT has negotiated a detailed policy with the then **London Eastern Railway** – now part of the **National Express Group** – which provides both moral and practical support to employees suffering from or at risk of domestic violence.

The agreement states that the company “has a duty to provide a safe working environment which includes protecting employees from the risk of violent attacks and to provide support to any employee, male or female, who is a victim of domestic violence and to protect employees from the risk of violent attacks”.

The principles of the policy are as follows:

- The company recognises that domestic violence has an impact in the workplace and will aim to encourage a positive attitude to combating domestic violence.
- The company will recognise and treat sympathetically victims of domestic violence. Support will be provided to individuals through the provision of a safe working environment, information and contact numbers for external support agencies and, where appropriate, counselling.

The company states that it will take the following steps to counter the effects of domestic violence, where it is brought to the attention of management:

- Recognise and treat sympathetically the effect of abuse on an employee, which may result in stress, distraction, poor timekeeping, absence, depression or other related health problems.

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- Support the employee in determining their own course of action at every stage.
- In certain circumstances, facilitate adjustment of turns of duty for appointments such as with support agencies, solicitors, for re-housing or to alter childcare arrangements and for court appearances etc.
- Give sympathetic consideration to requests for flexible working arrangements and relocation or redeployment of staff from frontline positions if they are accessible to the public in line with the Company's Flexible Working Policy.
- Provide a safe working environment by taking all reasonable steps to guard against the threat of domestic violence, which may carry over into the workplace.
- Wherever practicable provide a secure workplace to prevent unauthorised people entering the location.
- Where locations are accessible to the public ensure that there are systems in place for raising the alarm.
- Take appropriate action against any employee who victimises, intimidates or harasses the victim, in line with the Company's Harassment and Bullying Policy.
- Take appropriate action where the victim and perpetrator may come into close contact in the workplace.
- Ensure that where workers have to work alone that they have a system in place for raising the alarm.

Black and ethnic minority workers

Fifty-eight per cent of unions had guidelines or policy for negotiators relating to black and minority ethnic workers.

Unite (TGWU) has a comprehensive Race Equalities Negotiators Guide with case studies and covering legislation, the business case for race equality, dealing with race discrimination, racial harassment, the bargaining agenda, monitoring and organising and recruitment.

NASUWT has a guidance booklet on the duty to promote race equality, setting out what schools and colleges are expected to do and providing a checklist of key race equality issues for both staff and pupils and a model policy for school governors.

The NUT produced advice for school representatives on the implications of the election of far-right local councillors following the May 2006 elections, when there was an increase in such councillors elected.

Black and ethnic minority workers

	% with up-to-date policies or deadlines	In 2005
Dealing with racism and the far-right	33	56
Monitoring access for employment, training and promotion opportunities	40	50
Positive action to address under-representation	33	33
Monitoring grievances and disciplinaries by ethnicity	24	21
Equal pay audits covering ethnicity	21	17
All policies/guidance on BME	58	81*

* Included guidance on migrant worker issues, which is in a separate section in 2009

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Just over a third of unions (15) said they had achieved success in negotiating on issues around black and minority ethnic workers. The most common result was for dealing with racism and the far right in the workplace, followed by positive action measures to address under-representation.

Ten unions had achieved results on dealing with racism and the far right, with mechanisms varying widely according to the industrial setting.

For example, while BALPA has ensured that **British Airways** applies its policies on racism at work strictly, with disciplinary action where appropriate, the NUJ won its success through industrial action. Following a decision by the **Daily Star** management in October 2006 to produce content that was offensive to Muslims, NUJ members stopped work, forcing management to pull the page, which was not printed.

NASUWT, on the other hand, worked in partnership with the Government and national employers on the framework for the new duties on schools to promote community cohesion.

The union was also involved in the negotiations around the new **Department for Children, Schools and Families** (DCSF) toolkit on preventing violent extremism. It says it was “instrumental to the inclusion of the British National Party (BNP) and far-right groups as examples of violent extremism”.

Following a race discrimination case against transport company **Norbert Dentressangle**, Unite (TGWU) came to agreement with the company for a joint education programme called REDspect for all employees, using the union’s equality rep training materials.

Monitoring equality in employment and positive action

Unions and management at a national level in **further education** reached agreement in January 2008 on guidance to colleges on race equality in employment. This covers legal duties and how to implement them in all areas including career development, harassment, positive action and monitoring.

On monitoring it advises colleges to collect and analyse the following information by racial group:

- profiles of employees by grade/salary scales and type of work
- job application rates
- selection success rates
- type of contract (permanent, temporary, fixed-term)
- training
- promotion application and success rates
- disciplinary/capability proceedings
- grievances
- harassment or discrimination complaints
- reasons for leaving and exit surveys.

It points out that such monitoring can be used in specific circumstances to invoke positive action as a way of overcoming racial inequality, and it sets out the circumstances where this is lawful.

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BECTU's success on this issue is a development of its successful "Move on Up" initiative reported in the 2005 TUC Equality Audit, which aims to improve career opportunities for ethnic minority broadcast professionals. It is based on securing one-to-one interviews for them with key decision-makers in the broadcast industry.

While this was previously adopted in the TV and film industries, the union has more recently negotiated meetings with directors and producers in independent radio and in broadcast and online news (see box below).

Unite (TGWU) achieved some success at **Homebase**, where there was seen to be a lack of non-white staff above grade 2. The union carried out an equality audit, which revealed that Asian workers were twice as likely as white workers to say they had been denied training.

After some discussion, the company agreed that, in the light of conclusions arising from a joint meeting, changes needed to be made in the training system:

- training needed to be time bound and transparent
- individuals need to know where they are on priorities
- progress reports on training should be a performance indicator for managers
- management must be able to cope with things not going to plan, "with automatic time-bound re-scheduling and special efforts to be made to encourage the disheartened and cynical to give the new system a go".

Locally, the union has advised Homebase that it needed to establish a long-term equal opportunities monitoring system to ensure that the revised training system and all other processes were seen to be fair.

Supporting BME broadcast workers

In 2006 BECTU invited the employers and other key organisations in the radio industry to set up the Radio Industry Diversity Group (RIDG). Since then, the union has been working through this group to increase the radio industry's focus on BME representation within the industry.

In 2008, the RIDG put together a speakers list of about 35 top BME professionals in radio prepared to speak about their area of professional expertise to help the industry avoid all-white platforms of speakers.

The Radio Academy organises the radio industry's main flagship events and has now for the first time set targets for BME representation at the events it organises. The Radio festival July 2008 had BME speakers at a majority of its sessions.

In January 2009 BECTU, supported by the Southern and Eastern Region TUC, the Radio Independents' Group and the BBC, via RIDG put on a "meet the radio indies" event. The purpose was to help this group of mostly small companies to raise their game on diversity, make them more aware of their role and responsibilities in this regard and finally to introduce them to BME professionals who were interested in working with them on a permanent or freelance basis.

These companies mostly make programmes for the BBC. Top BBC programme commissioners participated, which was of great use to the production companies and BME

(continued)

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professionals. Almost a quarter of the independent radio production sector was represented at the diversity seminar and one-to-one meetings that were set up on the day.

About 300 new contacts were created between the companies and the BME professionals. Early reports from the participants indicate that the project is likely to lead to greater participation by BME professionals in this part of the radio industry.

In addition, the Radio Independents Group, the trade association for these companies, announced that it intended to set up a diversity committee. This will create the mechanism for more long-term policy and progress within this sector.

Equal pay audits covering ethnicity

While this appears to be a rather new area of bargaining for unions, a survey on equal pay audits carried out by the LRD (see Appendix D) to supplement the 2009 TUC Equality Audit found a couple of instances in which equal pay audits had been extended to cover ethnicity as well as gender.

Unions at HBOS and the Nationwide Building Society reported that their employers had carried out equal pay audits covering other potential inequalities besides those between men and women.

HBOS co-operated with unions (Unite and Accord) in carrying out an audit in 2006 looking at gender, race, disability and age. The unions were fully engaged in establishing the review's scope and all the results were shared with them.

The audit found that overall the pay structures were non-discriminatory on all the grounds covered. Some specific cultural issues were identified and the employer was still considering the appropriate positive action response.

Every year after the pay review is implemented the employer shares with the unions details of how the pay was distributed. This focuses particularly on ensuring there is no bias in any diversity category.

The **Nationwide Building Society** acted on a request from the Nationwide Group Staff Union to carry out an equal pay audit in October 2006 covering gender and ethnicity. The union was involved in agreeing what measures to gather and how they were to be compiled.

It showed that target salary levels were broadly equitable but that there were some inequalities in practice. It said the majority of these are a product of fewer female and ethnic minority staff above certain grades. However, the review also found that "performance-related pay awards continue to be a concern in relation to ethnic minorities and part-time employees who are less likely to achieve higher ratings and pay awards".

The company carried out further analysis of performance review data and revised the guidance to managers. Significant variations in base pay for certain individuals were to be investigated and action taken.

The NASUWT reports that it pushed to ensure that national guidance for schools on performance management included an explicit expectation on schools to monitor the equality outcomes of their performance management activity across all the equality strands. The union

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has also pressed individual schools to ensure that performance management and pay progression arrangements are managed in a non-discriminatory way.

Migrant workers

This 2009 TUC Equality Audit has a dedicated section on migrant workers, not included in the 2005 Equality Audit. It follows the results of the 2007 TUC Equality Audit of unions' non-bargaining activities, which revealed an increase in activity around recruitment of, and encouraging participation of, migrant worker members.

Indeed, 35 per cent of unions had bargaining guidance or policy on topics related to migrant workers such as: time off to learn English; employment, pay and conditions; compliance with legislation; use of agencies (through which migrant workers are often employed); unreasonable deductions from wages; and recognition of foreign qualifications.

The RMT produced a guidance booklet for reps on *Immigration Checks at Work* in response to a dramatic increase in queries on the subject from members and reps.

The booklet provides detail on the circumstances in which employers must or may carry out checks on existing or potential employees and what documents are required to give evidence of the right to work, either temporarily or permanently. It also advises on how checks should be carried out in such a way as to avoid race discrimination, and also on how a rep should proceed if a member does believe they have been discriminated against.

Migrant workers

	% with up-to-date policies or guidelines
Time off for English training	12
Employment on collectively agreed terms	14
Compliance with statutory employment standards	14
Use of agencies	14
Prevention of unreasonable deductions from wages	12
Recognition of foreign qualifications	19
<i>Total</i>	<i>35</i>

Overall 10 unions (23 per cent) have concluded successful negotiations on issues related to migrant workers, one of the most active in this area being Unite (TGWU).

The union achieved full collective bargaining on pay and conditions at the **S&A Produce** strawberry firm (a major supplier to Sainsbury's and Tesco) after highlighting the exploitation of the mainly migrant strawberry pickers. As a result of the campaign, Sainsbury's and Tesco launched investigations, and S&A were forced to the negotiating table.

Agreements were reached on many issues, including health and safety, bullying and harassment and overnight accommodation. S&A agreed to give the T&G access to the workers and for reps to be elected with time off, and a discipline and grievance procedure was set up.

Unite (TGWU) has also signed a recognition agreement at **Two Sisters**, which employs many migrant workers, following a campaign highlighting health and safety concerns, and at **Kerry Foods** an agreement was reached to recruit migrant workers.

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Finally a strike at **First PMT** in Stoke was the catalyst for integrating Polish workers who had recently joined the company. The positive integration has continued, with English language courses now provided.

A number of unions have been successful in negotiating in the area of recognition of foreign qualifications.

Negotiations conducted by the NUT and NASUWT with the **Department for Children, Schools and Families** (DCSF) on behalf of overseas trained teachers (OTTs) were slightly different in that they aimed to protect OTTs from losing their jobs under a new government crackdown on qualifying to teach in the UK.

The DCSF announced in spring 2007 that from September 2007 teachers from overseas would not be allowed to work in the UK for more than four years without Qualified Teachers Status. The unions persuaded the DCSF to give overseas-trained teachers who faced losing their jobs an extra year to allow them to qualify. Further help was negotiated later for those who faced difficulty getting on to the relevant training courses in time.

In addition, BALPA was successful in getting the **Civil Aviation Authority** to recognise foreign pilot licences.

Five unions have successfully bargained on time off for English language training, including URTU, which has negotiated provision for time off for English language training for migrants at the **DHL Exel** logistics firm, and UNISON, which has secured a recognition deal with environmental services company **Veolia** covering language courses and workplace learning initiatives.

At **First Milk** USDAW has established a learning centre and developed a learning agreement, and has negotiated paid time off for ESOL (English for Speakers of Other Languages) and Skills for Life classes.

Five unions reported negotiating successes in the use of agencies, often used for the employment of migrants.

USDAW has been particularly active in this area, securing recognition with the three main agency labour providers for **Tesco Distribution** warehouse staff. It has also established with Tesco Distribution an agency workers' working party that is part of the company/union national consultative arrangements. The working party examines and monitors the use of agency labour across Tesco Distribution.

It has also negotiated a comprehensive recognition agreement with the **Staffline Recruitment Group** agency in which the company agrees to "bring to the attention of all new workers the desirability and details of membership of the Union".

Unite (TGWU) has negotiated an agreement at **Cambuslang** that agency workers are paid the same as directly employed staff, and has also got **Bernard Matthews** to sign up to a minimum standards agreements, designed to progress agency workers to permanent jobs after 13 weeks and achieve pay parity from day one.

Lesbian, gay and bisexual workers

The structure of the questions on LGB workers in the 2009 TUC Equality Audit was changed from 2005 for three main reasons: the introduction of civil partnerships in December 2005; increased acceptance of the need for family-related rights for same-sex partners; and the acknowledgement that some issues for trans workers are significantly different from those for LGB workers (and which are the subject of a separate section – see page 33).

Just over half of the unions responding to the audit (56 per cent) had up-to-date policy or guidance on topics related to LGB workers.

Prospect had circulated the TUC's 2006 negotiators' guide to *LGBT Equality in the Workplace* and also its own briefing on civil partnerships, while the NUT's guide to supporting LGBT members advises its negotiators to ensure that schools' equal opportunities policies specifically state that discrimination against LGBT teachers will not be tolerated. It also says school policies should be explicit that:

- recruitment procedures and interview procedures do not discriminate and welcome LGBT applicants, e.g. by advertising in the gay press
- harassment policies specifically protect LGBT teachers and list examples of inappropriate behaviour that will not be accepted
- the school behaviour policy deals with the harassment of LGBT teachers by students
- the circulation of offensive or homophobic or transphobic material or graffiti will not be tolerated
- the school will review the curriculum and publicity material for negative images of LGBT lifestyles and encourage positive images
- staff and governor equal opportunities training will equip them to challenge homophobia in the classroom
- special leave arrangements, flexible working and family-friendly policies will recognise lesbian or gay partners
- inclusive language will be used throughout the school's literature
- annual monitoring will take place to analyse the effectiveness of such measures.

The NUT has also produced separate guidance for members on tackling homophobic bullying of pupils.

Equal treatment for lesbian, gay and bisexual workers

	% with up-to-date policies or guidelines
Family-friendly policies for same-sex partners	42
Equivalent pension benefits for civil partners	47
Equivalent pension benefits for all same-sex partners	35
Access to other benefits for civil partners	28
Access to other benefits for all same-sex partners	26
Tackling homophobia in the workplace	42
Monitoring by sexual orientation	19
<i>Total</i>	<i>56</i>

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Around a third of unions (14) reported negotiating achievements around equal treatment for lesbian, gay and bisexual workers, most commonly on equal benefits for same-sex partners.

The Audit questionnaire is slightly more detailed than that in 2005, prior to the introduction of civil partnerships, so that it can be shown whether concessions are won for all same-sex partners or just for civil partners.

Inclusive family-friendly policies

Six unions said they had negotiated family-friendly policies that refer to same-sex partners.

UNISON has an agreement on leave for personal and family reasons with **Mersey Care NHS Trust**, which is neutral on the issue of whether a partner is same or of opposite sex.

Its clauses on carers' leave/time off for dependents, which provides for up to five days' paid leave, gives a definition of a dependant which is "a child, partner or parent of the employee, someone else who lives with employee as a member of their family, or someone who relies on the employee in an emergency". Managers are told to interpret this flexibly.

In addition, the Trust's "New Baby/Paternity leave" entitlement of up to two weeks on full pay is available to the child's father or "the mother's husband or partner (including same-sex partner)".

Equivalent pensions benefits

Eleven unions have negotiated or otherwise achieved pensions benefits for same-sex partners since 2005, though in six of these cases the benefits are applicable only to those in formal civil partnerships rather than to all same-sex partners.

Agreement between Prospect and the **Forensic Science Service** means that some sections of the pension scheme offer benefits for partners, not just spouses and civil partners. USDAW has achieved similar results at **Tesco** and the **Co-op**, where unmarried partners are recognised for survivor benefits.

The NASUWT reports that it influenced the recent reforms to the **teachers'** pension scheme in which the union successfully argued that same-sex couples should have the same pension rights as those in opposite-sex relationships, if they are in a civil partnership or a long-term relationship.

Other issues

Seven unions reported success with employers over the issue of homophobia in the workplace.

The NUT in Oldham conducted a survey of schools in the authority, which provided local confirmation of an existing body of evidence that school teachers and pupils in general face serious aggressive homophobia.

The union took up the matter with the **Oldham local education authority**, calling for a strong policy and practical measures to combat homophobia in schools and elsewhere in the authority. This was to include a training programme to enable staff and others to challenge homophobia in schools and workplaces and instituting "Challenging Homophobia" projects across the council's work.

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And the FBU reported that a number of **Avon Fire and Rescue Service** units had signed up to the 'Stonewall index'. This is a benchmarking exercise carried out by gay and lesbian campaign group Stonewall, measuring how well an employer performs for LGB staff in terms of policy and practice.

Only three unions reported that agreements on workforce monitoring on sexual orientation had been put in place, suggesting that it is still a sensitive area. However, Prospect reported that the **Civil Service** has introduced a sexual orientation monitoring programme following a pilot exercise.

Trans workers

The 2009 TUC Equality Audit questionnaire asked unions about policies or practices relating to transsexual and/or transgender workers in a separate section from LGB workers for the first time, reflecting increasing recognition in the movement that trans members face some different issues from LGB members.

A total of 35 per cent had produced policy or guidance on this, although in some cases it was included with guidance for LGB workers.

Guidance produced by UNISON and UCU predecessor union NATFHE for the higher and further education sector specifically includes gender identity in all clauses and includes a model statement for institutions on sexual orientation and gender identity. The statement includes a clause stating that it will "support workers undergoing gender reassignment and work with them and their trade union representative to agree a process for this in the workplace".

The NUT issued a briefing for members on what constitutes transgender discrimination and what members should do if they feel they have been discriminated against in this way.

Seven unions said they had been successful in negotiating agreements on trans issues since 2005.

In 2005 unions and managers at a national level in **further education** came to a detailed *Joint Agreement on Guidelines For Transgender Equality In Employment In Further Education Colleges* to equip colleges to meet their legal obligations in this area. It is comprehensive in whom it covers, including people of varying 'gender identity'.

It proposes the following introductory clause for colleges: "The College recognises that there are possible differences between physical sex and gender identity. The College will at no time discriminate against people on the grounds of transvestitism, transexualism, intersex conditions or any process of gender re-assignment, begun or complete."

The agreement proposes that colleges adopt a policy stating that it "celebrates and values the diversity of its workforce, and believes that the College will benefit from employing trans people at all levels of responsibility, thus hoping to provide role models for students that identify as trans".

It sets out the relevant legislation and proposes detailed provisions that would apply during the "long and difficult process of transition" for those who undergo full gender transition. This covers points such as access to the appropriate toilet facilities, identification passes and staff records.

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It also recognises that “there may be a continued need for trans people to access medical treatment, which may include periods away from work”. It says colleges should “ensure that every provision will be made to facilitate its employee through the stages of gender reassignment”, which may include allowing them to work part time or job sharing, or being supportive and flexible with timetables.

The agreement makes clear that trans abuse, harassment or bullying are serious disciplinary offences, that anti-trans propaganda will not be tolerated and that trans equality training should be offered as a means of understanding the diversity of trans people and the barriers they face.

Disability

Just over half of unions (54 per cent) had guidance or policy on negotiating around disability, most commonly on ‘reasonable adjustments’. Several public sector unions had guidance around the public sector duty to promote equality for disabled people, which came into effect in December 2006.

Much of the guidance produced explains the legal position and the rights of individual employees. However, the *Disability Equality Negotiators Guide* published by Prospect urges its representatives to use the law to “give a disability dimension to other agreements”. As examples it says that the position of disabled people will be relevant in redundancy agreements, disciplinary procedures and privatisation or ‘contractorisation’.

It suggests that it may be appropriate in some cases to change sickness absence procedures to deal with specific types of disability-related sickness and points out that some disabled people need to undergo regular medical treatment. It says that, if so, it is good practice to classify this as paid special leave or disability leave. (It has reached agreement on this at the Audit Commission)

Prospect’s guide also looks at retention of staff that have developed disabilities while in employment, which it says makes economic sense for employers. It suggests a range of methods to enable this, including flexible working hours, homeworking, modifications to the job, transfer to a suitable alternative post and additional training.

The Prospect guide also adopts the ‘social model’ of disability, a theme taken up in a number of other union policies and guides on the topic. This proposes that people are disabled by the physical and attitudinal barriers that stand in the way of their participation in society and the workplace, and that by tackling them we can ensure full participation. The model abandons the traditional approach based on what disabled people cannot do.

The NASUWT has produced a health and safety guidance leaflet specifically on disability access. This contains clear and practical advice on ensuring premises are accessible and safe, and it includes specific advice for health and safety reps.

More than a third of unions (15) reported successes in negotiations for workers with disabilities, perhaps reflecting the introduction of the Disability Discrimination Act 2005, which required public sector employers to take a proactive approach to equality for disabled workers.

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Disability

	% with up-to-date policies or guidelines	In 2005
Adopted social model of disability	30	n/a
Advice on reasonable adjustments	42	n/a
Provision of disability leave	30	31
Redeployment and retraining for those developing impairments	33	38
Monitoring of employment, training and promotion opportunities	28	n/a
Positive action to tackle under-representation	30	n/a
<i>Total</i>	<i>54</i>	<i>73</i>

n/a: not asked in 2005

Good practice agreements cited by unions included adjustments for individual employees. These include special computer technology negotiated by the NUJ for a partially sighted press officer at **Wirral Council**, and, negotiated by the SoR, the redeployment of an individual radiologist because of a disability developed while at **Cornwall Hospital NHS Trust**. **Tesco** agreed to USDAW's request to adjust the triggers in the company's sickness absence scheme for disabled workers.

Disability leave has been negotiated by civil service unions in a number of government departments and agencies, including the **Audit Commission** and the **Forensic Science Service**.

Prospect's agreement with the Audit Commission includes paid special leave for disability-related issues, for example hospital appointments and physiotherapy visits, an extra one penny per mile on fuel for company automatic cars for disabled staff and employer-paid automatic transmission for disabled staff who need it.

The agreement at the **Forensic Science Service** provides for disability leave, reasonable adjustments and a guaranteed interview scheme for disabled applicants.

Unions and management at a national level in **further education** reached a *Joint Agreement On Guidance For Disability Equality In Employment In Further Education Colleges* aimed at equipping colleges to meet their legal obligations. It sets out detailed practical points to help colleges avoid disability discrimination and promote equality in a range of employment areas, including:

- avoiding discrimination in recruitment and selection
- providing reasonable adjustments that would enable a new appointee to carry out the job
- avoiding discrimination in career development, retention and dismissal
- allowing an employee who becomes disabled to remain in employment if they wish to
- ensuring equality between disabled and non-disabled people
- monitoring and positive action.

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Religion and belief

A total of 42 per cent of respondent unions had policies/guidelines on religion and belief.

A Prospect briefing to branch secretaries sets out issues to consider in the workplace. Starting with recruitment and selection, it says there should be consideration about where jobs are advertised; clarity on what the job entails and the requirements for the post; where and how interviews are conducted; and the avoidance of religious days.

It goes on to say consideration should be given to practices around promotion, including how training is delivered and when meetings are held. For example, if they are always on a Friday afternoon this could disadvantage those of the Jewish faith.

It makes several suggestions in relation to religious observance, including flexibility over break times to allow prayer at specific times, setting aside a quiet room, taking account of specific dietary requirements if any catering is provided or if employees store and prepare their own food on the premises.

It says organisations should be careful where they hold events and consider whether any dress codes they may have can accommodate specific dress requirements of some religions (without compromising health and safety).

The guidance also has a detailed section on leave and religious festivals, pointing out that time off for religious holidays can be accommodated in various ways, for example by allowing people to take their Christmas leave for their own religious holidays, by paid or unpaid leave, by swapping with privilege days and by increasing the number of flexi days that can be carried over.

Prospect also urges its negotiators to get employers to agree to monitor staff on the basis of religion and belief, in conjunction with the trade union side, even though this is not required by law.

The NUT produced what it calls “the first ever national guidelines on the Muslim faith and school uniforms in Britain”, in which it sets down principles and strategies which it says would apply equally to requests from other faith groups. While this is largely aimed at dealing with pupils and marrying religious codes with school uniform, it says the principles also apply to staff wishing to wear Hijab.

Religion and belief

	% with up-to-date policies or guidelines	In 2005
Dress codes and uniforms	33	n/a
Organisation of working time to take account of religious holidays or practices	26	n/a
Workplace prayer facilities	26	n/a
Accommodating different dietary needs	28	n/a
<i>Total</i>	<i>42</i>	<i>56</i>

n/a: not asked in 2005

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Ten unions report that they have negotiated improvements on facilities relating to religion or belief since 2005 in a range of areas.

At a number of **airline operators**, BALPA has ensured that a selection of meals are available for operating crews, while in the **Forensic Science Service** previous 'privilege' days have been untied from Christian festivals, and quiet rooms with hand-washing facilities have been made available for religious observance.

The NUT has negotiated in a range of local education authorities over the organisation of working time to take account of religious holidays, which is particularly important for school teachers who do not have flexibility over when they take annual leave.

The **London Borough of Newham** recognises that teachers and some support staff based in schools do not have paid annual leave to use for religious holidays, and agreed the following detailed arrangements for affected staff:

1. Staff are entitled to request up to three days' paid leave and two further days' unpaid leave per year for the purposes of religious observances on festival days. The maximum entitlement of three paid days is reduced by one where the employee is an adherent of the Sikh and Hindu religions, and by two days where the employee is an adherent of Islam. This is because these religions are allocated school closure days as determined by the Council.
2. Staff should, on appointment, notify their Head Teacher of any intention to take religious observance leave, indicating the festival days to be taken each year. They should then notify their head teacher on an annual basis of the dates of these festivals.
3. All leave is granted subject to the exigencies of the service, as determined by the head teacher. When unpaid leave is taken, it should be notified to the Education Personnel Service so that pay can be adjusted, but this is not necessary with paid leave.

The **London Borough of Newham** has also agreed with Unite (TGWU) to deliver joint union/employer training on religion and belief in the workplace, which resulted in:

- a commitment to setting up a sub-group to look at ways to identify and meet religious needs
- identifying areas for the bargaining agenda
- election of a union equality rep, with particular interest in religion and equality.

Unite (TGWU) had the same joint training arrangement with the **Arriva** bus company.

Age

The 2009 TUC Equality Audit had an extended section on negotiating around younger and older workers compared with 2005, reflecting in part the fact that the Employment Equality (Age) Regulations came into force in October 2006.

Half of the unions responding had up-to-date policies or guidelines in this area, most commonly in the areas of flexible retirement and age/service related benefits. Several unions had detailed guidance on the age equality legislation.

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Age equality

	%with up-to-date policies or guidelines	In 2005
Adult rate for younger workers	21	19
Removing age limits from recruitment	28	n/a
Removing fixed retirement ages	28	n/a
Flexible retirement	35	n/a
Redundancy policies	28	50
Age/service related benefits	35	27
Health and safety of older workers	19	n/a
<i>Total</i>	<i>49</i>	<i>69</i>

Age equality has been a fruitful area for negotiators in the past four years, not surprisingly since it covers the period following the introduction of the age equality regulations. Sixteen unions (37.5 per cent) report bargaining successes in this broad area, though more have reported results benefitting older workers rather than younger ones.

One company that took the regulations to heart in negotiation with Accord and Unite (Amicus) was **HBOS**. A document agreed by the Joint Consultative and Negotiating Committee in September 2006 states that: “HBOS, Accord and Amicus believe that an age neutral workforce will bring benefits both for colleagues and the company as well as being equality and diversity best practice. Therefore a number of amendments have been made to HBOS policies and procedures.”

It adds: “The introduction of these changes encapsulate a significant cultural shift within HBOS and colleagues will be engaged in an ongoing education programme to ensure this new approach becomes embedded in the HBOS culture.”

An immediate change made by the company was to remove contractual retirement ages and introduce flexible retirement options. However, it also conducted “a full audit” of HBOS policies and incorporated age into its equality and diversity, recruitment and harassment policies.

Further education unions and management at a national level agreed guidance for **colleges** on implementing age equality actions, which included a detailed section on recruitment, selection and promotion (see box facing page).

Just four unions cited success in extending adult rates of pay to younger workers – one example being USDAW, which won such a deal at the **Home Retail Group**. The 2007 pay deal removed the junior rate of pay, which had been 24 pence an hour lower than the adult national minimum wage.

Nine unions had negotiated changes to redundancy policies to reduce age bias, including Prospect at the **Forensic Science Service**, where it has been agreed that redundancy provision will be six weeks’ pay for every completed year of service regardless of age.

Avoiding age discrimination in recruitment, selection and promotion in colleges

National guidance agreed between unions and management tells colleges:

- Job descriptions should be drafted to ensure they are age neutral.
- All criteria used in personnel specifications should be job-related; neither the person specification nor job description should identify a particular age range for the job or imply age requirements. Specifications should not be unnecessarily prescriptive about essential experience, or length of service required.
- Advertisements should not state an age range. However, where positive action is appropriate, to meet the needs of particular groups, it will be considered. For example, if young workers are significantly under-represented in the college, it will consider placing advertisements in appropriate publications.
- In order to encourage people of all ages to see information on vacancies, all recruitment and publicity materials and internal and external advertisements should present jobs without age bias. In particular, the college should avoid the use of any language likely to deter applicants of any age.
- Application forms and information should state explicitly the college's commitment to equality.
- All members of short listing and interviewing panels, and all those involved in other selection processes, should be trained in equality principles.
- Dates of birth and dates of school attendance should only be used for monitoring purposes and should be on a separate sheet together with information on gender, ethnic origin and disability, not on the main application form.
- The college should consider applications from recently qualified applicants, irrespective of age.
- In order not to discriminate against young workers, employers should recognise skills, as well as experience.
- All these principles should apply to promotion, as well as initial appointment.

Flexible retirement and pre-retirement leave

A number of unions have been able to negotiate flexible retirement options and/or retirement leave for their members, allowing them to phase their retirement in some way rather than hitting a 'cliff edge'.

This has been enabled in some cases by changes to public sector pension schemes, affecting local government workers, teachers and NHS staff, allowing members to draw down pension while continuing to work part time.

To supplement this section of the 2009 TUC Equality Audit, the LRD carried out a survey of union reps and negotiators to investigate further what was going on in this area. This revealed a range of agreements reached in both the public and private sector on flexible retirement or pre-retirement leave.

For example, the Nationwide Group Staff Union played a key role in persuading the **Nationwide Building Society** to adopt a flexible retirement policy that allows individuals to

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choose to retire at any age between 50 (55 from 6 April 2010) and 75, to suit their personal circumstances.

Employees can, if they wish, take some of their pension while deferring the balance and continuing to build up further pension. For the purposes of the Nationwide Pension Fund, normal retirement age is set at 60. However, employees have the automatic right to continue working beyond 60 and can choose when to retire by giving notice in the normal way, up to age 75. Individuals can also apply for early retirement from age 50 (55 from 6 April 2010).

At OFWAT employees can retire at any age from 50 and can access a partial retirement scheme. However, this relies on the ability to 'reshape' the job to achieve a minimum 20 per cent reduction in take-home pay.

And BALPA has negotiated flexible retirement options at British Airways with a choice of normal retirement age with regard to pension benefits.

Other examples where unions have negotiated phased retirement and pre-retirement leave are set out in the box below.

Agreements on phased retirement and pre-retirement benefits

The **Shrewsbury and Telford Hospital** has agreed a flexible retirement policy offering four options:

- Winding down in same grade into reduced hours (in ways that do not reduce accrued pension benefits).
- Stepping down to a less demanding and lower paid role (in a way that preserves pension entitlement already built up).
- Retiring and starting to receive the NHS pension but returning to part- or full-time work. This could include working during a specified period (e.g. during annual leave periods) or being available for temporary assignments to help cover staff shortages.
- Retiring and receiving a pension but being available for occasional work.

Milton Keynes Council has agreed a policy allowing employees over 50 to partially retire, thereby easing into retirement gradually. Requests will be considered only where the implications for the service, in particular the resourcing impact from a person's reduction in working hours or level of responsibility, have been fully assessed. Service needs and efficiency are essential considerations when assessing any request.

These options can include job sharing, term-time only working, voluntary reduced hours/part-time, redesigning/ downgrading current post and securing an alternative post within Milton Keynes Council via the normal recruitment process at a lower grade

At **Nottinghamshire County Council**, employees aged over 50 can reduce hours or grade in the build-up to retirement, with an appropriate cut in pay, and can apply to receive a pension benefit that is accrued to the point at which the change took effect.

At **Emhart Teknologies (Tucher Fasteners)**, six months before normal retirement age staff get one day off a week (paid), and three months before they get two days off a week (paid). However, this is not available if taking early or late retirement.

(continued)

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At **Filtrona**, when staff enter their final six months they get every Friday off and in the final three months get every Monday and Friday off – all on full pay. The policy does not prevent members working overtime on the days they attend work. It is voluntary but so far there has been 100 per cent take-up.

Six months before retiring from **BAE Systems, Land Systems** staff get one paid day off a week agreed between them and the employer (in practice usually Mondays, as Friday is a shorter work day).

At **SELEX Sensors & Airborne Systems Ltd**, the working week is gradually reduced over the year preceding retirement. In the first six months of the preceding year one day per week may be nominated to be a non-work day for the individual employee. In the remaining six months of the preceding year two days per week may be nominated as non-work days.

And staff at the **Chartered Management Institute** are entitled to work reduced days in the nine weeks leading up to their retirement date.

Removal of retirement age

While the age equality legislation has meant that employers cannot force people to retire before 65, effectively they can once they are past that age. However, some unions and employers have agreed to go beyond the current law and abolish fixed retirement ages.

USDAW, for example, reports that the **Co-op** removed its retirement age in October 2006 and civil service unions came to agreement with a number of **government departments** in 2006 to remove the mandatory retirement age. These include **Work and Pensions, Revenue and Customs, Environment** and **Foreign Office**. This will apply to the whole civil service with effect from March 2010.

Unions in a number of local authorities have come to agreement with the councils that, although the normal retirement age has not been removed, the employer makes it clear that it will respond positively to requests to work beyond that point.

For example, **Nottinghamshire County Council** has a positive policy on people staying on past retirement age, pointing out the benefits to the employer as well as employee. Its policy says flexible retirement can offer benefits to both employers and employees by “helping to develop a balanced age profile within the workforce by retaining older workers and keeping their skills, knowledge and expertise within the workplace” and “offering opportunity for better succession planning and developing the capacity for older workers to act as mentors”.

It also states: “Managers should not assume that an employee who wishes to extend their service beyond 65 years is any more or less likely to experience health and safety or performance difficulties than younger employees.”

To supplement this section of the 2009 TUC Equality Audit, the LRD carried out a survey of union reps and negotiators to investigate further what was going on in this area. An article based on this survey was published in *Workplace Report* magazine in April 2009 and is reproduced in this report at Appendix E.

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Harassment and bullying policies

Well over half the unions responding to the audit (61 per cent) have current policies or guidelines for negotiators on harassment and bullying policies.

There has been a growth since 2005 in references to age, religion and belief and nationality in such policies, while 37 per cent of unions said they had policies referring to gender reassignment, which was not even asked about in 2005.

Bullying and dignity at work has been one of the priority equality areas for the NUJ over the past two years and it has produced a range of materials on the subject to support reps and negotiators, including a booklet detailing what constitutes bullying, where and when it is likely to take place and how those affected and their reps should deal with it.

The NUJ has also published guidelines for its members for reporting on HIV.

In May 2008 the UCU produced a comprehensive toolkit for its officers and reps, including health and safety and equality reps, called *Stopping bullying and harassment at work*. This sets out clearly what constitutes workplace bullying and harassment, and what individual members should do not only if they are being bullied or harassed but also if they witness it or are accused of perpetrating it themselves. It has sections on procedures and actions local associations of the UCU should take and on tools and resources they can make use of.

NASUWT published a guide specifically on tackling prejudice-related bullying covering, as well as the grounds listed in the table, bullying related to body image/size/obesity, which it says is “one of the most prevalent prejudice-related bullying”. It also covers cyber bullying, where bullies use internet, email and mobile phones as tools for bullying teachers as well as other pupils.

Harassment and bullying

	% with up-to-date policies or guidelines	In 2005
Gender	47	46
Ethnic origin	44	50
Disability	44	50
Sexual orientation	47	48
Age	44	35
Religion and belief	44	35
Nationality	40	33
Gender reassignment	37	n/a
HIV status	30	29
<i>Total</i>	<i>61</i>	<i>77</i>

n/a: not asked in 2005

In all, 14 unions reported that they have achieved success in negotiations on this topic.

A national agreement between Unite (Amicus) and the **Confederation of Paper Industries (CPI)** states that member companies should ensure that “working practices are modern and suited to the values of the twenty-first century”. The deal outlaws bullying and harassment in the workplace and says that companies should ensure that their policies, training and

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standards of conduct help achieve the right working environment. Diversity in the workplace is encouraged and all companies should have a clear statement of, and policy on, diversity, together with employment practices that foster an inclusive workplace.

Another comprehensive statement is in UNISON's agreement with **Forest Heath District Council**, which states: "The Council is committed to eliminating harassment, bullying and victimisation on the grounds of sex, marital status, sexual orientation, disability, religion, race, pay, trade union membership, lifestyle, pregnancy and maternity, responsibility to dependants or age."

It sets out at length the definition of harassment, bullying and victimisation and lists some obvious and less obvious examples of behaviour that could be described in these ways. It strongly encourages individual staff to complain and sets out two procedures – informal and formal – to deal with such matters.

The NUJ has negotiated some strong Dignity at Work agreements that cover harassment and bullying. Its agreement at the **Scottish Daily Record and Sunday Mail** illustrates in detail what actions are "unacceptable and will not be tolerated" under the following headings: harassment; unwanted physical contact; unwanted verbal conduct; unwanted non-verbal conduct; bullying; and unlawful victimisation; and adds "other conduct which denigrates, ridicules, intimidates or is physically abusive of an individual or group".

It states: "Much of this behaviour may be considered to be gross misconduct, punishable by summary dismissal and will, in any event, result in a disciplinary investigation."

Some agreements reached by unions in the last four years are revisions of earlier versions to cover areas of bullying/harassment that have become more evident in the last few years.

This is the case with USDAW's agreement at **Palmer, Harvey and McLane** and Prospect's agreement at **BAE Land Systems**, which now refers to harassment on grounds of religious or political beliefs and real or suspected infection with a transmittable disease.

The teaching unions have taken up the issue of cyber bullying, which increasingly affects teaching and support staff (as well as students), with the Government and local education authorities.

The NUT has prompted **Staffordshire County Council** to issue a guide for schools on *Cyberbullying of Staff*, which describes this particular method of bullying as "a cruel, dangerous and inescapable form of bullying that causes humiliation, stress and trauma to its victims". It sets out the law that might at times be relevant and strategies for dealing with the problem covering reporting and investigating, support for the victim, working with the bully and applying sanctions and other practical tips for school staff, managers and governors.

NASUWT has also reached agreement with the Government to set up a website that will give definitive guidance for schools on the correct use of technology.

Appendix A: Unions responding and not responding to the 2009 TUC Equality Audit

Unions responding to the Audit, ranked by membership at January 2008

UNISON	1,344,000
Unite (Amicus)	1,184,940*
Unite (TGWU)	767,570*
GMB	590,125
USDAW	356,046
PCS	304,829
NUT	282,589
NASUWT	265,202
CWU	236,679
UCATT	129,965
ATL	120,534
UCU	117,028
Prospect	102,702
RMT	75,906
Community	67,488
EIS	59,539
FBU	45,410
POA	36,172
Equity	35,527
CSP	35,050
MU	32,674
NUJ	32,409
Accord	30,415
TSSA	29,102
BECTU	26,210
BFAWU	23,291
Connect	19,316
SoR	18,595
ASLEF	18,033
FDA	17,417
Nautilus UK	16,274
URTU	14,607
NGSU	13,892
BALPA	9,634
napo	9,004
SCP	8,780

ACM	3,873
Aspect	3,870
BSU	3,397
HCSA	3,108
NACO	2,165
WGGB	1,298
YISA	1,214

*Based on percentage split before merger

Unions not responding to the Audit, ranked by membership at January 2008

Advance	6,763
Unity	6,376
BDA	5,768
UCAC	3,861
PFA	3,694
AEP	3,224
CDNA	2,884
BACM-TEAM	2,783
NUM	1,618
UBAC	1,373
SURGE	1,366
BOS TU	1,021
AFA	610
DGSU	496
CGSU	402
DSA	393
NACODS	336

Appendix B: The climate for equalities bargaining over the last two years

Unions were asked: “In the last two years, do you think it has become more or less difficult to get employers to address equality issues in the workplace?” They were also asked to give reasons. The lists of comments below are an edited version of their responses, divided into those saying it was “more difficult”, those saying it was “less difficult” and those giving no response on difficulty or saying it had “stayed the same”.

More difficult

NUJ

Financial restraint, redundancies and cut backs on jobs and staffing levels – therefore members tend to prioritise these areas and it makes it harder to argue for equality issues to be taken on board. Lack of statutory recognition for our equality reps makes it harder to argue with employers on these issues. Some equality issues such as flexible working are looked upon as an imposition by employers rather than an alternative way to staff their businesses.

ACM

At NJF level the six unions have been able to negotiate a number of national guidelines on equality issues. However, getting these implemented at local level has been more difficult due in part to funding issues, college mergers and frequent reorganisations

Connect

One of our major employers – BT – has set up a wide range of employee networks. BT now appears to give greater priority to

talking to them than to the unions. This has meant the quality of consultation and its productiveness has suffered. So, for example, there is a marked reluctance to share monitoring data with us.

CWU

A union’s priority is to protect the job security of its members. In the current climate businesses are clearly facing difficult times from a financial perspective and ultimately issues concerning pushing the equality agenda will inevitably not be at the top of the negotiating agenda. This does not mean our union has not been proactive in pushing the equality agenda forward. This has been done using other vehicles such as our national equality conferences and our national advisory committees covering the various equality strands.

PCS

Civil service job cuts and lack of staff within employers dedicated to equalities. Writing and producing equality schemes (under the equality duties) inclines employers to believe that they are taking action even where they are not.

PROSPECT

We believe it is a result of financial constraints in both the public and private sectors, and also restructuring issues in the energy sector.

Less difficult

Aslef

(1) Greater willingness amongst employers in general. (2) Easy to make concessions in what remains a male-dominated industry.

FBU

Government has taken a greater interest in improving the diversity of the workforce, which has given some opportunity for improvements in some areas.

FDA

Government commitment to equality. Recent legislative changes. Improving relations with employers on these issues.

NASUWT

There is generally greater awareness and recognition of the importance of equality issues. Trade unions are able to work more effectively with employers and in the workplace to assure equality of opportunity and fair practice. Working in social partnership with the Government, employers and other partners has improved collective bargaining and negotiations. The commitment of the Government to introduce equalities legislation, including the public sector equalities duties, has meant that it is easier to get equalities on the bargaining agenda. The commitment to introduce a single equalities bill and consult with stakeholders will also strengthen negotiations.

Nautilus

The legal environment.

USDAW

Positive legislative climate. Clear evidence of the business case for equality. Tight labour market has meant employers having to compete on not just the basic award.

No response or stayed the same

Aspect

More difficult AND Less difficult! The public sector equalities duties create a platform for discussion and negotiation that is helpful; however ongoing budgetary constraints and the focus on minimising costs both reduces attention on equalities issues and demands high commitments of time and energy to pursuing agendas such as pay and job protection.

Balpa

Reluctance on the part of employers to incur the costs unless required by legislation.

BECTU

In the creative industries the actual decision of who gets jobs and who doesn't, is usually not down to one department but is part of a very complex cascading structure. So positive action on equalities issues in the workplace will not be successful if the intervention is only aimed at human resources departments. It has to be aimed at the very large number of people, many of them outside corporate structures, who have the power to hire or influence the commissioning process. In addition, workers are usually hired on the basis of whom they know so without the right contacts (often the problem for BME workers) no amount of training is going to make any difference if those workers never even find out that the vacancy exists. This can be replicated for women and disabled workers. Hence the need for mass interventions of the nature of BECTU's Move on Up programme.

Community

Slight improvement as employers and unions are adding value to the bargaining agenda by widening the debate from pay only.

CSP

Level of difficulty varies from one employer to another. New legislation has brought about greater obligations on employers to

APPENDIX B: THE CLIMATE FOR EQUALITIES BARGAINING OVER THE LAST TWO YEARS

ensure good practice and procedures are in force but can still be difficult to get these issues to the top of the agenda.

GMB

Mixed picture – some improvement, other examples of no change or regression.

Reasons – some greater awareness but also recognition of business need.

NACO

Cooperative movement generally embeds equality principles within policies.

RMT

It has historically been difficult to raise successfully the issue of equality in the white male dominated transport sector. The privatisation of the railways has made it more difficult as the companies are more concerned with squeezing as much profit as possible from their time-limited franchises – that was before the present economic crisis hit. The outlook for the next few years does not bode well.

UNISON

Employers are reluctant to negotiate on equality issues. The potential risk of legal action is an effective lever in commencing negotiations but there is still a lack of political will and commitment to achieve transformational change. The economic downturn and global financial crisis would make it more difficult to negotiate but sustained pressure and the proposed ‘strengthened’ Equality Bill should keep this on the political and workplace agenda, particularly in respect of fair pay and equal pay.

URTU

Employers are profit orientated.

napo

General commitment has been maintained, with some areas receiving greater focus recently e.g. disability and age.

Appendix C: Working parents, parents-to-be and carers: the state of collective agreements

To supplement the information received as part of the 2009 TUC Equality Audit, the LRD analysed the detailed information on negotiated deals on maternity and paternity pay and leave recorded on the LRD's Payline database of over 2,300 collective agreements.

The aim was to get a picture of the extent to which unions are negotiating contractual conditions for working parents that are superior to the statutory minimum.

Despite the rapid improvements in the statutory entitlements in some of these areas, unions are clearly pushing at the boundaries, with the result that many thousands of workers who become parents while in employment are directly benefiting from these union efforts.

Nevertheless, improvements are still largely geared towards mothers taking the lion's share of responsibility for young children and negotiated improvements to statutory paternity arrangements are generally modest and there is virtually no sign yet of any transfer of leave/pay entitlement from mothers to fathers.

The only beacon in this area is the paternity leave deal at **Jarvis Rail** (see paternity leave and pay section, page 20), which provides for 26 weeks' paternity leave, albeit mostly unpaid. This at least suggests that, where a family's economic circumstances allow, a father can contribute significantly to a baby's very early upbringing.

Maternity pay and leave

Payline records 317 collective agreements on maternity pay and leave that in some way go beyond the minimum statutory requirements. This represents 58 per cent of all maternity agreements that have been put on the database since 1 April 2005.

Staff in large unionised organisations are much more likely than those in small ones to benefit from enhanced maternity provisions. In organisations with more than 300 employees, 63 per cent have better-than statutory provision. This compares with just 36 per cent in establishments with 50–300 employees, and only 19 per cent in those with fewer than 50 employees.

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

Sectors where a high proportion of collective agreements go beyond the minimum include further and higher education (86 per cent), public administration (82 per cent), health (62 per cent), retail, wholesale, hotels and catering (59 per cent) and finance and business services (55 per cent).

But in manufacturing industries and in transport and communications, the proportion of agreements surpassing statutory maternity provision are lower, ranging between 33 and 38 per cent.

APPENDIX C: WORKING PARENTS, PARENTS-TO-BE AND CARERS

% of maternity agreements above statutory minimum

Energy, water, mining, nuclear	55
Manufacturing (chemical, mineral and metals)	36
Manufacturing (engineering and metal products)	38
Manufacturing (other, agriculture and forestry)	33
Construction	0
Retail, wholesale, hotels and catering	59
Transport and communications	38
Finance and business services	55
Public administration	82
Education (F&HE)	86
Health	62
Other services*	67

* 'Other services' in this context largely covers media organisations and public museums and entertainment venues

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

- They provide for more than one year of maternity leave (irrespective of the amount of paid leave).
- They provide, in one way or another, 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 £123.06 a week (or 90 per cent of average earnings, whichever is the lower).
- And/or they provide for some paid leave without the statutory service requirement of 26 weeks prior to the 'qualifying week'.

Leave

On 1 April 2007, legal changes were made which meant that all women, regardless of service, were entitled to one year of maternity leave, and many previously negotiated agreements were superseded by this. Only two agreements recorded on Payline improve upon the statutory leave

entitlement of one year (and in each case the enhanced leave has a service qualification).

The two are **Edinburgh City Council**, where employees with 26 weeks' service are entitled to 63 weeks of maternity leave – up to 11 weeks before the birth and 52 weeks after. And **Thames Valley University** offers the same total amount of leave but only after two years' service.

Pay

However, the Payline data shows that just over half (51 per cent) of up-to-date agreements improve upon the total pay entitlement available under the statutory scheme. (Again, enhanced periods of pay may require a longer service than for the statutory entitlement.) Most of these (270 out of 301) offer a period of leave paid at 100 per cent.

Again, higher levels of maternity pay are more prevalent in certain industrial sectors, most notably further and higher education (84 per cent paying higher than statutory), public administration (70 per cent), other services (67 per cent) and health (52 per cent).

In finance 45 per cent had enhanced payments, but in other sectors the proportion was between 27 per cent and 36 per cent.

Nevertheless, the highest paying deal overall is in the private sector, at **Land Rover**, where employees with one year's service are entitled to 52 weeks' maternity leave on full pay. This is the only deal with that level of paid leave. Agreements at **Northern Rail** (ex FNW), the **Forensic Science Service**, **Northern Rail** (ex ATN), the **Department for Culture, Media and Sport** (DCMS) and the City & Guilds of London Institute all provide for 39 weeks on full pay.

APPENDIX C: WORKING PARENTS, PARENTS-TO-BE AND CARERS

Service requirement

While the law provides for one year's maternity leave with no service requirement, it does not require employers to pay women during any of this leave unless they have 26 weeks' service. However, some unions have managed to negotiate contractual pay for women with no service qualification. The Payline database includes 20 agreements along these lines.

The best of these deals are at the **Department for Children, Schools and Families**, which provides 28 weeks on 100 per cent with no service qualification, and **Organon Laboratories**, the **Crown Prosecution Service** and the **CAA Safety Regulation Group**, which all provide 26 weeks' paid leave with no service requirement.

Paternity leave and pay

Payline records 375 paternity leave agreements that go beyond the statutory minimum, accounting for 63 per cent of the 600 paternity agreements on the Payline database.

Again it is the larger employers which are more likely to make provision that goes beyond the statutory requirement, with 66 per cent of those with more than 300 employees doing so compared with 49 per cent of those employing 50–300 people and 35 per cent of those with fewer than 50 employees.

The sectors most likely to have above-statutory paternity agreements are further and higher education, public administration and energy, water, mining and nuclear.

The most common way for employers to improve upon the statutory minimum paternity provision is to offer a period of paid leave at a percentage of salary, rather than at statutory paternity pay.

Percentage of paternity agreements above statutory minimum

Energy, water, mining, nuclear	73
Manufacturing (chemical, mineral and metals)	43
Manufacturing (engineering and metal products)	48
Manufacturing (other, agriculture and forestry)	54
Construction	33
Retail, wholesale, hotels and catering	74
Transport and communications	60
Finance and business services	62
Public administration	74
Education (F&HE)	76
Health	38
Other services*	62

* 'Other services' in this context largely covers media organisations and public museums and entertainment venues

Altogether 349 of the 600 Payline paternity agreements (58 per cent) provide pay for between two and twenty days. The best of these are at **Time Out Magazine**, **Penguin Dorling Kindersley** and the **Equality & Human Rights Commission**, with paid leave at 20 days. A further 16 provide paid leave for 15 days.

Another way in which contractual terms can improve upon the statutory minimum is to provide for more than 10 days' leave. Payline includes 29 deals that do this. By far the best of these agreements is at **Jarvis Rail**, which provides for 26 weeks' paternity leave. One week is paid at full pay, one at half pay and one week at statutory paternity pay, with the remaining 23 weeks available as unpaid leave.

Stranmillis University College provides for 25 days' leave for those with one year's service, while **Time Out Magazine**, **BT managers, professionals and salespeople**, **Penguin Dorling Kindersley**, the **Equality & Human Rights Commission** and **East Anglia** and **Aberdeen Universities** all offer 20 days' leave.

APPENDIX C: WORKING PARENTS, PARENTS-TO-BE AND CARERS

Other improvements offered are to provide for paternity leave without a service requirement (43 do this, including the national **Fire Service** agreement) and to allow paternity leave to be split, rather than taken as a single block of leave.

Parental leave

Employees who have completed one year's service with their employer are entitled to 13 weeks' unpaid parental leave for each child under age five (or if disabled up to age 18) to look after the child or make arrangements for his or her welfare.

There appears to have been less activity in improving this area of parental rights. Payline records 419 collective agreements covering parental leave, of which only 68 (16 per cent) go beyond the minimum statutory requirements.

Perhaps because of the small numbers involved, the likelihood of agreements going beyond the statutory minimum does not vary much with the size of the employer: better-than-statutory entitlements are available in 15 per cent of establishments with more than 300 employees; 19 per cent of those with 50-300; and 18 per cent of those with under 50 employees.

The numbers in each industrial sector are rather small to be reliable, but again the health, public administration and further and higher education sectors are more likely than any others to have superior parental leave deals.

Just three agreements provide for any sort of payment for parental leave. Two are at **Cadbury's** (one at Marlbrook and one for production staff at Bristol), and these provided for two weeks' leave at half pay (plus 11 weeks' unpaid leave) for parents of children up to age one year. But the best deal is at **NHS Highland**, where parents of children up to age 15 can take four weeks' leave on full pay (plus nine weeks unpaid).

The most common negotiated improvement is to entitle parents of children above the statutory age of five to take parental leave. Payline records 27 agreements that do this, most commonly allowing them to take leave up until the child is eight.

The **NHS Agenda for Change** agreement, covering 1.2 million employees, allows parents to take the leave up to the age of 14, while the upper age limit for staff at **Leeds Metropolitan University** and **Derbyshire Constabulary** is 18.

Seven agreements reduce the period of service required for entitlement, with **Car Delivery Minimum Standards**, **Derbyshire Constabulary**, **Organon Laboratories** and the **University of Sussex** having no service requirement for parental leave.

In other cases, above-statutory deals have provided for more flexibility in how the leave can be taken.

Appendix D: Equal pay audits

The following is an article published in *Workplace Report* in February 2009 based on a survey of negotiators conducted for the 2009 TUC Equality Audit.

Equal pay reviews: a largely disappointing picture so far

Unions have stepped up their call for employers to be forced to conduct 'equal pay reviews' following the revelation that the pay gap between men and women is widening. *Workplace Report* looks at unionised examples of reviews in the last three years.

The private sector is trailing behind the public sector in progress on equal pay reviews (EPRs), while the pay gap is actually increasing, and more so for those women working in private sector firms. Of those organisations that have conducted EPRs, there is little agreement on the best approach, with no common model even among public sector employers, and a mixed picture on union involvement.

EPRs are a way of systematically checking an organisation's pay system to see if it discriminates, directly or indirectly, between men and women (or any other groups covered by discrimination legislation). It identifies and addresses any pay gaps to ensure that men and women are rewarded equally for equal work or work of equal value.

The Government wants all employers to carry out EPRs 'as a matter of best practice', and the Equality Bill now going through Parliament will oblige public sector employers and private firms bidding for public sector contracts to publish statistics on their gender pay gaps. But the Government has steadfastly refused to make detailed EPRs mandatory on all employers, much to the frustration of the TUC, the Scottish TUC and individual trade unions.

According to the TUC, the latest official pay figures prove "the case for mandatory pay audits is stronger than ever". The Government's Annual Survey of Hours and Earnings (ASHE) showed that the gap between full-time male and female average hourly pay widened from 17.0 per cent in 2007 to 17.1 per cent in 2008. For part-time workers the situation was even worse, rising from 35.8 per cent to 36.6 per cent. The TUC also points out that the pay gap was wider in the private sector – at 21.7 per cent compared to 13.8 per cent in the public sector.

Despite this, private sector employers are less likely to have conducted EPRs, according to a recent survey published by the Equality and Human Rights Commission (EHCR). In addition, public sector employers were much more likely to have EPRs in progress or at the planning stage than private sector employers.

The survey, of 866 employers across the UK in 2008, showed that overall just 17 per cent had completed EPRs. While 24 per cent of

public sector employers had carried them out, only 17 per cent of private sector firms had done so, leading the TUC to argue that: “The link between fair pay and checking pay systems is clear.”

Workplace Report has looked at unionised organisations where the employer had conducted at least one EPR in the last three years. In line with the EHRC findings, far more of the public sector organisations reported that their employer had carried out an audit than private sector ones.

Public sector

Local authorities are the most likely type of organisation in the unionised sector to have carried out equal pay audits. This is perhaps not surprising as councils were the first target of the no-win, no-fee solicitors who have lodged vast numbers of equal pay claims on behalf of female workers over the past few years. In some cases the unions have also had to take group equal pay claims themselves in the hope of getting some positive response from the local authority.

The GMB contact at Orkney Islands Council, for example, told *Workplace Report* that, after GMB Scotland lodged equal pay claims with every council in Scotland, the employer had asked consultants to carry out an equal pay review. This revealed that there were a number of potential equal pay claims in the authority. The council did then start to negotiate a collective response with the union but, part way through, abandoned this approach and made a direct offer to staff. However, the council has agreed to carry out further audits once the single-status agreement has been implemented.

Gloria Mills, UNISON’s national equality organiser, told *Workplace Report*: “There is a lot of commitment to EPRs, particularly in the public sector, where unions have been pushing them for 20 years.” But she added

that “they are not easy to do – and the picture is very uneven at the moment.”

One of the main problems, Mills says, is the lack of clear guidelines on how EPRs should be conducted, or consistent measures to be used in the process. A full understanding of the components of pay to be included in the audit is also missing. She points out that EPRs should not examine just basic pay, bonuses and premia, but should also look at how the grades are structured. Not only are women often concentrated in the lower grades, they may also be clustered in grades that take longer to climb out of. She says: “There is evidence from Canada that lower grades have more incremental points and so it takes longer to move onto the next grade. In the higher paid jobs, where men tend to dominate, there are fewer incremental points.”

Despite the unevenness of the overall picture, there are a number of councils that have worked positively with unions in carrying out EPRs. Norfolk County Council, for example, responded positively in July 2007 to a request for an audit from UNISON, the GMB and Unite unions. UNISON’s branch women’s officer was involved with the review and the findings were brought to a joint union negotiating meeting for discussion.

The audit revealed that women staff earned 2 per cent less than men on average across the board, but that they earned more than men at the lower end of the scale and less than men at the upper end.

UNISON is about to ballot its membership on management’s proposals to deal with this situation, which include a job evaluation for all grades and a fair pay structure. The new structure will end the current salary overlap between grades and the linked grades that create long salary scales. The Norfolk management has also committed to regular

APPENDIX D: EQUAL PAY AUDITS

Key points

- The gender pay gap is widening, and is worse in the private sector than the public sector.
- Only one in six employers has carried out an EPR.
- Far more public sector employers than private firms have conducted reviews or have them currently in progress, but even there the picture is very uneven.
- Among unionised organisations, local authorities are the most likely to have conducted EPRs, but there is no common model being adopted.
- EPRs in the private sector generally stem from a union initiative, finance being the prime example.
- Pay gaps are often caused by women being concentrated in lower grades and in jobs that do not attract additional payments, such as bonuses.

annual audits, and outcomes will be presented to unions and councillors.

More commonly, problems highlighted by EPRs relate to special payments and benefits. This was also an issue at Norfolk County Council, where allowances will now cease and the reasons for any allowance will be considered in the job evaluation.

Similarly, at Bolton Council an EPR showed that predominantly male jobs had bonus payments attached, while predominantly female jobs didn't. And Salisbury District Council found "inequalities in gender balance at some senior grades, some imbalance in some payments such as essential car user allowance and honoraria and a slightly greater average annual leave total for men in the organisation compared to women [leave is based on service and grade]", according to the union contact.

Outside local authorities, the picture on EPRs is even patchier. The issue has been on the joint employer-union agenda in higher education since 2002. The 2004 Framework Agreement for Pay in Higher Education committed institutions to carrying them out, preferably by August 2006. However, the evidence indicates that there has been a less than rapid take-up of EPRs from universities in the last two years than might have been hoped.

In a survey organised by the Prospect union, many of whose members work in the civil service and government agencies, only a quarter of public sector employers in which it organises had conducted an EPR in the last three years.

However, there are good examples of employers in this part of the public sector working with unions to bring solutions to pay disparity problems. For example, the Science and Technology Facilities Council has carried out EPRs since 2003, the latest one being in 2008. Two union reps were involved in the first review, which revealed two areas with a significant gender gap. The reasons for this were investigated and the situation is now greatly improved, according to the Prospect union contact.

And the Vehicle and Operator Services Agency (VOSA) carries out regular reviews at Prospect's request and with its involvement. The last one (in 2006) found that there were some equal pay issues at two particular grades, which were attributed to length of service. The employer took action by including some element of progression within the annual pay review.

Private sector

There are far fewer EPRs being carried out in the private sector, where the Government's

reluctance to make them mandatory appears to be acting as a quiet nod to firms to carry on as before. Indeed, those EPRs that are carried out by companies seem to emanate more often from union requests than at the employer's initiative.

Prospect's survey of where EPRs had been conducted covered all its branches – in both the public and private sectors. Finding that far fewer of their employers in the private sector had conducted EPRs, it also concluded: "Where there have been initiatives to address unequal pay between men and women in the private sector, these have all been as a result of union pressure."

One industrial sector where unions have been very pro-active, with some success, is banking and finance. This is particularly important as it is the sector with the largest gender pay gap, at around 41 per cent. In 2006, Unite's predecessor union Amicus launched a finance sector equal pay charter, calling on employers to carry out regular

equal pay reviews and take action on gender inequality at work in partnership with the union.

According to Unite/Amicus, "a significant number" of finance sector employers signed up. And the union says: "As a result of equal pay reviews finance sector employers are not only taking action to address pay discrimination, but are also working with the union to tackle one of the major causes of the gender pay gap in the finance sector, the clustering of women in the lower graded jobs."

In one Scottish-based finance company employing 10,000 that signed up to the charter, the first audit showed a serious glass ceiling issue. The union and management ran joint workshops, with women from across the grading structure invited to say what they felt were the main obstacles to progression. The issues highlighted were: interviewing and recruitment inequalities; lack of mentoring; bias against part-timers; and lack of access to networks.

Wider scope for audits in the finance sector

Banks have responded positively to union requests to examine whether other groups of workers, not just women, are being discriminated against in terms of pay. Both Halifax Bank of Scotland (HBOS – now merged with Lloyds-TSB) and the Nationwide Building Society have carried out EPRs to look at other areas of inequality.

HBOS co-operated with its unions (UNITE and Accord) on an audit in 2006 looking at gender, race, disability and age. The unions were fully engaged in establishing the review's scope and all the results were shared with them. The audit found that the pay structures were non-discriminatory on all the grounds covered. Some specific cultural issues were identified and the employer is still considering the appropriate positive action response.

Similarly, the Nationwide Building Society acted on a request from the Nationwide Group Staff Union to carry out an EPR in October 2006 covering gender and ethnicity. The union was involved in agreeing what measures to use and how to compile the data. The results of the audit showed that target salary levels were broadly equitable but that there were some inequalities in practice. It said the majority of these are a product of fewer female and ethnic minority staff above certain grades. However, the review also found that "performance-related pay awards continue to be a concern in relation to ethnic minorities and part-time employees who are less likely to achieve higher ratings and pay awards".

APPENDIX D: EQUAL PAY AUDITS

According to Mary Alexander, Unite’s national secretary for Scotland: “The report on this prompted a review of diversity which the union had input to, and a small team was established to promote diversity and inclusion. We meet regularly with the company on this.”

Banks also appear to have been the most responsive sector to another request being made by unions, to examine whether groups of workers such as ethnic minorities or older workers are being discriminated against in existing pay systems. The resulting audits have provided interesting results (see box below).

While these finance sector examples make positive case studies for good practice on EPRs, they remain isolated examples. For example, in the industry with one of the largest numbers of women employed – retail – the subject is “simply not on the radar”, according to Jo Bird, equality officer with shopworkers’ union USDAW.

She told *Workplace Report*: “We believe that, far from having an incentive to carry out an equal pay review, employers currently have real disincentives to carry out reviews. Some of the employers with whom we work, large and small, tell us that they regard reviews as being time-consuming, a diversion from the real job of growing their business and perhaps most significantly as tantamount to admitting they have got a problem and that they discriminate against their women staff.”

It seems that, until the Government understands this and ensures employers have to give this subject higher priority, there will be insufficient motivation for many to go ahead. Given the extremely low proportion of employers that have so far carried out EPRs, it looks likely that the Government’s voluntary approach to equal pay reviews will not deliver equal pay for many years to come.

Appendix E: Removing retirement age

The following is an article published in *Workplace Report* April 2009 based on a survey of negotiators conducted for the 2009 TUC Equality Audit.

Sacked at 65 – time to put an end to forced retirement?

The arguments for abolishing retirement age are strong as more people choose to work beyond 65. With a High Court case now pending, it is time the Government acted to give older people the right to stay at work.

Unions and age campaigners are urging the Government to scrap employers' right to sack workers solely because of their age. The call follows last month's European court ruling on UK age discrimination laws, which failed to rule out the practice.

The Employment Equality (Age) Regulations 2006 were introduced in the UK to implement a European directive on equality. But ironically they introduced an effective default retirement age, making it lawful for employers to dismiss employees just for reaching age 65, as long as they have carried out certain (minimal) procedures.

This default retirement age is being challenged in the courts by Age Concern, but last month the European Court of Justice ruled that the measure does not breach European law if it is directed towards

fulfilling "a legitimate aim in employment or social policy". This will be determined in the High Court in the UK, but a decision is not expected until autumn 2009 at the earliest.

Increasingly people are opting to work beyond retirement age. Last year the Office for National Statistics revealed that 1.3 million people were doing so, a rise of 8.8 per cent on the previous year. While their reasons vary, with many saying they enjoy their jobs, that working helps to keep their minds active or that they don't feel old enough to stop working, around two in three of them were doing so out of financial necessity – a number that is undoubtedly increasing during the recession.

A survey by the CBI employers' organisation in September 2008 found that 31 per cent of workers reaching retirement age wanted to carry on working – up from 22 per cent on the previous year – and several more recent surveys by financial institutions indicate that increasing numbers of employees are expecting to postpone their retirement because of the credit crunch.

One survey published last month by the Prudential insurance company, for example, indicated that more than two million people are delaying retirement this year because the downturn is leading to a fall in their investments. One in four people surveyed feared they might never be able to retire. Similar results have been produced in surveys from insurance provider Life Trust and pensions company AEGON.

Fact file on older workers

- There has been a 2.1 per cent rise in the number of workers aged between 50 and retirement age (60 for women, 65 for men) over the last year.
- There are now 6.6 million men aged between 50-64, and women aged 50-59, in the workforce – more than the number of 25-34 year olds in jobs.
- In 2007, 71 per cent of people aged 50 to state pension age and 11 per cent of people over it were working.
- About 900,000 people over 50 are not in work but want jobs. If they were all in work this would add around £30 billion to the economy.

Figures from April 2009, taken from Age Concern's website:
www.ageconcern.org.uk/AgeConcern/campaigns-forcedretirement-workersarticle.asp

Under the age discrimination legislation, employees do have a right to request to continue working beyond 65, but it is very simple for the employer to turn them down, and older workers clearly see the law as inadequate to help them.

Age Concern spokeswoman Zena Ambrose told *Workplace Report*: "Every day we hear from more people contacting us as they are angry they are being forced to retire." Some have not had the proper procedures applied, while others have but are "absolutely outraged" that their employer doesn't have to give reasons, other than that they are 65.

She said: "People find this deeply insulting; they have often worked there for many, many years and the employer turns round and just says 'you are 65'. They feel let down when they haven't done anything wrong."

The TUC's equality policy officer, Sally Brett, points out that "the right to request is inadequate – it is even weaker than the right to request flexible working". The employer merely has to show it has followed a procedure and can reject a request without explanation. "The employer doesn't have to provide objective reasons against the request, so there is no opportunity for the individual to challenge the decision," she said.

Even in the unionised sector some employers, who on paper have flexible

policies on retirement, are using this leeway to turn down requests to work beyond age 65 when it does not suit them.

Unions at the East Lancashire NHS Hospitals Trust feel the employer has used the lack of compulsion on employers to allow people to stay on past 65 to fit in with its goals at the expense of equality for older workers. It is among a number of organisations where union contacts consider the 'right' to stay on has become restricted to those working in 'difficult to recruit' posts.

Peter Dales, staff-side secretary at the trust, told *Workplace Report* that this "recent move" indicates that the age discrimination legislation has had a negative effect. "It is morally wrong for the employer to decide who can and who cannot stay, when persons are quite clearly capable and willing, and in some circumstances have to, due to financial reasons and so on, stay in employment."

With perhaps more excuse is the troubled finance company Northern Rock, taken into public ownership in February 2008, where around 700 staff are scheduled to lose their jobs over the next two years.

The Unite senior workplace rep said that, prior to its troubles, the company had generally granted requests from employees wishing to stay on past retirement age. But he told *Workplace Report*: "It is unlikely that

the company would agree to those requests at present until the company returns to the private sector as a viable operation.”

There is concern that the recession provides a general excuse for getting rid of older employees to provide employment to younger workers or avoid redundancies. But this is not a valid justification, according to Sally Brett. “The retirement process shouldn’t be a way to get rid of people just because they are 65... if that is the case they should be entitled to redundancy.”

And she adds: “There is no evidence that, by dismissing older people, jobs are going to be opened up for younger people who are struggling to find jobs.”

In terms of union action she urges negotiators to be aware, as many already are, of the fact that “some people want to work longer and are fitter and healthier, but also they may need to continue working, especially low-paid women who have missed out on pension contributions”. This means negotiating around more options for retirement “rather than hitting a cliff edge” and also around pension flexibility.

Unions and employers in more enlightened companies have agreed a range of retirement and pension policies that give employees much more choice about retirement. These include statements welcoming requests to stay on past retirement age, removing default retirement ages altogether and establishing flexible retirement options.

Man-made fibres manufacturer Bluestar Fibres, for example, “views the request to extend beyond retirement age very positively” according to the Unite union convenor at the 240-employee plant. He adds: “This enables the company to retain very valuable skills and experience.”

All Bluestar employees are offered the opportunity to request to extend their

working years, and the company continues to pay the same pension contributions (6.3 per cent) when an employee continues past the age 65.

And bus company First Group was the first employer to be named by the Department for Work and Pensions as an “Age Positive Champion” in recognition of its flexible retirement policies. It was also named Scotland’s most age-positive employer for its tackling of age discrimination and promoting the benefits of a mixed-age workforce.

The Unite union representative at First Group Bracknell & Reading confirmed the company’s positive attitude at local level towards allowing its drivers to continue working past the normal retirement age of 65, which he feels has been down to recruitment difficulties rather than age equality.

Requests to stay on are made to the local manager who discusses them with the union branch. “So far we have never had a problem, with at least six people working past normal retirement age – some only for a few months and another for years.” The employee must pass a medical each year and there is currently a driver aged 72 in post.

Employers that have removed the concept of a normal retirement age altogether include founder member of the Employers Forum on age, BT, which removed its fixed retirement age in 2006.

It did so believing that “age diversity was essential for long-term business success”. As well as wanting to create diversity among staff, BT wanted to retain experience and skills and strengthen customer-employee relations. One practical use of the policy was to use older staff to run a helpdesk providing broadband product support to older customers, who found it more difficult to relate to younger advisers.

Still functioning: Barts NHS Trust's retirement policy

Barts and the London NHS Trust have agreed a policy on retirement age with unions which states that the trust “actively encourages and supports staff who wish to remain at work after the normal contractual retirement age of 65 years”.

It adds: “Retaining members of staff beyond the contractual retirement age supports the Trust’s ability to retain a skilled, committed, flexible and stable workforce and will reduce vacancies and costs associated with recruitment, in addition to enhancing patient services and ensuring that the Trust meets its strategic objectives.”

It has a policy and procedure to deal with requests, which it says “reflects a best practice approach to valuing age diversity and the Acas Code of Practice Age and the Workplace”. This sets out a person’s potential loss of functions as a result of advancing age but acknowledges that “in many situations, experience can compensate for this loss of function”.

Another employer that has completely abandoned a normal retirement age is Ealing Council in West London. In 2007 it introduced a retirement policy that said that employees would not be dismissed on grounds of age alone.

Ealing employees reaching age 65 will automatically have the right to continue work and the council will not even write to them to invite them to do so, the UNISON branch secretary reports. When an employee is ready to retire, it is they who need to inform the management.

Ironically, government departments have been active in abolishing mandatory retirement ages. The Work and Pensions and Environment departments have done so, as have Revenue and Customs and the Foreign Office. Last year the permanent secretaries agreed to work together to introduce a no mandatory retirement age policy for non-senior civil servants by March 2010.

The National Audit Office has already adopted such a policy, which the PCS union representative feels is in keeping with its culture of no age discrimination. The NAO manual on human resources states: “There is no mandatory or fixed retirement age at the NAO. Staff have the flexibility, therefore, to

choose when they retire, and the NAO will assume that individual staff want to continue working unless they notify Human Resources in writing of the date they wish to retire.”

While such progressive policies in some organisations are to be welcomed, this choice over retirement is not available to the majority of employees. It is no coincidence that the CBI wants such decisions to rest with the employer and does not want to see the law changed.

Some employers – those who are members of the Employers Forum on Age – do oppose mandatory retirement ages, as does the Chartered Institute of Personnel and Development (CIPD).

The CIPD employee relations adviser, Mike Emmott, says: “Compulsory retirement ages can leave firms blindly waving goodbye to valuable skills and experience... they can lead to lazy management or workers for many years as older employees are filed by their managers under the ‘soon-to-retire’ category.”

Age Concern is very optimistic that it can still win the legal case against the mandatory retirement age. Ambrose told *Workplace Report*: “The ruling made it very clear that

APPENDIX E: REMOVING RETIREMENT AGE

the UK government would have to justify its position, and some potential arguments have been excluded.” These include the proposal that a business should be allowed to cut labour costs by getting rid of its more experienced, and therefore expensive, employees.

The TUC, however, remains concerned about the ruling, with general secretary Brendan Barber noting that it will “leave the door open for business to ditch staff as soon as they hit 65, regardless of whether or not they are doing a good job and whether or not they want to stop work”.

Both the TUC and CIPD echo the position of Age Concern (along with Help the Aged, with whom the charity is merging) that the Government should scrap the default retirement age immediately, “by-passing the need to return the case to the High Court which would cause further delay to the right to work past 65 being clarified in law”.

A factsheet on older workers’ rights at work is available on the Age Concern website: [www.ageconcern.org.uk/Age Concern/Documents/FS4Yourrightsatwork.pdf](http://www.ageconcern.org.uk/Age%20Concern/Documents/FS4Yourrightsatwork.pdf)

Appendix F: The 2009 questionnaire

Introduction

We are sending you this questionnaire to enable us to carry out the TUC 2009 Equality Audit. The TUC's equality audits are carried out every two years as required by a Congress decision in 2001, following the recommendations of the TUC Stephen Lawrence Task Group. They provide valuable information about the progress unions are making in addressing equality issues and inform the TUC's campaigning, guidance, and policy work in this area.

The 2009 Equality Audit is focused on collective bargaining, as this area was last covered in the 2005 Equality Audit and is due for progress review.

The questionnaire covers very similar areas to that of 2005, although these have been updated slightly to reflect changes in union approaches, legislation and the labour market.

The questionnaire seeks information covering three areas:

- General **background** information relating to the union on both equality and collective bargaining structures. The aim of this section is to put the results of the survey into context.
- Information on the **process** of introducing an equality dimension into collective bargaining. The aim of this section is to examine the steps unions have taken to include equality issues in collective bargaining.
- Information on the **results** of collective bargaining in terms of their equality impact. The aim of this section is to establish what has been achieved and to highlight good practice.

If there are some questions you cannot answer, please leave them and answer those questions you can. We are anxious to have some contribution from all unions, even if this means you only partly complete the questionnaire.

The questionnaire is also available to complete on screen from Clare Ruhemann at cruhemann@lrd.org.uk (phone 020 7902 9823).

Please return the completed questionnaire as soon as possible, and by **30 January 2009** at the latest, to: **Clare Ruhemann, Labour Research Department, 78 Blackfriars Road, London SE1 8HF**

Details on union and individual completing questionnaire

Name of union

Name of individual completing questionnaire

Position of individual completing questionnaire

Address of individual completing questionnaire

APPENDIX F: THE 2009 QUESTIONNAIRE

Telephone	Fax
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
E-mail	
<input style="width: 98%;" type="text"/>	

A. Background information on the union's bargaining and equality structures

This section asks about how bargaining is organised (Questions 1 to 5) and the diversity of union's membership (Question 6).

1. How many bargaining units does the union deal with?
Please tick ONE box only – give an estimate if no exact figures are available

1 2–10 11–50 51–200
 201–500 501–1000 over 1000

2. Does the union have bargaining units in the public sector? Yes No

3. Who are the main negotiators for the union in collective bargaining?
Please estimate the importance of each of the groups on the basis of the number of employees involved – e.g. 10% national paid officials, 40% local/regional paid officials, 50% lay negotiators

National paid officials % Local/regional paid officials %
 Lay officials and stewards/local union reps %

4. How far does the union at national level try to set an agenda for collective bargaining to be implemented throughout the union? Please tick ONE box only

Not at all 1 2 3 4 5 Very strongly

5. How does the union identify its key priorities in collective bargaining? Please tick ALL that apply

On the basis of conference or executive committee decisions
 On the basis of recommendations from equality bodies in the union
 Other ways please specify

6. What percentage of the union's members fall into these categories?
We recognise that few unions will be able to fill in all the boxes, but please provide what you can. If only estimated data is available, such as from partial surveys, please use that anyway and specify that it is an estimate by adding (e).

Category	% among membership	Category	% among membership
Women	<input style="width: 40px;" type="text"/>	Transgender	<input style="width: 40px;" type="text"/>
BME	<input style="width: 40px;" type="text"/>	Migrant	<input style="width: 40px;" type="text"/>
Disabled	<input style="width: 40px;" type="text"/>	Aged under 26	<input style="width: 40px;" type="text"/>
LGB (lesbian, gay and bi-sexual)	<input style="width: 40px;" type="text"/>	Aged over 50	<input style="width: 40px;" type="text"/>

APPENDIX F: THE 2009 QUESTIONNAIRE

B. Information on the process of introducing an equality dimension into collective bargaining

This section examines the steps unions have taken to include equality issues in collective bargaining.

7. How far does the union at national level try to set an agenda for collective bargaining on EQUALITY ISSUES to be implemented throughout the union? Please tick ONE box only

Not at all	1	2	3	4	5	Very strongly
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

8. How does the union identify its key priorities in bargaining on EQUALITY ISSUES?

Please tick ALL that apply

On the basis of national/sectoral or industrial conference or executive committee decisions	<input type="checkbox"/>	Through discussions between officials	<input type="checkbox"/>
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On the basis of recommendations from equality bodies in the union (conferences or committees)	<input type="checkbox"/>	Through input from equality reps (at workplace or branch level)	<input type="checkbox"/>
---	--------------------------	---	--------------------------

On the basis of surveys or discussions with black members, women, disabled members LGBT members or older or younger members	<input type="checkbox"/>
---	--------------------------

Other ways please specify

9. What have been your THREE key priorities in bargaining on equality issues in the PAST TWO YEARS? This could include specific campaigns

10. What will be your THREE key priorities in bargaining on equality issues over the NEXT TWO YEARS? This could include specific campaigns

11. Does the union have CURRENT policies/guidelines/briefing materials for paid officials or lay negotiators on any of the following equality issues?

Next to each main heading (e.g. **Flexible working/work-life balance**) there is a **summary box (in bold)**, with detailed topics (e.g. Flexitime) set out underneath. If you just have general policies/guidelines/briefing materials for that area, please tick the **summary box**. If you have policies/guidelines/briefing materials on the specific topics, please tick BOTH the summary box AND the specific topic boxes.

We realise that unions dealing with only a small number of employers may not produce briefing materials but simply include **specific items in their claims**. Where this is the case, please tick the boxes where the material has been included in claims and write "C" next to the box.

Please include a copy of any policy/guidelines/briefing materials which are current and have been issued since 2005, or, where appropriate, the latest claim.

11a. General equalities bargaining

Advice on recognition and facilities time for reps dealing with equality issues	<input type="checkbox"/>
---	--------------------------

Legal framework for equality	<input type="checkbox"/>	Public sector equality duties	<input type="checkbox"/>
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Materials to raise awareness and build the case for equality	<input type="checkbox"/>	Equality and procurement	<input type="checkbox"/>
--	--------------------------	--------------------------	--------------------------

APPENDIX F: THE 2009 QUESTIONNAIRE

11b. Flexible working/work-life balance <input type="checkbox"/>	
Flexitime	<input type="checkbox"/>
Reduced hours	<input type="checkbox"/>
Compressed hours	<input type="checkbox"/>
Flexible working policies that apply to all workers	<input type="checkbox"/>
11c. Working parents, parents-to-be and carers <input type="checkbox"/>	
Maternity pay above statutory minimum	<input type="checkbox"/>
Paternity (maternity support) pay above statutory minimum	<input type="checkbox"/>
Adoption leave and pay above statutory minimum	<input type="checkbox"/>
Parental leave above statutory minimum	<input type="checkbox"/>
Time off for ante-natal support above statutory minimum (e.g. for fathers to attend appointments)	<input type="checkbox"/>
Maternity leave above statutory minimum	<input type="checkbox"/>
Paternity (maternity support) leave above statutory minimum	<input type="checkbox"/>
Dependency leave/carers' leave above statutory minimum	<input type="checkbox"/>
Childcare support (e.g. crèche facilities, childcare vouchers)	<input type="checkbox"/>
Time off for fertility treatment	<input type="checkbox"/>
11d. Women's pay and employment <input type="checkbox"/>	
Equal pay audits (including job evaluation)	<input type="checkbox"/>
Tackling women's low pay (e.g. flat-rate increases for bottom of grading structure)	<input type="checkbox"/>
Positive action measures to address occupational segregation (e.g. targets, recruitment or training activities targeted at women)	<input type="checkbox"/>
Equal pay for work of equal value	<input type="checkbox"/>
Improving part-timers' pay and access to benefits	<input type="checkbox"/>
Workplace policies for dealing with domestic violence	<input type="checkbox"/>
11e. Black and minority ethnic workers <input type="checkbox"/>	
Positive action measures to address under-representation (e.g. targets for BME employment, recruitment or training activities for BME workers)	<input type="checkbox"/>
Monitoring access to employment, training and promotion opportunities by ethnicity	<input type="checkbox"/>
Dealing with racism and the far right in the workplace	<input type="checkbox"/>
Equal pay audits covering ethnicity	<input type="checkbox"/>
Monitoring grievances and disciplinary procedures by ethnicity	<input type="checkbox"/>
11f. Migrant workers <input type="checkbox"/>	
Provision of time off for English language training	<input type="checkbox"/>
Compliance with minimum statutory employment standards	<input type="checkbox"/>
Prevention of unreasonable deductions from wages (e.g. for housing, vehicle leasing)	<input type="checkbox"/>
Employment on collectively agreed pay and conditions	<input type="checkbox"/>
Use of agencies	<input type="checkbox"/>
Recognition of foreign qualifications	<input type="checkbox"/>
11g. Equal treatment for lesbian, gay and bisexual workers <input type="checkbox"/>	
Family-friendly policies (e.g. maternity, adoption leave) that explicitly refer to same-sex partners	<input type="checkbox"/>
Equivalent pension benefits for civil partners	<input type="checkbox"/>
OR for all same-sex partners	<input type="checkbox"/>
Access to other benefits (e.g. free travel, PHI) for civil partners	<input type="checkbox"/>
OR for all same-sex partners	<input type="checkbox"/>
Tackling homophobia in the workplace	<input type="checkbox"/>
Monitoring by sexual orientation	<input type="checkbox"/>

APPENDIX F: THE 2009 QUESTIONNAIRE

- 11h. Trans workers**
- Policies/practices related to transsexual and/or transgender workers
- 11i. Disability**
- | | | | |
|---|--------------------------|--|--------------------------|
| Adopted social model of disability | <input type="checkbox"/> | Advice on reasonable adjustments | <input type="checkbox"/> |
| Redeployment and retraining for those who develop impairments | <input type="checkbox"/> | Positive action measures to tackle the under-representation of disabled people | <input type="checkbox"/> |
| Monitoring of employment, training and promotion opportunities for disabled workers | <input type="checkbox"/> | Provision of disability leave | <input type="checkbox"/> |
- 11j. Religion and belief**
- | | | | |
|---|--------------------------|---|--------------------------|
| Dress codes and uniforms | <input type="checkbox"/> | Workplace prayer facilities | <input type="checkbox"/> |
| Organisation of working time to take account of religious holidays or practices | <input type="checkbox"/> | Accommodating different dietary needs in workplace catering | <input type="checkbox"/> |
- 11k. Age**
- | | | | |
|--|--------------------------|--|--------------------------|
| Removing fixed retirement ages | <input type="checkbox"/> | Redundancy policies and age | <input type="checkbox"/> |
| Age/service-related benefits | <input type="checkbox"/> | Health and safety of older workers | <input type="checkbox"/> |
| Extending adult rates of pay to younger workers | <input type="checkbox"/> | Removing age limits from recruitment, apprenticeship or other training schemes | <input type="checkbox"/> |
| Providing flexible retirement options (eg flexible work, drawing pension while continuing to work) | <input type="checkbox"/> | | <input type="checkbox"/> |
- 11l. Harassment and bullying policies which explicitly refer to**
- | | | | |
|-------------|--------------------------|---------------------|--------------------------|
| Gender | <input type="checkbox"/> | Ethnic origin | <input type="checkbox"/> |
| Disability | <input type="checkbox"/> | Sexual orientation | <input type="checkbox"/> |
| Age | <input type="checkbox"/> | Religion and belief | <input type="checkbox"/> |
| Nationality | <input type="checkbox"/> | Gender reassignment | <input type="checkbox"/> |
| HIV status | <input type="checkbox"/> | | |

Please use this space to outline equalities issues not listed above and send in any documentation that is appropriate

- 12. How are policies/guidelines/briefing notes on equalities issues communicated to negotiators? Please answer for each of the groups of negotiators as appropriate and tick ALL boxes that are relevant**

Deals negotiated by:

	national paid officials	local/regional paid officials	lay negotiators
At union officer meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Through briefing sessions/conferences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Through education and training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Through written communications (including e-mails) sent to negotiators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Through materials circulated generally in the union or available from website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not directly communicated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please give details)	<div style="display: flex; justify-content: space-between; height: 20px;"> </div>		

APPENDIX F: THE 2009 QUESTIONNAIRE

13. How has the union monitored the achievement of its collective bargaining aims on equality issues since 2005? Please tick ALL boxes that are relevant

Deals negotiated by:

	national paid officials	local/regional paid officials	lay negotiators			
Formal report back to national/ sectoral or industrial conferences or executive committees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Formal report back to equality officers/committees/conferences etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Surveys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Informal report back to equality officers/committees etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Informal discussions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
No monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Other (please give details)	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>					

14. Has the union provided training for negotiators on equality bargaining issues in the past two years? Please tick ALL boxes that are relevant

Deals negotiated by:

	national paid officials	local/regional paid officials	lay negotiators			
General equalities bargaining	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Flexible working/work-life balance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Working parents, parents-to-be and carers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Women's pay and employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Black and minority ethnic workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Migrant workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Equal treatment for lesbian and gay workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Transsexual and transgender workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Harassment and bullying policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Other (please give details)	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>					

If you have answered "yes" to any of the above, please give an indication of what proportion of officials/ lay negotiators have been trained in the particular area over the past two years:

Training for national paid officials:

--

Training for local/regional paid officials:

--

Training for lay officials and stewards/local union reps:

--

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15. Does the union have reps at WORKPLACE or BRANCH level specifically responsible for equalities issues?

	No	Encouraged	In rule book	Numbers existing at present (please estimate if necessary)
Overall equality rep	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Women's	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
LGBT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Youth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

C. Information on the results of collective bargaining in terms of their equality impact

The aim of this section is to establish what has been **achieved** on equalities issues through bargaining since 2005. The questions largely cover the same areas as in the previous section, which focused on the union input into collective bargaining, but this time the aim is to establish what the **outcome** of bargaining for equality has been.

This section will be analysed in a more qualitative way than it was in 2005 and we are hoping to gather as many agreements and **examples of good practice** as possible. It would be very useful if, as well as doing the tick box replies, you could give summary examples of what has been achieved or, where you have them, attach/send us agreements.

Under each general heading in question 16 there is a box headed "Good practice example(s)". In each case please put the name of the employer where the good practice has been achieved and insert your own brief summary of it and/or tick the box to say you have attached the relevant document.

Please attach any further sheets as necessary to continue with any summaries that do not fit into the boxes below, ensuring they are labelled with the question number.

16. Has the union been able to achieve changes or improvements in any of the following areas through negotiations with employers?

- 16a. Overall bargaining for equality
- Using public sector equality duties to achieve bargaining objectives
- Building equality considerations into procurement
- Recognition and facilities time for reps dealing with equality issues

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16b. Flexible working/work-life balance
- Flexitime
- Job sharing
- Reduced hours
- Term-time working
- Compressed hours
- Flexible working policies that apply to all workers
- Tackling long-hours culture

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Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16c. Working parents, parents-to-be and carers**
- Maternity pay above statutory minimum
- Maternity leave above statutory minimum
- Paternity (maternity support) pay above statutory minimum
- Paternity (maternity support) leave above statutory minimum
- Adoption leave and pay above statutory minimum
- Dependency leave/carers' leave above statutory minimum
- Parental leave above statutory minimum
- Childcare support (eg crèche facilities, childcare vouchers)
- Time off for ante-natal support above statutory minimum (e.g. for fathers to attend appointments)
- Time off for fertility treatment

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16d. Women's pay and employment**
- Equal pay audits
- Equal pay for work of equal value (including job evaluation)
- Tackling women's low pay (e.g. flat-rate increases for bottom of grading structure)
- Improving part-timers' pay and access to benefits
- Positive action measures to address occupational segregation (e.g. targets, recruitment or training activities targeted at women)
- Workplace policies for dealing with domestic violence

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16e. Black and minority ethnic workers**
- Dealing with racism and the far right in the workplace
- Monitoring access to employment, training and promotion opportunities by ethnicity
- Positive action measures to address under-representation (e.g. targets for BME employment, recruitment or training activities for BME workers)
- Monitoring grievances and disciplinary procedures by ethnicity
- Equal pay audits covering ethnicity

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Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16f. Migrant workers**
- Provision of time off for English language training
- Employment on collectively agreed pay and conditions
- Compliance with minimum statutory employment standards
- Use of agencies
- Unreasonable deductions from wages (e.g. for housing, vehicle leasing)
- Recognition of foreign qualifications

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16g. Equal treatment for lesbian, gay and bisexual workers**
- Family-friendly policies (e.g. maternity, adoption leave) that refer to same-sex partners
- Equivalent pension benefits for civil partners
- OR for all same-sex partners
- Other benefits (e.g. free travel, PHI) for civil partners
- OR for all same-sex partners
- Tackling homophobia in the workplace
- Monitoring by sexual orientation

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16h. Trans workers**
- Policies/practices related to transsexual and/or transgender workers

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16i. Disability**
- Reasonable adjustments
- Provision of disability leave
- Redeployment and retraining for those who develop impairments
- Monitoring of employment, training and promotion opportunities for disabled workers
- Positive action measures to address the under-representation of disabled people

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Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16j. Religion and belief**
- Dress codes and uniforms
- Organisation of working time to take account of religious holidays or practices
- Workplace prayer facilities
- Accommodating different dietary needs in workplace catering

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16k. Age**
- Extending adult rates of pay to younger workers
- Removing age limits from recruitment, apprenticeship or other training schemes
- Removing fixed retirement ages
- Providing flexible retirement options (eg flexible work, drawing pension while continuing to work)
- Redundancy policies and age
- Age/service-related benefits
- Health and safety of older workers

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

- 16l. Harassment and bullying policies which explicitly refer to**
- Gender
- Ethnic origin
- Disability
- Sexual orientation
- Age
- Religion and belief
- Nationality
- Gender reassignment
- HIV status

Good practice example(s)	
Employer	Summary (and/or see attached <input type="checkbox"/>)

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We realise that there may be other equalities issues, not listed here, where you have negotiated improvements. *Please let us know of anything else your union has negotiated since 2005 and include examples if necessary.*

17. Finally, in the last TWO YEARS do you think it has become more or less difficult to get employers to address equality issues in the workplace?

More difficult

Less difficult

Stayed the same

What do you think the reasons are for this?

Thank you for completing this questionnaire. Please return it to the address given on page 1 as soon as possible, and by 30 January 2009 at the latest.

Please don't forget to enclose copies of relevant union guidelines, claims and collective agreements. If you have any queries, please contact Clare Ruhemann, email cruhemann@lrd.org.uk, or phone her on 020 7902 9823.



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