

Making Equality Work?

An update on Scottish Trade Union
Approaches to Equalities

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Summary are available from:

One Workplace Equal Rights

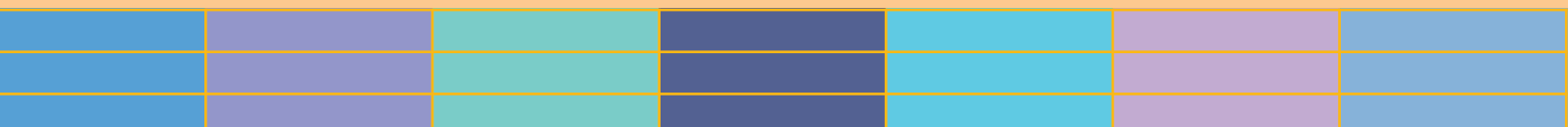
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Background, research questions and methodology

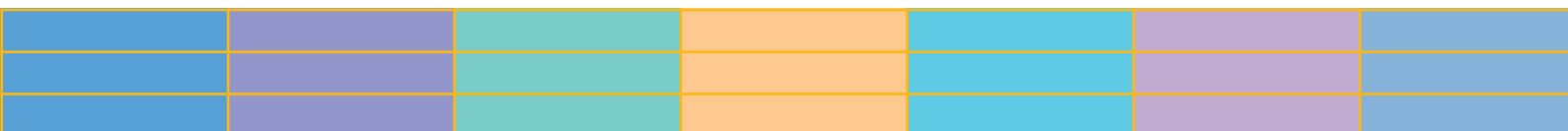
Promoting equality is an important element of the work of trade unions in Scotland. The Scottish Trades Union Congress (STUC) has supported and informed trade unions' work in this area through its One Workplace Equal Rights Project, which seeks to tackle racism and promote equal opportunities in the workplace by delivering a range of activities and resources to raise awareness on equality issues and advice on rights at work.

The STUC is also a key partner in the Close the Gap initiative. Close the Gap works across Scotland with trade unions, employers and economic development agencies to encourage and enable action to address the gender pay gap.

The Employment Research Institute (ERI) at Edinburgh Napier University was commissioned to follow up a previous study, carried out in 2004-2005, investigating Scottish trade unions' approaches to promoting equal opportunities.

The research objective was to update and build on the previous study undertaken in 2005; this included identifying:

- trade union equalities priorities;
- trade union bargaining priorities and the place of equalities issues within the bargaining agenda;
- representation or under-representation of members of protected groups within trade union membership, lay officer and professional officer groups;
- barriers to participation among protected groups; and;
- good practice in promoting more diverse participation, mainstreaming equalities in the bargaining agenda, and promoting positive change in union practice and organisation.



The scope of the research was also extended to build on and cover a number of other additional issues, including:

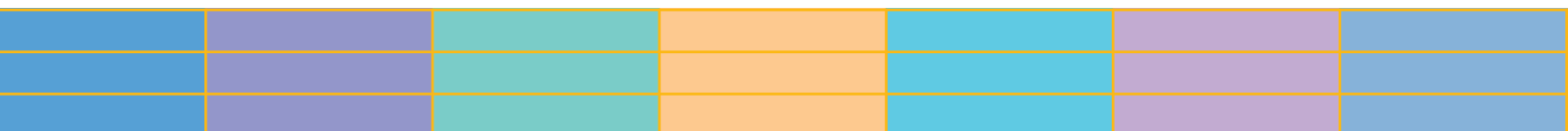
- The representation of protected groups among trade union officers;
- The role of equality officers;
- Issues and approaches to older and younger workers and members, migrant workers; and members; and those with non-visible disabilities, such as mental health issues;
- Approaches to tackling occupational segregation within the labour market;
- Progress on multi-strand equalities forums and impact on strand-specific equalities structures;
- Trade union formal equalities strategies;
- Trade union internal systems for equal pay auditing; equality impact assessment (EIA); and supporting members and officers with caring roles;
- The impact of awareness-raising work undertaken by One Workplace Equal Rights and Close the Gap; and;
- The impact of the recession on equalities issues.

The research was carried out between September 2009 and January 2010 in three phases.

Firstly, a brief update of policy and research literature was undertaken covering the broad themes of labour market inequalities, legal and policy approaches to promoting equal opportunities, and trade union approaches to promoting equal opportunities.

Secondly, a series of semi-structured interviews were undertaken with representatives of STUC affiliated trade union organisations. All 34 affiliated trade unions were contacted and interviews were conducted with 21 representatives; a response rate of 62%. Interviews focused on equalities issues and bargaining priorities; membership diversity; participation in lay activities; trade unions as employers; and representative structures.

Finally, three short case studies were carried out relating to good practice initiatives within participating unions.



Equality issues and bargaining priorities

Equality priorities

Unions identified a range of key equalities issues, although equal pay and flexible working were most the most commonly cited.

The impact of the economic recession was specifically mentioned as a major equalities issue for a number of respondents. Many were concerned about how the actions of employers in response to the recession may adversely impact on some protected groups. For example:

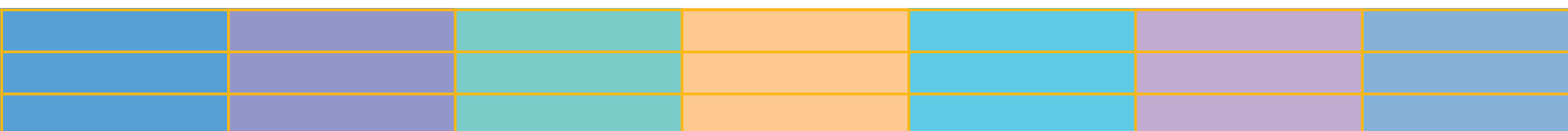
- the impact of pay freezes on women, many of whom were already on low pay;
- the impact of cuts on disabled people and members with children;
- the ways in which the 'seniority first' principle to select redundancies would disadvantage younger members; and
- inflexibility of sickness absence monitoring negatively affecting groups such as women with caring responsibilities.

Some officers felt that employers were ignoring legislation and also using the recession as an excuse not to develop their equalities agenda further.

Bargaining priorities

Pay, and terms and conditions, remain important priorities for unions, with several qualifying this by saying that their bargaining agendas were around trying to maintain existing terms and conditions and levels of pay in the current economic climate. Redundancies, and job security more widely, was also high on the agenda of many unions. Some of those who were not at present affected by the recession anticipated that they would be in future.

A small number of unions were using the recession to try and improve terms and conditions for members, which could particularly benefit some protected groups. For example, one union saw probable pay freezes as an opportunity to negotiate better terms and conditions, and another was trying to find ways of saving jobs through the introduction of flexible working as an alternative. However, another union felt that securing flexible working arrangements



would be seen as less important by the members than maintaining pay levels. A number of respondents felt that equalities issues were well integrated within bargaining priorities, for example, in considering how different protected groups would be affected by pay freezes and redundancies, although a small number of respondents still appeared to be marginalising equality considerations within their own union structures and practice.

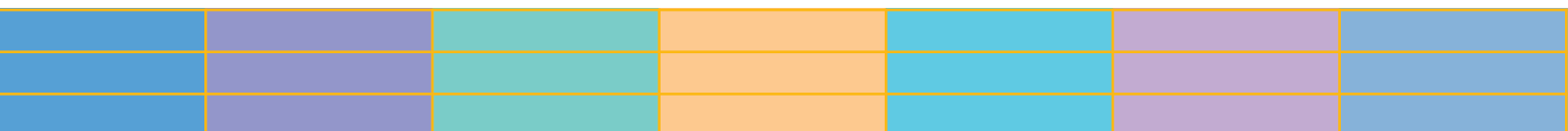
The pressure on staff to do more hours was also seen as impacting on the amount of paid time-off members had to carry out union duties. This suggests that the recession may yet have an impact on the way in which unions are able to operate in the workplace, with employers able to claim they are short-staffed and are not able to give paid time-off to union reps.

Recommendations for union action

Similar to the findings in the 2005 report, equalities issues were rarely mentioned as key bargaining priorities in and of themselves. However, a number of unions seem to have made progress on integrating equalities issues within existing bargaining priorities, for example, the way in which redundancies and changes in pay impacts on protected groups is now automatically considered. This mainstreaming of equalities within bargaining priorities should be encouraged in all unions, and the STUC, One Workplace Equal Rights Project and Close the Gap initiative should identify and share good practice.

There are further concerns that the recession may adversely impact on some protected groups, particularly in relation to absence and performance monitoring. For instance, those with caring responsibilities, the majority of whom are women, may face discrimination from employers when they have to take time off to care for sick children or relatives. Punitive and inflexible absence monitoring systems can also impact negatively on people experiencing mental health problems, and women experiencing domestic violence. Unions need to monitor the development of capability policies and practice, militate against bad practice, and work with public sector employers to ensure these are impact assessed in accordance with existing gender, race, and disability equality duties.

Unions need to keep equalities high on the agenda since some employers may seek to marginalise these during a recession and recovery. Unions must

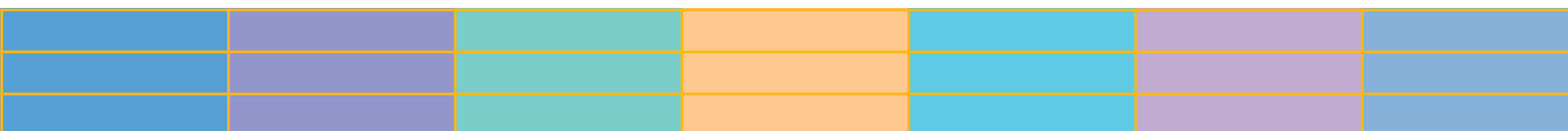


retain an equalities focus within their bargaining agendas, and demand that employers comply with existing equalities legislation, including the compliance with existing public sector equalities duties by public sector employers. Unions may also be able to mitigate proposed redundancies and pay freezes by negotiating reduced working hours and improved flexible working in order to save jobs and retain staff when economic conditions improve.

Unions should also develop a strategy for making members, reps and officials aware of the forthcoming Equality Act, and the fact that the public sector duty will expand to include LGBT, religion and belief, and age.

There appears to be less understanding of disabilities issues, in particular issues around mental health and other 'invisible' disabilities, among employers, union reps and union officers compared to areas such as gender and BME. As such, unions could develop and further clarify policy in order to provide clearer guidelines to officials, reps and members on what conditions constitute 'invisible' disabilities and how these are covered in legislation.

The union landscape is shifting. Mergers between unions result in significant restructuring and can bring together different cultures and policies on equalities. Unions should be mindful of the opportunity to improve the collection and analysis of equalities data of members and to take forward the best equalities practice of each union, in terms of its own employment and its organising activities.



Membership diversity

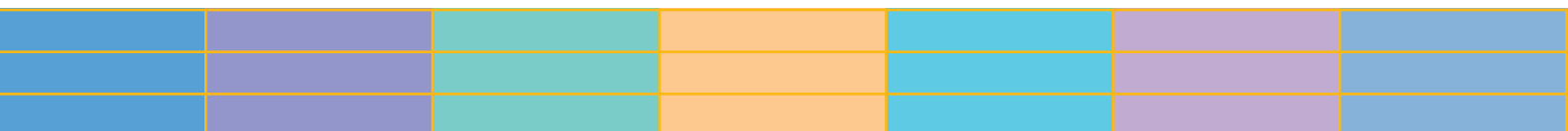
Black and minority ethnic (BME) people, women and young people were mentioned by many respondents as being under-represented among the union membership. Respondents were not always clear about the reasons why BME members were difficult to recruit, which is indicative of a lack of a race sensitive organising strategy within the majority of unions. Some respondents mentioned the image of the union as predominantly white as possible barriers to recruitment. Lack of official government data on potential members was perceived to be a problem in identifying which groups are under-represented.

Some unions had difficulties identifying the extent of lesbian, gay, bisexual and transgender (LGBT) representation among the membership as this relies on LGBT members self-identifying. No union had considered collecting membership data in relation to religion and belief, and while some recorded members' own identification of themselves as having a disability, the type of disability was not recorded, which perhaps suggests that 'invisible' disabilities are least likely to be recognised and responded to within the union. Some unions had successfully recruited migrant workers as members.

Recruiting from particular protected groups, such as LGBT people, was often not seen as a priority among unions. There were, however, a number of unions who had attempted to recruit specific protected groups, although not always successfully, including recruiting at Pride events, encouraging BME people into an industry, and recruiting migrant workers.

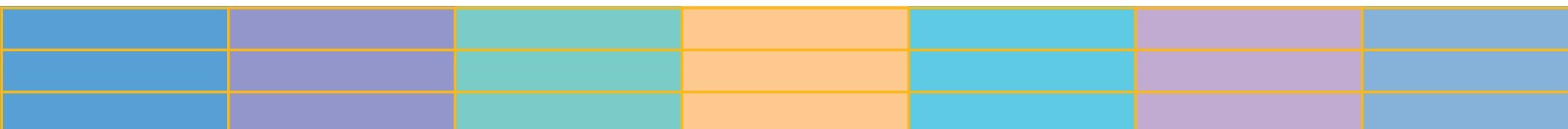
Recommendations for union action

The 2005 study found that few of the participating unions saw engaging with, and recruitment of, protected groups as an important strategy to reverse the trend of falling membership. There has been some progress, with the current study finding that a number of unions had made attempts to increase membership diversity. Many had not, however, indicating that challenges still remain. Unions must recognise that until the membership is diversified, they can never be truly representative of the workforce they are representing. Organising strategies that are aware of the realities of the workplace for LGBT workers, BME workers, women workers, disabled workers, and workers with a particular religion or belief, will increase both the number of members and membership diversity.



Increased sharing of union experiences where attempts have been made to increase diversity would be useful, since not all initiatives have been successful. One Workplace Equal Rights, along with the STUC and Close the Gap, should set aside time during the programme of Equality Forum meetings for equality officers to share existing practice.

Better data on membership among protected groups, and attitudes to membership among protected groups, is still required among all unions in order to ascertain the extent of under-representation. Without better quality data, it is difficult to identify where changes require to be made, including changes to the ways that unions communicate with members, and recruit members.



Participation in lay activities

Participation of equality groups in lay activities

Some respondents reported that it was difficult to get people involved as activists generally, but that there appeared to be particular issues around involving BME people, women and younger members, and perhaps also other protected groups. It was difficult to ascertain the representation patterns among LGBT members or those with 'invisible' disabilities because often these members could not be identified.

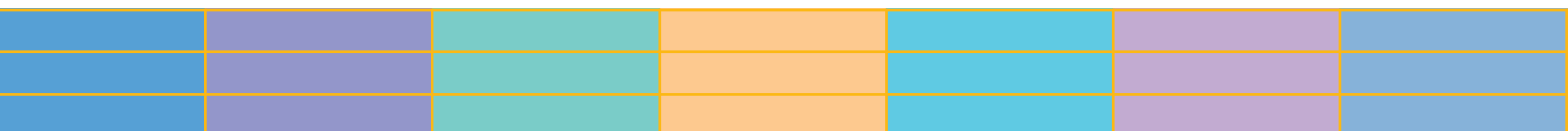
Reasons identified for the lower rates of involvement among certain protected groups were attributed to a range of possible factors, including:

- the challenging nature of the role of activist;
- the perception of the role of activist;
- insufficient support structures for activists, which makes activism particularly challenging for people who are already marginalised within the workplace or union;
- a lack of role models from protected groups in senior lay positions and in full time officer roles;
- increased time pressures on activists, which may be particularly difficult for women, who have the majority of caring responsibilities for sick people, children, and older people;
- issues around accessibility of meetings and venues; and
- the rules for electing lay activists, which may be a significant barrier to people who are marginalised within the union or workplace.

Equality officers and representatives

Many unions had dedicated, specialist equality officers at national level. Of those unions who did not have any dedicated equality officers, this was either because the unions were too small or the equalities remit had been integrated within another role, for instance, within the role of regional officers or principal organisers.

The roles of the equalities officers varied; most were strategic roles. This was particularly the case with the larger unions, while others were more reactive.



All aspired to be more strategic. Where the responsibility for equalities was one of many responsibilities of an officer, being strategic could be more difficult for them.

Equality officers tended to have a significant workload but there was no evidence to suggest that this was particular to the role of equalities officers and it is more likely that this reflects wider issues of workloads among union officials more generally.

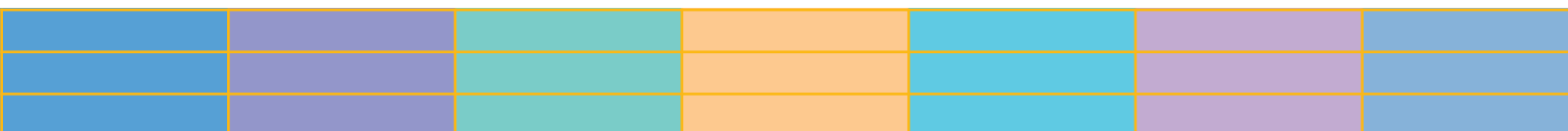
Equality reps were less common among the unions than equality officers, and not all unions have the position of equality rep within Rule. However, several unions had fairly extensive networks of equality reps. There was a lack of formal structures linking equality officers with equalities reps in many cases, which could perhaps be partly explained by the structures of the wider union and its concentration of decision making at branch level. Facilities time allocations for equalities reps, which is not a statutory right, was difficult to ascertain and appears to vary considerably between employers.

Recommendations for unions

Similar to the 2005 report, respondents still report under-representation of women, BME members and other protected groups in lay official positions. It is not clear if this situation has improved since the previous report because of the limited data on lay officials collected by unions. However, it is clear there is still much work for unions to do in encouraging members of protected groups to become more involved in lay activities. Unions should give consideration to putting in place structures, policy and Rule that enables greater access for people from protected groups to the decision-making bodies within the union, and to lay official roles.

Specific training and support for people wanting to become lay activists may encourage more members of protected groups to volunteer. Encouraging existing lay activists who are from protected groups to mentor and act as role models would be a useful way of encouraging involvement.

Negotiating adequate facilities time with employers where possible would be beneficial in allowing participation in lay activities. Ensuring that the facilities time agreed within a recognition agreement is adhered to by employers would assist members from protected groups in participating in lay activities.



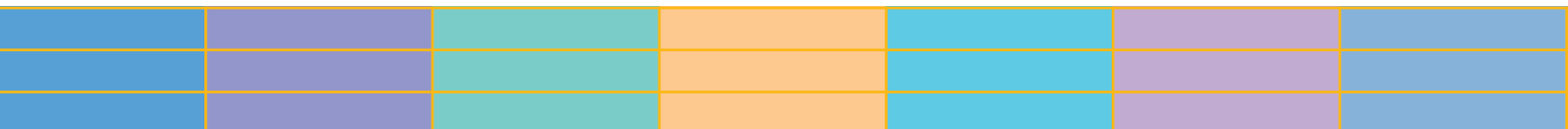
Holding meetings during working hours within workplaces where possible would also make lay activities more accessible to a wider group of members.

Although there appeared to be improvements in some unions around accessibility of meetings, there remained some issues and challenges in terms of choices of venues and timings of meetings. Unions should seek to address these, where possible, and encourage branches and other devolved structures to be mindful of the potential equalities impacts of their meeting arrangements.

If unions wish to pursue an equalities agenda, having dedicated equalities officers focused on strategic issues is essential. If lay structures around equalities are moribund, then additional resource may be required to refresh and energise these. However, it is important that these officers have enough time and resources to carry out their roles effectively, and Unions should review the capacity of officers responsible for equalities to ensure that this is the case.

It would be helpful if equality representatives were able to have some dedicated facilities time and that this was standardised across employers were possible. As such, unions should continue to lobby government for statutory equality reps.

Greater co-ordination and co-operation between equality officers and equality reps, where these exist within unions, will help to develop the equalities agenda.



Monitoring members and lay representatives

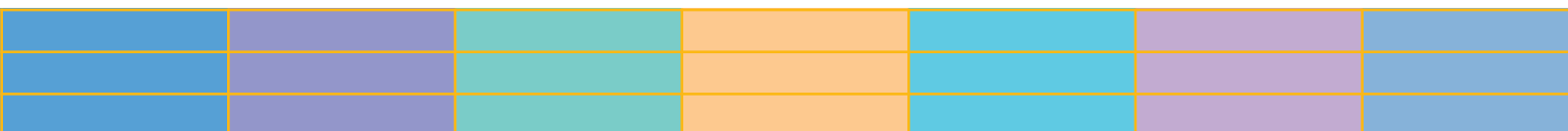
Unions most commonly monitored the membership on gender and age, whereas there were rarely data available by religion or belief. A small number of unions were unsure about the reliability of the monitoring data that was collected. Although some unions collected data on sexual orientation, this data was not always regarded as accurate since it relied on LGBT members self-identifying, and unions were generally unconvinced that they had carried out monitoring in a way likely to facilitate this.

Much less monitoring was carried out on the composition of officer groups. It tended to be only the large unions that collected detailed information on officers. Many of the other unions had only a handful of officers which meant that very little meaningful disaggregation could be carried out. It would be useful for all unions to collate equalities data on officer groups (as well as other union staff). This would make it easier to identify where there are any issues around occupational segregation within unions.

Although the level of monitoring data was limited, the importance of having this information was recognised. When asked if a lack of monitoring data affected how policy was shaped, the respondents stated that this was an issue. In particular it was felt that because there was a lack of evidence on the numbers and needs of particular groups, it was often difficult to put forward a strong argument to provide more support and resources for these groups.

Recommendations for unions

As in the 2005 report, many unions collected data on gender, age, and ethnicity of their membership. Due to the smaller numbers and different sample in the current study it is not possible to ascertain whether the actual proportion of unions collecting these data has changed. However, while only two out of 26 unions collected data on sexual orientation in 2005, six out of 21 in the current study did so. In addition, while no unions recorded religion or belief or migrant worker status in the 2005 study, a small number did so in the current study. While the numbers are small, this may suggest that more unions are collecting data on the groups that have most recently received legal protection as well as migrant workers. One Workplace Equal Rights should facilitate the sharing of good practice between unions that have developed equalities data for their members, and those that have yet to do so.



Occupational segregation within labour markets

A minority of unions interviewed had been involved in small-scale initiatives that may have had the outcome of increasing the number of women in male-dominated industries although these were not generally initiated as part of a strategic programme to tackle occupational segregation. A small number of short-term project activities had been carried out to address horizontal segregation. These included:

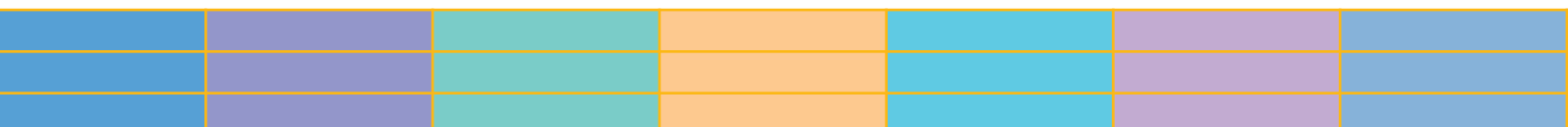
- targeted recruitment of women members using positive images of women working in male-dominated industries;
- improving facilities for women in male-dominated industries through negotiation with individual employers;

The research did not identify any examples of union activity to address vertical segregation, in other words, women's under-representation at senior levels.

Recommendations for unions

Some unions are aware of the wider issues of occupational segregation and there have been some very small-scale and preliminary efforts to address occupational segregation within the labour market. There is, however, much evidence of the need to raise awareness of occupational segregation, both horizontal and vertical, and its effect on women and workplaces.

There is much scope for greater action from unions to address occupational segregation in their respective industries. Although the initiatives described above are a step towards tackling occupational segregation, unions must take much more significant action if women are to achieve equality in the workplace. It would also be helpful for unions to disseminate information on any initiatives they have undertaken relating to occupational segregation, and also carry out increased monitoring to measure the impact of any future work on women members. It is recommended that Close the Gap brings unions together to identify how unions can be supported to take forward appropriate work on occupational segregation within labour markets.



Occupational segregation within unions

A number of respondents felt that there was still resistance within their unions either to women and other protected groups being represented at senior levels, or to acknowledging that under-representation among these groups was indeed an issue. Even where changes had taken place and there was greater representation of women in senior positions, there could still be some hostility from within the union which was attributed to long-serving members who held discriminatory beliefs.

However, a number of other unions either had good representation of women at senior levels or had seen improvements, such as a positive change in culture.

Some unions had also made some attempts to increase their own recruitment among other protected groups by using non-traditional recruitment methods, such as advertising in BME media and holding targeted workshops.

Recommendations for unions

Although there have been some improvements in women's representation at senior levels in unions, there is much work still to be done. There are also challenges in tackling entrenched sexist views of some members about the role which women should play within unions. Unions should introduce initiatives, appropriate to their individual union, that aim to address women's under-representation in officer roles.

Lack of data on some protected groups, such as LGBT members, members of a particular religion or belief, and disabled people means it is difficult to ascertain if there is occupational segregation on these grounds within unions. Unions should improve their internal equalities monitoring so that they can identify and tackle occupational segregation based on membership on one of these protected groups.



Representative structures

Changes to equalities structures

Only a small number of unions had experienced any substantial changes in their equalities structures between 2005 and 2010. One union had moved from having separate equalities committees for specific strands including gender, race, LGBT and disability to a single equalities committee. Similarly, another two unions had moved from separate strands to a single equality group, although there were no common reasons among the unions for doing this.

General or specific?

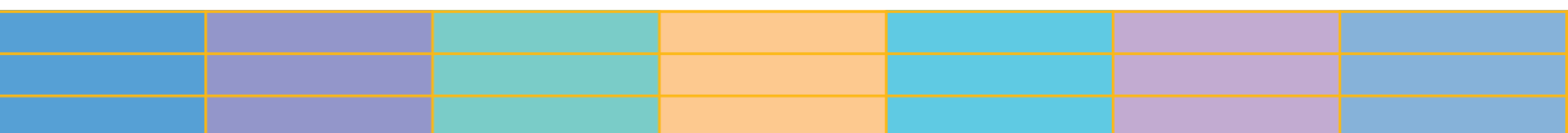
There was a variety of different equalities structures within the unions. Some had structures for specific protected groups and no general equalities structures. Others had a general equalities structure, but no specific groups; others had a combination of both.

It was felt by respondents that bringing all the protected groups together could be beneficial in terms of sharing experience and knowledge between groups, and pooling resources, such as budgets. In smaller unions, general equalities committees and conferences may be more practical due to the potentially small numbers of people from protected groups being able or willing to participate. Having structures for separate equalities groups could also be beneficial in terms of gaining particular expertise and understanding of specific equalities issues. Also protected groups can be disparate and do not necessarily have a shared understanding or experience.

There are clearly tensions around the extent to which specific issues are shared across protected groups, and how to tackle intersectionality for individual members, while not losing a sense of class-based oppression that has historically informed union work around equalities. This was an ongoing debate within a number of unions.

The benefits of equalities structures

On the whole, respondents were very positive about their own union's equality structures. Committees, self-organising groups, and conferences were valued for the expertise that they offered in terms of information and awareness raising of issues. Other benefits included providing experience and a springboard for people from under-represented groups to become more active in the wider union agenda.



A small number felt they had limited time and support to effectively organise the groups. This was particularly pertinent when there were a large number of different equalities committees, groups and conferences. Furthermore, the ability of reps to get paid time-off to participate in the structures and getting people interested and engaged also presented challenges.

Recommendations for unions

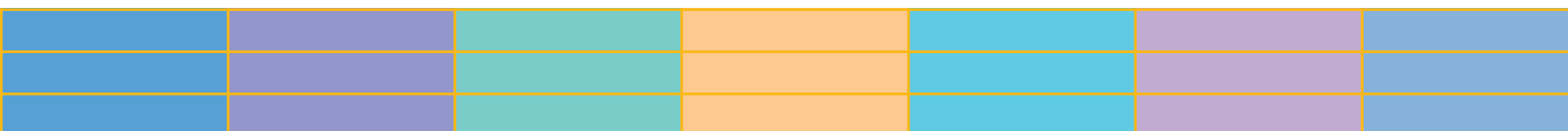
As indicated the 2005 report, unions had a variety of equalities structures. It was not possible to ascertain if there had been any significant overall changes due to the different sample in the current study. A small number were moving towards a general equalities forum and away from separate strand-based forums, but each had different reasons for doing so. It was, therefore, not clear if this might represent a wider trend. Unions should consider how best to ensure that members facing intersectional equalities issues can be represented appropriately, while maintaining a systemic approach to tackling structural inequalities.

Equalities structures such as equalities committees, self-organising groups and conferences are important ways in which equalities issues can be raised and pursued. Where possible, some form of these structures, depending on size and make-up of the union, should be present in all unions at regional (Scotland) level.

Equalities structures need to establish effective ways of feeding views into the national executive committees of unions, either through reserved places or through representatives of committees being in attendance or giving regular briefings to NECs. This will assist in mainstreaming the work of the equalities committees into the wider work of the union.

Unions should consider whether they should adopt, or change, equalities structures that take account of all equalities or specific equalities groups. Larger unions may be able to operate specific self-organising groups or committees, although smaller unions may find they do not have the numbers to justify separate groups or committees. Where they are specific forums, it may also be worthwhile considering having a formal communication structure, to enable experiences to be shared.

Unions should consider whether they provide the time and resources required to operate equality structures. This should include officer and support staff time; ensuring that there is an adequate budget to support the work of the group or committee; and negotiating facilities time so members can attend.



Unions as employers

Union equalities policies

Although the majority of unions had a formal equalities strategy or a general equal opportunities handbook or policy document, some respondents were not sure or did not know if their union had a strategy or policy¹.

Of those who were aware of an equal opportunities handbook or policy document, most had a general policy covering all equalities, such as having a statement about the union opposing discrimination on grounds of “religion or belief, race, sex, sexual orientation, gender identity, marital status, disability, age and trade union activity”.

Carrying out equality impact assessment and equal pay reviews within unions was not commonplace, although, there was a lack of awareness among some respondents about whether these processes were in place or not.

Support for childcare

Ten representatives indicated that their unions provided free crèche facilities at conferences and also sometimes at training events. However, other means of meeting demands for childcare were employed by some unions. A small number were reported to cover the costs of childcare arranged by individual delegates through reimbursement. This allowed for members and reps to make arrangements that suited their particular circumstances.

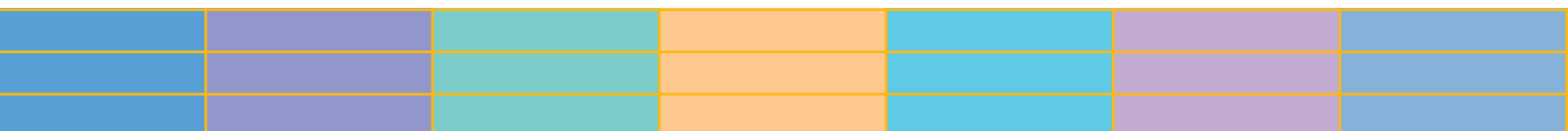
Recommendations for unions

Equal opportunities policies were generally not particularly well developed and there is much scope for improvement in detail and coverage.

All unions should be carrying out equality impact assessments and equal pay audits.

Unions should consider providing childcare at conferences and other events. A crèche may be appropriate depending on the size of event and the make-up of delegates. However, other support should also be considered, such as reimbursing the costs of childcare which have been organised by the delegate themselves. Timing and location of events should also be taken into account. Without providing support for childcare, members who have childcare responsibilities, the majority of whom are women, will face disadvantage.

¹The interviewees were generally officers, with a responsibility for equalities, and not human resource personnel, therefore their knowledge of their unions' policies could not always be relied upon to be an accurate reflection of actual policy.

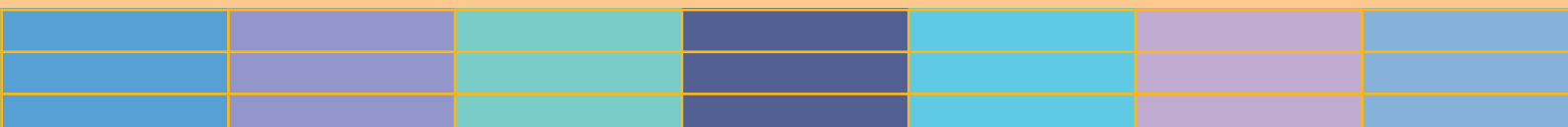


Working with equalities agencies

Most unions were aware of the One Workplace Equal Rights project although five were not. There was slightly greater awareness of Close the Gap with only three not having heard of the initiative. It was generally respondents based outside of Scotland who were unaware of these, particularly in the case of One Workplace Equal Rights.

The level of involvement with One Workplace Equal Rights and Close the Gap varied across unions and for those who had direct contact with either, their experiences had been positive. Some unions stated that although the information provided by Close the Gap was very good they felt it was not relevant to them as equal pay was an issue that had already been fully addressed by their union.

Respondents were happy with the way project activity was delivered.



The STUC's One Workplace Equal Rights project has supported trade unions in Scotland to promote equality and tackle racism in the workplace. One Workplace is one of the national projects supporting the Scottish Government's One Scotland Campaign and offers a range of services and resources for trade unions, employers and workers.

www.oneworkplace.org.uk

Close the Gap works with employers and employees to encourage and enable action to address the gender pay gap. Partners include the Scottish Government, Scottish Enterprise, STUC, Highlands and Islands Enterprise, Skills Development Scotland, and the Equality and Human Rights Commission.

www.closesthegap.org.uk

The Employment Research Institute (ERI) is an independent research centre located in the Business School at Edinburgh Napier University.

www.napier.ac.uk/eri

