

Making Equality Work?

An Update on Scottish Trade Union
Approaches to Equalities

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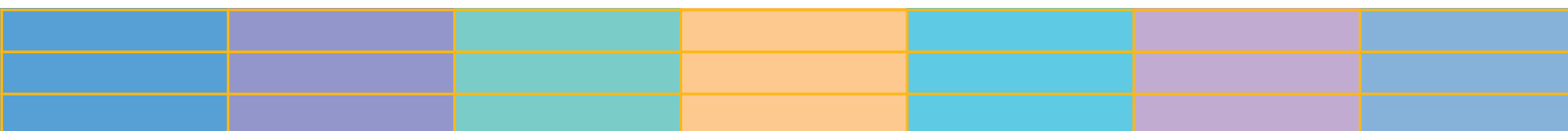
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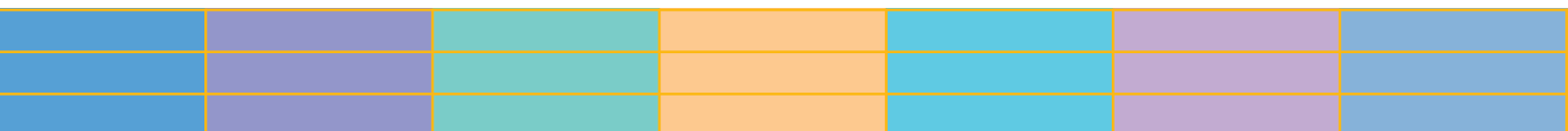


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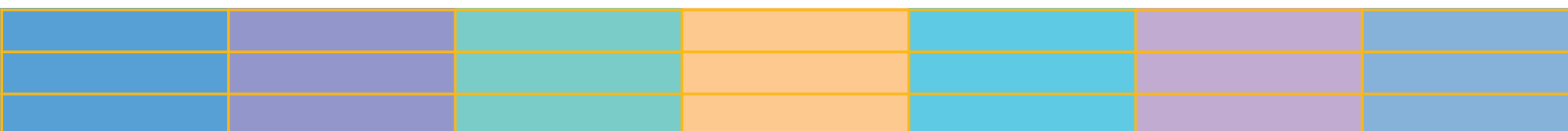
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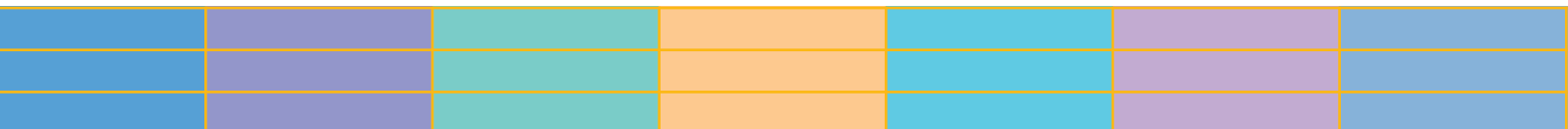
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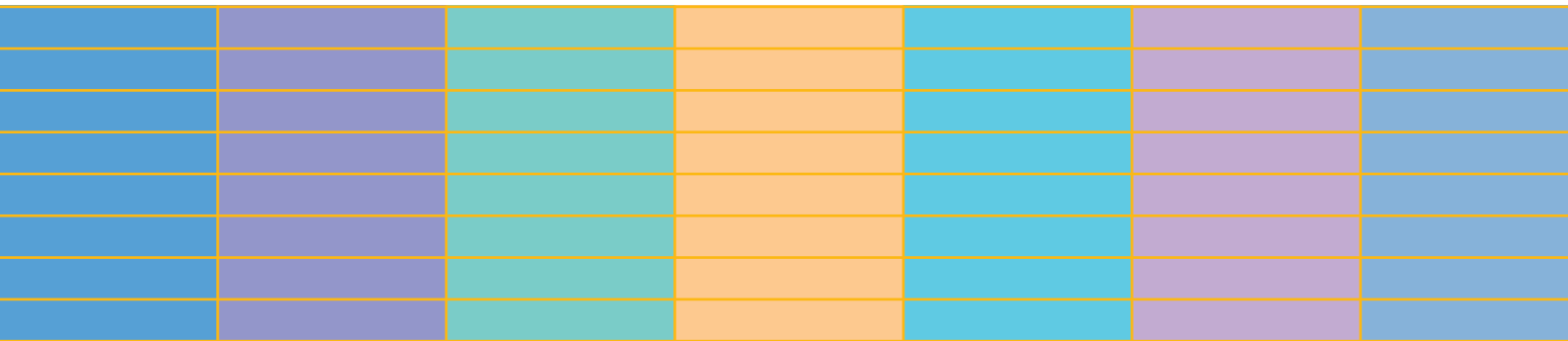


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Finally, we would like to record our thanks to the trade unions officers who participated in the research.





Executive Summary

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.

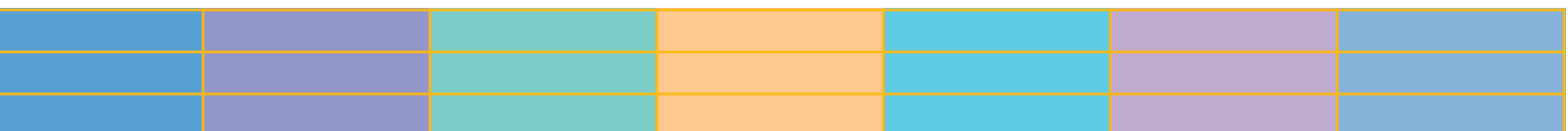
The Employment Research Institute (ERI) at Edinburgh Napier University was commissioned to follow up a previous study, carried out in 2004-2005, investigating Scottish trade unions' approaches to promoting equal opportunities.

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;



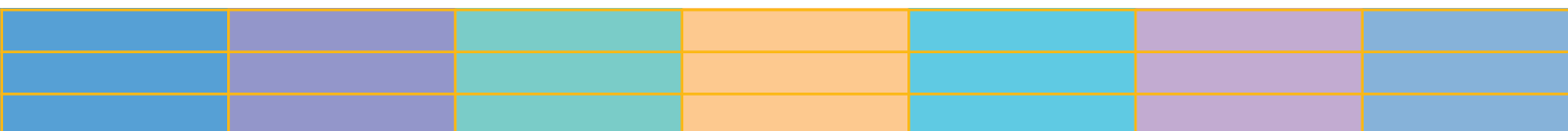
- The role of equality officers;
- Issues and approaches to older and younger workers/members, migrant workers/members and those with non-visible disabilities, such as mental health issues;
- Approaches to tackling occupational segregation within the labour market;
- Progress on multi-strand equalities 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, a short review of good practice initiatives within participating unions was undertaken, identifying a number of innovative practices.



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
- the inflexibility of sickness absence monitoring negatively affecting groups such as women with caring responsibilities.

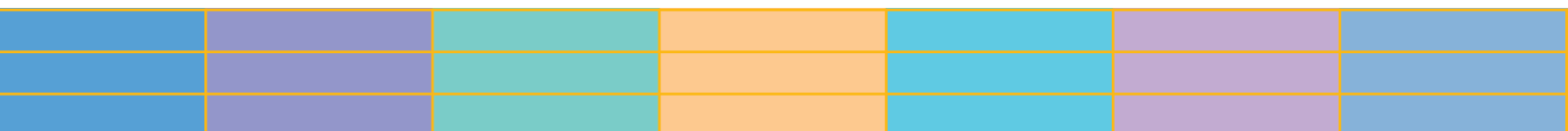
Some officers felt that employers were ignoring legislation and also using the recession as an excuse not to develop their equalities agenda further.

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

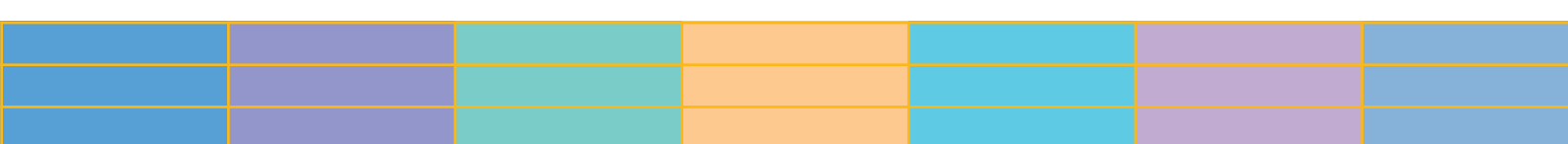


protected groups would be affected by pay freezes and redundancies, although a small number of respondents still appeared to be marginalising equality considerations within their own union structures and practices.

The pressure on staff to do more hours was also seen as impacting on the amount of paid time off members had available 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.

Equality issues and bargaining priorities: 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 impact 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



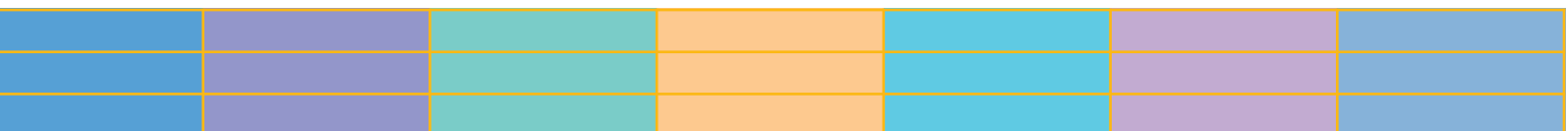
redundancies and pay freezes by negotiating reduced working hours and improved flexible working in order to save jobs and retain staff when economic conditions improve.

- 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 unseen 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 unseen 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 members' equalities data 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

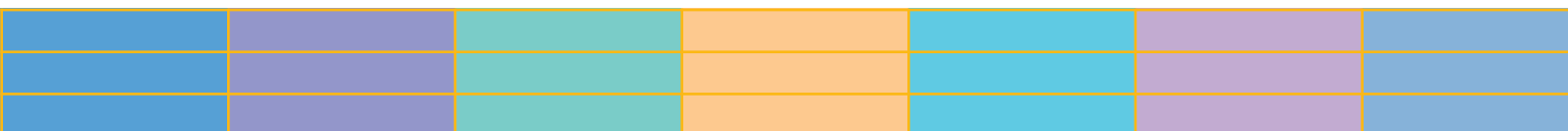


members' own identification of themselves as having a disability, the type of disability was not recorded, which perhaps suggests that unseen disabilities are least likely to be recognised and responded to within the union. Some unions had successfully recruited migrant workers as members.

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 the union, and recruiting migrant workers.

Membership diversity: recommendations for unions

- 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, 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 are required 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 unseen 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 equality 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.

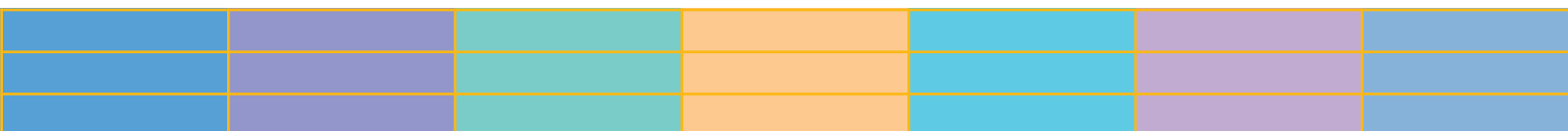


Equality officers tended to have a significant workload but there was no evidence to suggest that this was particular to the role of equality officers and it is more likely that this reflects wider issues of workloads among union officials more generally.

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.

Participation in lay activities: 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 consider 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 equality 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 where 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 whether 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 by many. When asked if a lack of monitoring data affected how policy was shaped, most of the respondents stated that this was an issue. In particular, it was felt that because there was a lack of evidence for the numbers and needs of particular groups, it was very often difficult to put forward a strong argument to provide more support and resources for these groups.

Monitoring members and lay representatives: 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.



Occupational segregation within the labour market: 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.

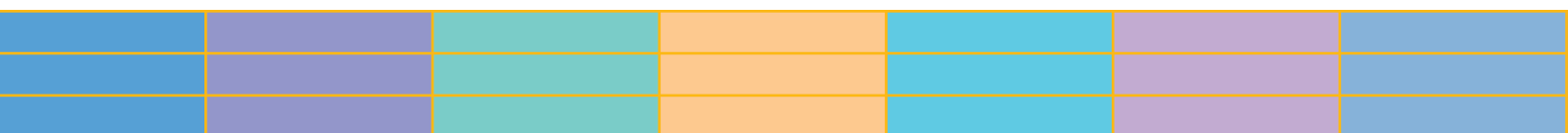
Occupational segregation within unions

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.

Occupational segregation: 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, whilst 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.

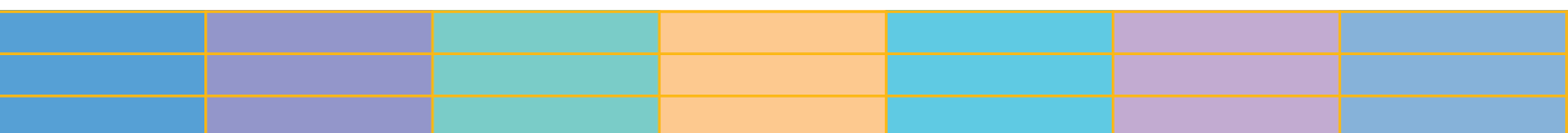
The benefits of equalities structures

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.

Equalities structures: 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 there are specific forums, it may also be worthwhile considering having a general equality committee, or other communication structure, where experiences can be shared.
- Unions should consider whether they provide the time and resources required to operate equality structures. This should include which officer has capacity to lead on the equality committees or groups; what role volunteers and support staff can play in organising forums and events; ensuring there is an adequate budget to support the work of the group or committee and any facilities time that requires to be negotiated in order that 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 policy.¹

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

1. The 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.



delegates through reimbursement. This allowed for members and reps to make arrangements that suited their particular circumstances.

Unions as employers: recommendations for unions

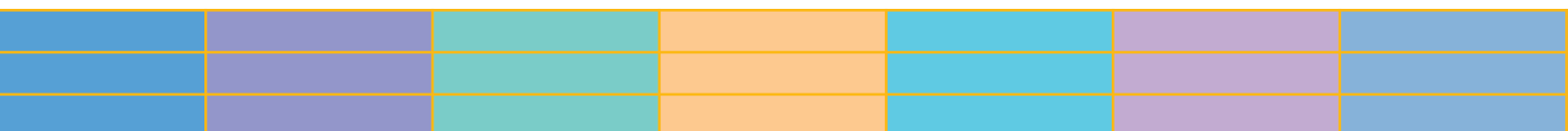
- Equal opportunities policies were generally not particularly well developed and there is much scope for improvement in detail and coverage.
- All unions should be carrying out equality impact assessments and equal pay audits.
- Unions should consider providing childcare at union conferences and other 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.

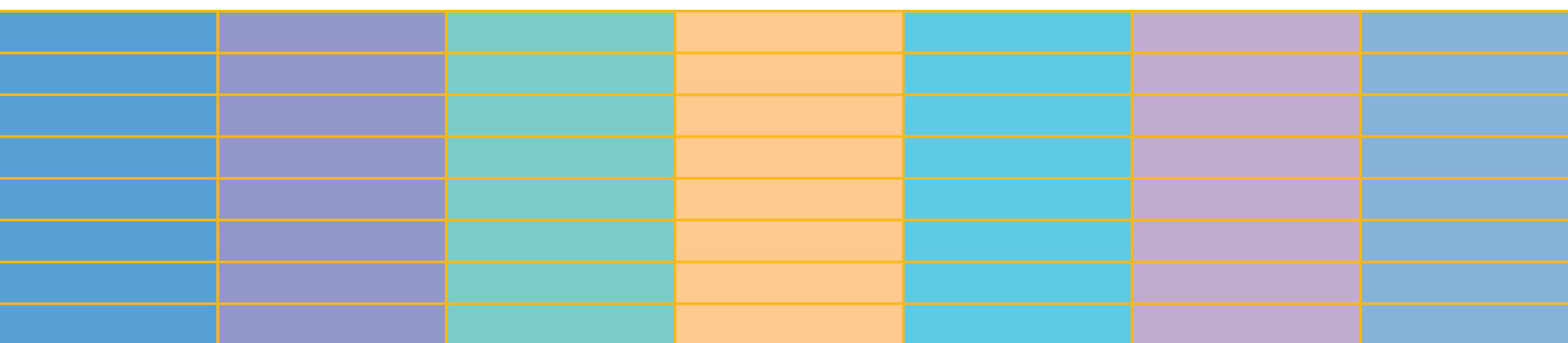
Working with equalities agencies

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.





1. Introduction

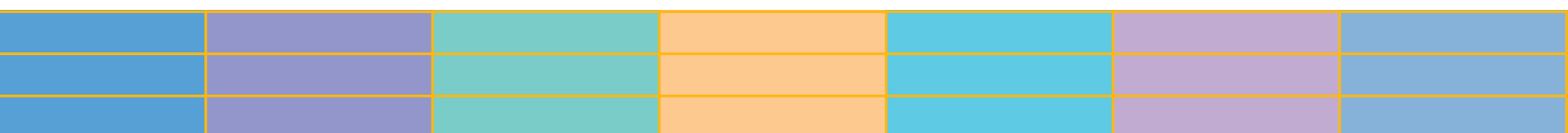
1.1. Background to the research

In 2005 the STUC One Workplace Equal Rights project commissioned research into approaches taken by trade unions in Scotland to equalities work. This document revisits the research five years on, to highlight areas of progress and provide suggestions of further work. In a change to the original mapping study, this report will also consider the issue of occupational segregation, and the ways in which unions have responded to this as part of their broader equalities work. Occupational segregation is currently a ministerial priority for the Scottish Government and is a key area of work for the Close the Gap initiative. The research was carried out by the Employment Research Institute (ERI) at Edinburgh Napier University on behalf of the Scottish Trades Union Congress (STUC).

Promoting equal opportunities for people at work is a priority for policy makers in the European Union, UK and Scotland. The Equalities Review (2007), the Equality Act (2006) and the Equality Act (2010) are examples of how this agenda has been furthered since the previous mapping study was carried out in 2005.

Developing and promoting a workplace equalities agenda is also a focus for the activities of many trade unions in Scotland. The STUC has sought to support and inform the work of trade unions in this area through its One Workplace Equal Rights Project. One Workplace Equal Rights is one of the national projects supported by the Scottish Government under its One Scotland Campaign, which has a core objective of raising awareness of and combating racist attitudes and behaviour and highlighting the value of diversity. Within this context, One Workplace Equal Rights seeks to tackle racism and promote equal opportunities in the workplace by providing accessible information and advice on rights at work. Working in partnership with agencies involved in equalities issues, One Workplace Equal Rights has delivered a range of innovative capacity-building and awareness-raising activities for trade unions, employers and employees. This includes training, research, events and other resources.

Close the Gap is a partnership initiative working to close the gender pay gap in Scotland. Close the Gap works with employers and employees to enable action to address the causes of the pay gap. Partners include the Scottish Government, Scottish Trade Union Congress, the Equality and Human Rights Commission, Scottish Enterprise, Highlands and Islands Enterprise and Skills



Development Scotland. The partnership reflects the fact that the pay gap is not only an issue of equality and social justice, but is bad for business and bad for Scotland's economy.

Close the Gap works with trade unions to raise awareness of the pay gap, and to build capacity among reps to tackle equal pay issues within their workplaces. They have produced a number of publications including guidance on bargaining for equal pay and the role of the rep in an equal pay review.

Research Questions

The research objective was to up-date and build on the previous study undertaken in 2005. In particular, to examine key issues covered in the initial baseline study, including:

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

In addition, the scope of the research was extended to build on and cover a number of other issues, including:

- The representation of 'protected groups' among trade union officers;
- The role of equality officers;
- Issues/approaches to older and younger workers/members; migrant workers/members, and non-visible disabilities (such as mental health issues);
- Approaches to occupational segregation;
- Progress on over-arching equalities forums, and impact on strand-specific equalities structures;
- Trade union's formal equalities strategies (or lack thereof);



- Trade union's internal systems for: equal pay auditing; equality impact assessments; supporting members/officers with caring roles;
- The impact of awareness-raising work undertaken by One Workplace Equal Rights and Close The Gap;
- The impact of the recession on equalities issues.

Methodology

The research was carried out in three phases. First, a desk-based review of policy and research literature up-dated the information in the previous 2005 report, including:

- research on the labour market experiences of, and disadvantages faced by, particular groups, with reference to age, disability, gender, sexual orientation, religion, ethnicity, religion or belief and migrant workers;
- policy approaches to promoting equal opportunities, the legal framework and prevalence of equal opportunities policies among employers; and
- a review of the literature on trade union approaches to promoting equal opportunities.

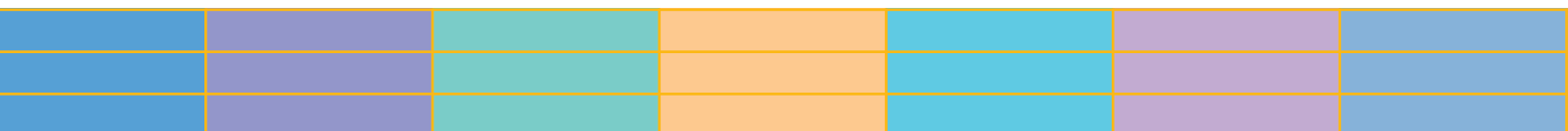
The second phase of the research involved a series of semi-structured interviews with representatives from STUC-affiliated trade unions.

In 2009 there were 34 STUC-affiliated trade union organisations compared to 42 in 2005. The reduced number is generally due to mergers between a number of existing unions and some unions who are no longer STUC-affiliated.

All 34 current STUC affiliated trade unions were contacted and interviews were conducted with 21 (a response rate of 62%, which is the same as in the previous survey).

The reduced number of participating trade unions is due to having significantly fewer STUC-affiliated unions overall than in 2005 (although the overall response rate remains the same). Issues such as the impact of the recession on the workloads of union officials and the time of year the research was carried out may also have limited the number of participants.

This study is not directly comparable to the 2005 survey because it does not track the same unions that took part in the original study, and therefore



cannot be considered longitudinal. This is partly because there have been a number of mergers between existing unions, so the original unions, as they were, no longer exist; some unions taking part in this study did not take part in 2005; while a number, who took part in the original study, did not take part in this one.

The research identified a number of innovative initiatives in developing equalities that are being undertaken by unions through interviews with unions and other examples of good practice from One Workplace Equal Rights, and Close the Gap. This included initiatives to increase membership among under-represented groups; initiatives to increase participation of under-represented groups in union activism; and raising awareness and supporting equalities issues among members.

The unions participating in the research are listed in the Appendix.

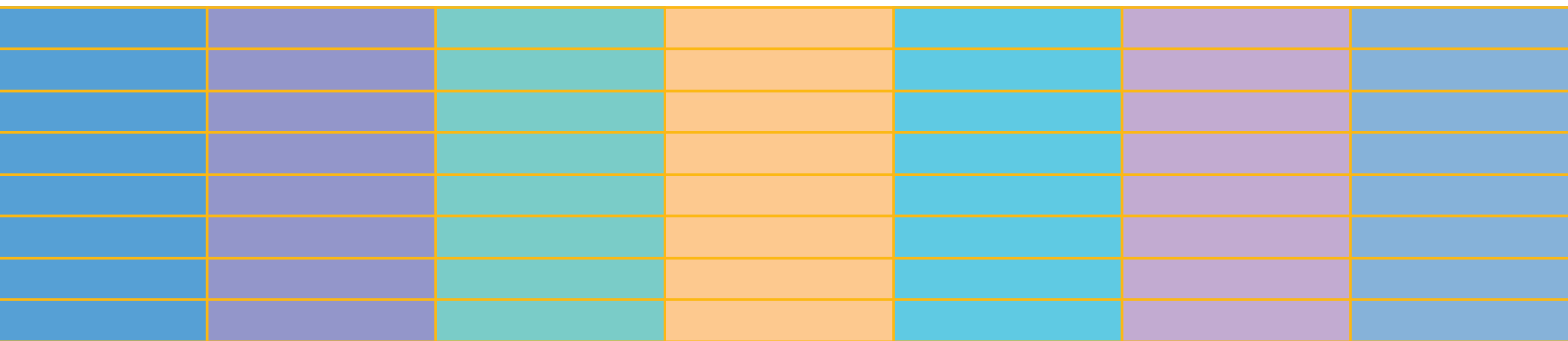
The remainder of the report is structured as below:

Chapter 2: Review of policy and research on equalities issues

Chapter 3: Research findings

Chapter 4: Conclusions and implications for policy





2.Review of Policy and Research

This chapter presents the summary findings from an up-dated review of policy and research literature covering labour market inequalities, equal opportunities policy and trade union approaches to promoting equal opportunities. It should be noted that every effort has been made to include all protected groups but coverage for some groups is limited. As noted in the 2005 report, literature, research and data available on gender is readily available but is less so for race, disability and age, while information on religion or belief, sexual orientation and migrant workers is very limited indeed. Some of the figures presented in the 2005 report could either not be up-dated because the statistics were drawn from the Census 2001 (with the next census not due for completion until 2011), or could not be replicated due to the more recent merging of the Labour Force Survey with the Annual Population Survey. Where available, other sources have been used.

2.1 Labour market inequalities

This section sets the context in which trade unions operate and outlines some of the key features of labour market inequalities, starting with overall labour market activity. Employment rates and patterns by the protected grounds of gender, race, disability, age, religion or belief, sexual orientation and migrant workers/asylum seekers are then considered. Finally, new evidence on disparities in pay and rewards by each protected group is examined. Data is presented for each of the protected groups at the Scotland level where available.

2.1.1 Employment Gaps

Overall Labour Market Activity

The recent recession has had a significant impact on the labour market in Great Britain, with employment rates falling from 74.7% to 73.5% in the year to March 2009, and the ILO unemployment figure rising by 1% to 7.3%. (EHRC/DWP/Government Equalities Office, 2009). Scotland has seen the highest employment rate in the United Kingdom, reaching a peak of 77% in 2007 (Apr-Jun) and falling to 74% in 2009 (Apr-Jun). This is compared to 73% for England in the same quarter. A review of the impact of the recession on various demographic groups in Great Britain has shown that young men and less qualified young people have less chance of finding a job than anyone else. The review also found that employment among BME people, disabled people and older people remained relatively stable (EHRC/DWP/Government Equalities Office, 2009). However, it should be remembered that the long-term



impact of the current recession has yet to be fully realised and that there will almost certainly be differentiated impacts on different protected groups.

Gender

For many years the growth in women's employment has been stronger than for men, with women's employment rate experiencing substantial increases in the last four decades, from 56% at the start of 1971, to 70% in the second quarter of 2008 (ONS, 2008). However, it should be noted that a greater proportion of men are in employment compared to women, 79% compared to 70% in the second quarter of 2008, and in addition almost half of women's jobs are part time (ONS, 2008).

Employment rates among both men and women have declined, but the decline has been sharper among men than women. In the year to March 2009, the employment rate among men dropped by 1.7% to 77%, and by 0.8% to 68.6% for women. Similarly, while unemployment has risen in the UK, it has been greater among men with a rise of 2.4% to 8.1%, compared to a rise of 1.4% to 6.4% among women in the same period. This pattern can be explained by the concentration of men in industries that were initially most affected by the recession such as manufacturing; whereas women tend to be concentrated in more stable sectors such as education and health (EHRC/DWP/Government Equalities Office, 2009). However, while women tend to be concentrated in public sector jobs which had experienced job increases up to February 2009, significant local and central government spending cuts are anticipated over the next few years which are likely to lead to widespread job cuts in the public sector. This is likely to disproportionately affect women and lead to higher levels of unemployment for women, as well as affecting services specifically targeted at women (TUC, 2009a).

The growth in female employment has largely come about as a result of the demand for part-time labour in the service industry: 40% of Scotland's female employees worked part-time compared to 9% of male employees (EOC, 2006). This is perhaps unsurprising with women continuing to bear the majority of child and other caring responsibilities, combined with the lack of availability of quality affordable childcare making part-time working more attractive for many women.

Women are also more vulnerable to the poor terms and conditions that are still associated with part time work, particularly in the service industry, which continues to play a major role in producing inequalities in pay and rewards.



Part-time workers tend to have less control over their working time, be occupied in unskilled positions and receive less training and lower pay (EFILWC 2001). Part-time workers are also less likely to have access to occupational pension schemes and other benefits because they are concentrated in workplaces and occupations that do not provide such benefits (Fagan 2000).

Ethnicity

It is difficult to identify trends in employment of the BME population since the 2005 report. The 2001 Census sets the Black and Minority Ethnic (BME) population in Scotland at around 2%, 6% lower than in the rest of the UK (Scottish Executive 2004). It is likely that there have been significant changes in the BME population since the last census, partly due to the increase in migrant workers, wider in migration and natural increases in the resident BME population. However, until the figures are available from the 2011 census the scale and nature of the increases are not fully known. At the UK level it has been suggested from population projections from the University of Leeds that BME groups will make up one fifth of the UK population by 2051 (see Wokland et al, 2010). For Scotland it has been estimated that the white British and Irish groups will decline from 96.5%, as measured at 2001 census, to 85% of population in 2051.

The non-white population has a younger age profile² and BME groups (not including new migrants) are projected to account for over half the growth in Britain's working age population over the next decade, which holds important implications for unions' recruitment strategies (Cabinet Office, 2003), and for race equality work more broadly.

Overall, a higher proportion of the white population are in employment (EMETF, 2004). Self-employment in some BME groups is around twice that of the white population (Cabinet Office, 2003). While women in general are less likely to be employed than men, this is more pronounced in the non-white population and there is a great deal of variation between BME groups. Pakistani and Bangladeshi women are the least likely to be in employment and have the highest rates of women who have never worked, 46% and 40% respectively (Census, 2001).

At UK level it has been identified that nearly all BME groups are less likely to be in paid employment than white British men and women. This is particularly the case for women from BME groups with 44% of Pakistani and 49% of Bangladeshi women economically inactive compared to 20% or fewer of other groups (Hills et al, 2010). Research from the same report also demonstrated that when employed nearly all BME groups have hourly pay less than white British men.

2. This has been explained by higher birth rates and immigration being a relatively recent phenomenon.

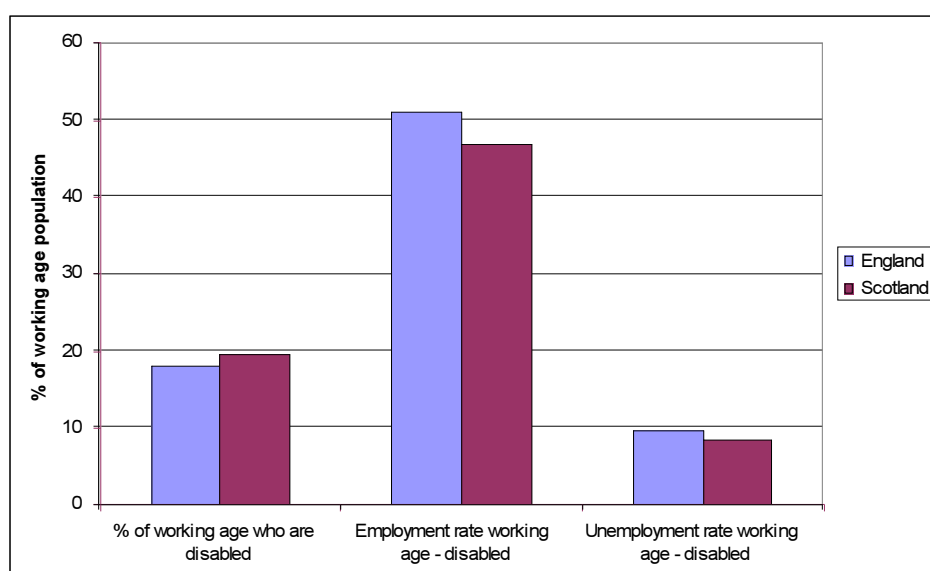


The recession has so far had limited impact, with a slight rise in employment rates for BME groups in the UK. Over the period q1 2008 to q1 2009, the employment rate for the BME population has increased slightly, leading to a closing of the gap with the overall population by 1.7% percentage points to 60.9%. In addition, over the same period, there has been a small rise in the ILO unemployment rate of 0.5 percentage points, which is a smaller increase than seen in the overall population but it should be noted that ILO unemployment now stands at 11.6 per cent for the BME population, which is much higher than the 7.3 per cent for the overall population (EHRC/DWP/Government Equalities Office, 2009). These figures indicate that although BME unemployment tends to be higher overall, the recession has not yet impacted on the rates for BME groups. However, it should be remembered that the full impact of the recession in terms of job losses has yet to be realised.

Disability

The 2005 report noted that employment of disabled people was lower in Scotland than the UK average at 45%, but this gap has narrowed since 1999 when 37% of Scotland's disabled working age population were employed compared to 45% in the UK (Scottish Executive, 2004). Figure 1 below shows that the employment rate among disabled people in Scotland during the year to April 2009 was 47% compared to 51% for those in England.

Figure 1: Employment Rates among Disabled People in England and Scotland



SOURCE: ANNUAL POPULATION SURVEY APR 2008-APR 2009

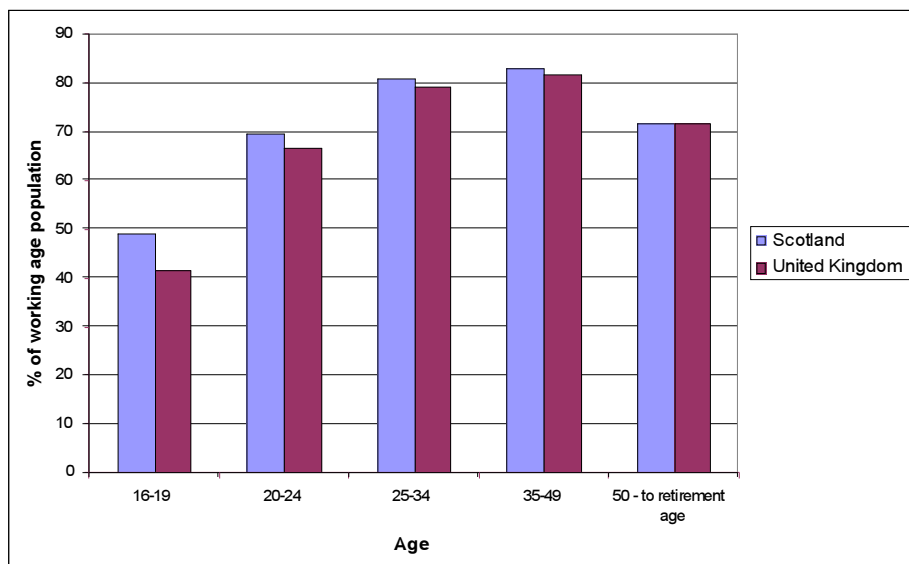
Employment rates among disabled people are less than half that of non disabled people (Hills et al, 2010) and recent research has indicated that the disability employment 'penalty' has grown steadily over the last 20 years, with those with no qualifications being most affected. For example, for those who report a 'work-limiting disability' and disability that meets the criteria set out in the Disability Discrimination Act (DDA), nearly half have no or only low qualifications. This is twice the proportion of those with no disability.

One review noted that there had only been a very small decline in employment rates among disabled people of working age to April 2009, much smaller than the decline in employment among the overall population of Great Britain, suggesting the recession had (at that point at least) had limited impact (EHRC/DWP/Government Equalities Office, 2009).

Age

The 2005 report found that in 2003, employment rates were higher among Scottish young people (16 to 19 years) than in the UK as a whole (53% compared to 50%) but that employment of those aged between 50 and retirement age was lower in Scotland than in the UK (66% compared to 69%) (Local area labour force survey 2003, Scotland). Figure 2 shows that in the year to April 2009, employment was higher among all age populations in Scotland than in the UK with the exception of those aged 50 to retirement age where the rates were almost identical.

Figure 2: Percentage of working age population in employment by age in Scotland and the United Kingdom



SOURCE: ANNUAL POPULATION SURVEY APR 2008-APR 2009

Across Great Britain young workers aged 18-24 have been most affected by the recession seeing a fall in employment and a rise in unemployment of more than double that for the population as a whole. In the year to April 2009, the employment rate of young workers aged 18-24 fell by 3.9%, while the ILO unemployment increased by 4.2%. At the same time, unemployment of 18 to 24 year olds was at 16.2% in April 2009 compared to 5.7% for prime aged workers (25-49) and 4.3% for older people (50-69) (EHRC/DWP/ Government Equalities Office, 2009).

Religion

There is little detailed data on the employment experience of members of different religious groups. As the 2005 report illustrated, Census data from 2001 showed that the employment rate was highest among those who have no religion at 64%, and hovered between 51% and 56% for all other religions, except Muslims at 39%.

More recent data has shown that taking Great Britain as a whole in 2004, 31% of Muslim men were out of work, compared with 16% of Christian men; similarly, 69% of Muslim women were out of work, compared with 25% of Christian women. Certain religious groups also tend to be concentrated in particular industries. For instance, in 2004 37% of Muslim men in employment were working in distribution, hotel and restaurant sectors compared with 17 per cent of Christian men. Sikh, Muslim and Hindu women are also more likely to work in this industry with over a quarter of each group employed there, compared with around a fifth of women from other groups (ONS, 2004).

Sexual Orientation

There is very little labour market data on employment rates and sexual orientation in the UK, although estimates suggest that LGB Lesbian, Gay and Bisexual (LGB) people make up 6% of the population, roughly 3.6 million people, of whom 1.7 million are part of the UK workforce (Stonewall, 2007).

Analysis carried out by Hills et al (2010) draws on those in the Labour Force Survey who identify themselves as living in a same sex couple. They state that due to small numbers such data could be potentially misleading, as it refers only to a small section of the population that report themselves as living in a same sex couple. However, their analysis demonstrates that those living in same sex couples have higher qualification levels, higher rates of employment and higher earnings than others (Hills et al, 2010).



Migrant Workers

The proportion of the resident population of the UK and Scotland who were born outside the UK has continued to increase. In the year to March 2005 the percentage of non-UK born residents living in the UK was 8.9% rising steadily to 11.1% in the year to March 2009. This proportion is smaller in Scotland but has still increased from 4.1% in March 2005 to 5.8% in March 2009. Research has also shown that the migrant worker population continued to rise between 2008 and 2009, indicating that the recession had not yet had a negative impact on the migrant worker population (NOMIS, Annual Population Survey to March 2009). In Scotland, migrant workers made up 5.8% of total employment in 2007, although employment levels among non-UK born workers were lower (at 71.5%) than for UK-born workers (76.3%) (Scottish Government, 2009).

Asylum Seekers/Refugees

Unlike, migrant workers, most refugees enter the UK as asylum seekers and those whose claim is accepted are then designated refugees. Refugees are those that have received a favourable decision and are granted indefinite leave to remain in the UK, they have full employment rights and can claim benefits. Employment is recognised as a crucial factor in the integration of refugees (Bloch, 2002). However, refugees face particular issues in relation to employment, experiencing high levels of unemployment and under-employment, and tending to be confined to a limited range of occupations, whilst also obtaining lower levels of pay than other ethnic minority groups (Bloch, 2002). A survey of 400 refugees conducted by the Department for Work and Pensions found that only 29 percent of participants were in paid employment (Bloch, 2002). There is also strong evidence of refugee under-employment with many refugees possessing high levels of skills and education (Kirk, 2004). Significant barriers facing refugees entering employment include a lack of English language and literacy, a lack of UK work experience and no references, discrimination by employers, lack of awareness among employers of a refugee's right to work and legal status, and problems with the recognition of overseas qualifications.

2.1.2 Labour Market Segregation

The UK's labour market is segregated both horizontally and vertically: certain groups are under-represented in some industries and in higher pay grades. For example, 91% of construction workers are male (horizontal segregation) and men are more likely than women to be managers (vertical segregation).



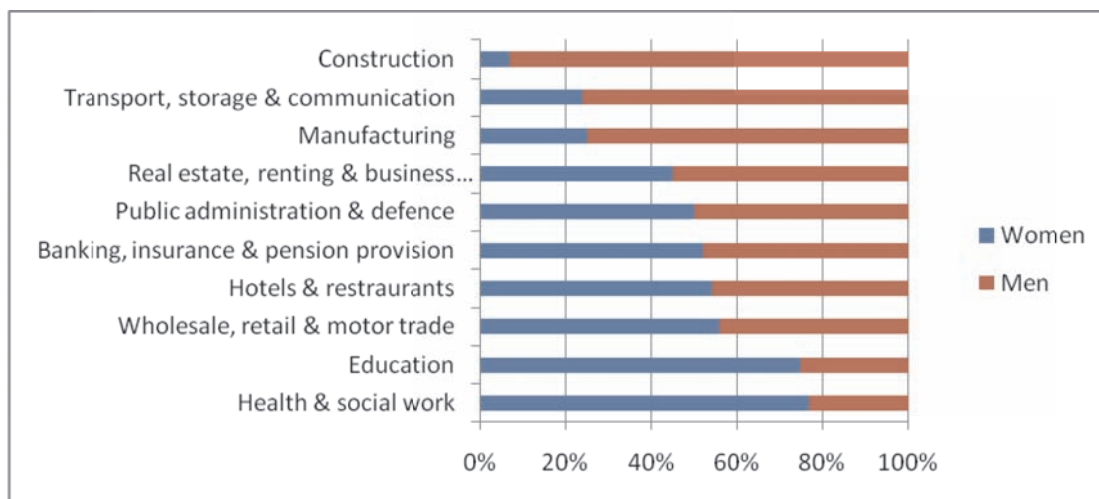
Gender

Despite years of non-discrimination legislation, women are still under-represented in higher grade jobs (the “glass ceiling”) and over-represented in the lower grades (the “sticky floor”). Only 36% of managers and senior officials are women compared to 82% of administrators and secretaries. Although there has been an increase in the proportion of women employed in professional occupations, women within these professions are still more likely to be working in lower grades (Macpherson, 2008).

The reasons for the persistence of vertical segregation by gender are complex but work-life balance factors play an important role: working women still bear the main responsibility for home and family in the context of low state and employer support for childcare. Despite equal treatment regulations and a raft of family-friendly leave rights, negative attitudes to part-time working and taking family leave remain. This is particularly so in senior roles.

Figure 3 illustrates the extent of horizontal segregation in Scottish industries: 77% of employees working in the ‘Health and Social Work’ sector are women, as are 75% of those working in ‘Education’. In comparison, only 7% of employees in the ‘Construction’ sector, 24% in ‘Transport and Communications’ and 25% in ‘Manufacturing’ are female (Macpherson, 2008; Macpherson and Bond, 2009).

Figure 3: Gender balance in Scottish industries



SOURCE: LFS 2005 (from Macpherson, 2008)

The occupations that men and women end up working in are influenced by educational choices made at a young age, a process that remains persistently sex-stereotyped. Research has shown that, to an extent, young people recognise that occupations are open to both sexes in that when asked the suitability of certain occupations for each sex in general they respond with “suitable for both sexes”, however, they tend to fall into gender stereotypes when choosing the type of job they want to do themselves (McQuaid and Bond, 2004). Gottfredson (1981) suggests that career options are limited by individuals according to socialisation processes and societal expectations of what is appropriate, based on gender, social class and ethnicity and, that ‘choices’ made by young people are not unconstrained. Miller et al. (2004) highlight that this process is circular: that individual ‘choice’ contributes to occupational segregation but perceptions of occupational segregation in turn influence individual ‘choice’.

The Scotland module of the Equal Opportunities Commission’s General Formal Investigation (GFI) into occupational segregation in the Modern Apprenticeship scheme reported a continuance of traditional gendered career choices by women and men, with significant attitudinal and cultural barriers framing the occupational choices made by young people (Thomson, 2005). The final GFI report highlighted some important messages regarding occupational segregation, including:

- The segmentation of men and women into different types of employment has a damaging effect on the economy, because it fails to make the most efficient use of the potential workforce, thereby contributing to persistent skills deficits and negatively impacting on productivity;
- Segregation of women and men into different occupational groups (horizontal segregation) and the concentration of women in low paid and low status jobs (vertical segregation) are major contributors to the continued gender pay gap.

Other Protected Groups

Data available on occupational segregation at the Scotland level focuses centrally on the occupational divisions between women and men. Robust Scotland level data by occupation for other protected groups is more problematic, in particular the relatively small proportions of ethnic minorities groups in Scotland, make this data difficult to analyse reliably.

However, indications from the 2001 Census show that white workers are more



evenly distributed through the industrial sectors than non-white groups although a higher proportion of white workers are employed in manufacturing (13%) and construction (8%). Chinese workers are the most segregated with 51% working in hotels and restaurants compared to 6% of white workers. 45% of Pakistani workers work in the wholesale and retail industries compared to 14% of white workers. Both the hospitality and retail sectors have traditionally experienced low levels of unionisation, high levels of flexible working and lower pay. Indian and Black workers are over-represented in the health and social care sector (22% and 21% respectively).

An EOC (2007) report on the experiences of Black women in the workplace provides a very useful investigation into the employment gaps facing women from different ethnic and faith groups. In particular the report identifies five key employment gaps that impact on Black women in the labour market, namely, participation in the labour market (with Pakistani and Bangladeshi women having the lowest participation rates of any women); unemployment (ethnic minority women are more at risk from unemployment than white women); progression (women are underrepresented at all senior levels, but this is particularly the case for Pakistani, Bangladeshi and Black Caribbean women); pay gaps (women on the whole are paid less but for those from ethnic minority backgrounds the gap is worse); and segregation (ethnic minority women tend to be concentrated in a narrow range of workplaces, jobs and sectors) (EOC, 2007).

Analysis by the Scottish Executive (2004) suggests that disabled workers are proportionately represented across industrial sectors in Scotland. However, at the UK level, Smith and Twomey's (2002) analysis of the UK Labour Force Survey suggests there is vertical segregation whereby a smaller proportion of disabled people work as managers, professionals, associate professionals and in the technical and sales and customer service occupations. It should also be stated that in general people with disabilities tend to be excluded and underrepresented throughout all areas of the labour market. Indeed, research indicates that people with disabilities tend to be concentrated in low skilled and low wage jobs when compared to the rest of the population (Hogarth et al, 2010).

Overall, labour market segregation is a significant contributory factor to the gender pay gap and possibly the most difficult challenge we face in creating labour market equality.



2.1.3 Inequality in Pay and Rewards

Using data from the 2001 Census, the 2005 report outlined key aspects of labour market segregation based on gender, race and disability. While updated census figures are not yet available, there has been some important work examining pay gaps across the equality strands. Pay gaps measure the differences in pay between two groups. Some factors contributing to pay gaps include: occupational segregation; workplaces with a high proportion of women; differences between sectors and industries; differences in working hours; differences in qualifications, length and type of work experience; and employer discrimination (Longhi and Platt, 2008). The intersection between equality strands is also likely to influence pay gaps, for example, there are likely to be pay differentials for different groups of BME women. Indeed, analysis carried out by Hills et al (2010) found that when comparing ethnicity and religious groups women are paid between a quarter and a third less than a white British Christian man with the same qualifications, age and occupation.

The Gender Pay Gap

The gender pay gap has been slowly reducing, although figures for individual years have gone against the trend. The previous report indicated that in 2003 full-time female workers earned 18% less on average than full-time male workers (Olsen and Walby, 2004). This is similar to data from the Annual Survey of Hours and Earnings (ASHE) 2009 which shows the gender pay gap to be 12% based on average hourly earnings for full-time staff. If part-time working women are compared with full-time men the gap is more profound at 32% (Scottish Government, 2010).

The gender earnings ratio also varies by occupation and industry. Full-time women workers in professional occupations earned 86% of their male counterpart's earnings, while women working as process, plant and machine operatives earned 70% of male earnings. Women full-time workers in education earned 91% of men's wages, but in manufacturing they earned just 68% of men's wages. Women's earnings are significantly affected by the concentration of women in part-time jobs (almost half of all women work part-time compared to over 80% of men who work full-time). Part-time women workers hourly pay is just 68% of full-time men's hourly pay (Scottish Government, 2010). This also has consequences for women's earnings over the longer term through the effect of what has been called the part-time pay penalty (Connolly and Gregory, 2008).



Other key causes of the pay gap include caring responsibilities and structural discrimination. Women still tend to be the primary carers of children and, as Metcalf (2009) identifies, motherhood tends to lead to periods out of the labour market and shifts towards part-time work, which is concentrated in lower paid occupations. Tomlinson et al. (2005) found that part-time returners face an additional penalty of a 16% loss of wages (per hour), after controlling for other characteristics. Rubery and Grimshaw (2007) suggest that this indicates that mothers “may be particularly vulnerable to undervaluation associated with ‘working below potential’ and working under monopolistic labour market conditions, due to restrictions on travel time and the availability of part-time work outside a narrow range of jobs.” This has serious implications for women’s wages over the longer term. The availability of flexible working also declines at more senior levels, with few part-time/job share positions advertised. Greater availability of flexible working practices, particularly among senior positions, would help career development among women and have an impact on ‘vertical’ segregation in particular.

Discrimination in pay systems continues to be an issue, with some women being paid less for work that is the same or similar to that of a male colleague. There can be various factors within pay systems that lead to inequalities, including individuals being appointed to different points on the pay scale; different job and grade titles for virtually the same jobs; male jobs having disproportionate access to bonus earnings; women having less access to high-paid shift and over time work; performance-related pay being unfairly awarded; women not receiving the same access to training; and sex bias in analytical job evaluation schemes grading women’s jobs lower (Close the Gap, 2010).

Pay Gaps and Other Protected groups

Research on the pay gaps between other protected groups is generally more limited than that on the gender pay gap. However, pay gaps based on ethnicity, disability and age have been found. There is much more limited evidence on pay gaps based on religion or belief and sexual orientation.

Research indicates that pay gaps exist for most major ethnic minority groups, with the exception of Indian and Chinese men. Pakistani workers experienced the highest pay gaps with Pakistani men earning an average of 22.9% lower than white British men and Pakistani women 25.7% less than white British men. Bangladeshi men and Black African men earned nearly 21% lower than white British men, and Black African women and Bangladeshi women earned



nearly 18% lower than the average for white British men (Longhi and Platt, 2008). Metcalf (2009) asserts that the BME pay gap cannot be solely explained by patterns of employment and skills and that evidence suggests pay discrimination.

Longhi and Platt (2008) found significant pay gaps for disabled men and women, with disabled men earning on average 10.5% less than the average pay for non-disabled men while disabled women earned less than non-disabled women and 22.3% less than for non-disabled men. Human capital and discrimination have been factors identified to explain the pay gap, although other factors such as concentration in part-time and temporary work may also be important (Metcalf, 2009), although it should be noted that these themselves are also a consequence of structural inequality for women in the labour market.

Research finds that younger and older workers are both paid less than prime age workers. For instance, men aged 20-24 earn on average 47.2% less than men aged 40-44 while men aged 60-64 earned 24.2% less (Longhi and Platt, 2008). These figures can be interpreted in terms of the life cycle, with younger workers still building up qualifications and experience. Older workers may receive less training and find their skills becoming redundant as industry and production changes, as well as being more likely to work part-time. The differences may also be down to cohort effects where different generations have different life experiences, qualifications and employment histories. However, it has also been suggested that pay systems and concentrations of young people in certain occupations and sectors may lower pay. However, more research is required in order to understand the age pay gap (Metcalf, 2009). Young people are also disadvantaged in terms of the National Minimum wage with under 22 year olds entitled to receive a lower minimum (16-17 year olds entitled to £3.57, 18-21 year olds £4.83 and 22 years and older on £5.80) (National Minimum Wage, 2010).

There is limited research examining pay gaps by religious affiliation, although recent research by Longhi and Platt (2008) found that Jewish men earn on average more than Christian men, while Muslim men earn less.



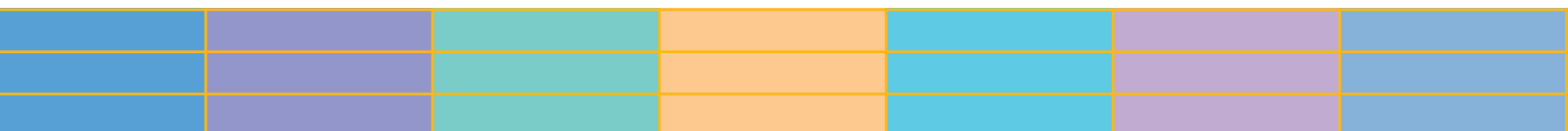
2.2. Equal Opportunities Policy

The 2005 report outlined a number of different approaches to understanding Equal Opportunities policy. These included: Rees' (1998) three models of equal opportunities policies which included *sameness* (or "liberal"), *difference* (or "radical") and *transformation*; gender mainstreaming approach (e.g. Scottish Executive, 2001; Walby, 2004); and managing diversity (e.g. Kirton and Green, 2005). In this report, we shall outline key changes to the legal framework, and up-date findings on employer provision.

The aim of the *sameness* model is equal treatment in terms of access to work, rewards and benefits irrespective of race, gender, disability, etc. The UK's equality legislation and, perhaps as a consequence, some union activity, is largely based on this liberal approach. The sameness model has been criticised for its focus on the individual which fails to challenge the underlying norms and prejudices which cause inequality (Liff and Wajcman, 1996).

The *difference* model asserts that workplace inequality is the result of structural inequalities at the level of the group, for example women or ethnic minority workers (Parker, 2003). Unlike the *sameness* model, it does not assume that equality in rewards will automatically flow from equal treatment. Positive discrimination is advocated to overcome pre-existing inequalities although this type of action is mostly illegal. Critics of the *difference* model suggest that it gives certain groups a 'leg up' the ladder rather than challenging underlying inequalities (Jewson and Mason, 1985).

The third model is that of *transformation*, where new standards, for example, in gender or race relations, are established by transforming the systems in which they operate. The gendered and racialised elements of institutions are made visible and equalities issues are placed at the heart of decision making. The *mainstreaming* of equalities is often associated with the *transformation* model, although Booth and Bennet (2002) argue that mainstreaming requires the 'three-legged stool' of equalities policy: the 'equal treatment perspective' (*sameness*), the 'women's perspective' (*difference*) and the 'gender perspective' (*transformation*). In this report, we shall outline key changes to the legal framework, and up-date findings on employer provision.



2.2.1 The Legal Framework³

Key equality legislation, introduced since 2005, has included the Employment Equality (Age) Regulations (2006) and the Equality Act (2006). The Employment Equality (Age) Regulations extended existing discrimination legislation to cover age. The Equality Act (2006) established the Commission for Equality and Human Rights (renamed the Equality and Human Rights Commission when it began operating in 2007) bringing together the three former equality commissions covering gender, race and disability. In addition to these strands, the Commission is also responsible for the equality strands of age, sexual orientation, religion and belief and gender reassignment, as well as human rights. The Equality Act (2006) established a positive duty on public sector bodies to promote equality of opportunity and eliminate discrimination based on gender. This augmented the existing duties on race (introduced by the Race Relations Amendment Act (2000)) and disability (introduced by the Disability Discrimination Act (2005)).

The recently passed Equality Act (2010) sets out to streamline and harmonise the existing array of equality legislation, and to extend the public sector duties to include sexual orientation, religion and belief, and age (Government Equalities Office, 2009). However, with the advent of the coalition government at Westminster, it is not now clear how this act will be implemented when it comes into force in October 2010. The Scottish Government will legislate separately to introduce a single public sector equality duty in Scotland, but can only do so after the single duty is 'activated' by the UK Government.

Bringing together responsibility for the equality strands into one single body and the bringing together of separate legislation into a single Equality Act signals a potential shift in the approach to dealing with equalities. Whereas equalities strands were previously considered in isolation, they are now being considered alongside each other. This may have implications for theory and practice in relation to equalities in ways that have not yet been fully explored. One issue that has emerged relates to conflicts between equality strands, in particular religion or belief and sexual orientation. Another includes issues that are common across all protected groups, and issues that are specific to particular groups, and indeed how the strands interact to create multiple discrimination, for example the experiences of women who are also from a BME group. Issues of commonality and divergence between strands will be considered later in this report in relation to equality structures within Scottish Trade Unions.

3. This section briefly outlines the nature of the UK's legal framework. It is not an authoritative statement of the law. More resources can be found on www.acas.org.uk



2.2.2 Employer Provision

Research suggests that there has been a growth in the incidence of workplaces with formal written equal opportunities or managing diversity policy. Walsh's (2007) analysis of the 2004 Workplace Employment Relations Survey found that 73% of workplaces with 10 or more employees had a formal written equal opportunities policy, compared to 67% cited in the 2005 report (Anderson et al., 2004). The analysis also found that the scope of policies had been enhanced, increasingly referencing particular equalities strands such as sex/gender, race and disability and some also including the new criteria of age, sexual orientation and religion or belief. Formal policies were found to be more common in:

- larger workplaces;
- workplaces that were part of a larger organisation;
- the public sector (where policies outlining planned activity aimed at achieving greater equality are required by law); and
- workplaces with human resource departments.

The 2004 survey found that workplaces with recognised unions were more likely to have equal opportunities policies, thus highlighting the positive contribution that union presence in a work place gives to equalities issues.

While formal written equal opportunities policies may be more prevalent, critics have argued that this does not necessarily transfer into practice. "The existence of an equal opportunities statement or policy...[says] little about what is actually happening in the organisation" (Dickens, 2005). As noted in the 2005 report, Hoque and Noon (2004) argue that practice regularly falls short of employers' policy rhetoric and suggest the following in explanation:

- a lack of clear procedures for implementing policy;
- management only paying lip service to policy;
- line managers attempts to subvert the implementation of policy (which they can view as a threat to their authority); and
- the policy being seen as an end in itself, rather than as a means to an end.



2.3. Trade Unions and Equal Opportunities Policy

In this section we examine the issues of diversity in union membership and equalities issues within the union agenda, issues we have found to be inextricably linked.

2.3.1 Diversity in Trade Union Membership

Trade union membership continues to be on the decline with estimates indicating that membership fell by 1.8% in the UK in 2009 on the previous year (Barratt, 2009). However, the decline has been lower among female employees with a fall of 0.4% to 29.2% in 2008 compared to a fall of 0.8% among male employees to 25.6%. For the seventh year, female union density has been higher than for males (Barratt 2009). As the previous report indicated, there has been an increasing recognition of the need for unions to combat declining membership through the recruitment of previously marginalised groups and many have targeted women to increase membership. This strategy appears to have been successful, particularly in relation to women.

Data from the 2008 Labour Force Survey shows that union membership continues to be higher among employees who are employed full-time, although union density is higher for females working part-time than males working part-time in the public sector (46% compared to 33.2%). In terms of ethnicity, union density was higher among Black (30.3%) and white (27.8%) employees and lower among Asian employees (22.9%), those from Mixed Ethnic backgrounds (20.4%), and employees from Chinese and other Ethnic groups (16.3%). This pattern is similar to that in 2004, although union membership appears to have slightly decreased among all groups except among Black employees.

Union density is also lower among younger employees and union densities of young age groups have been falling compared to 13 years ago while density has remained stable among employees aged 50 and above (Barratt 2009).

In addition, the recession is likely to result in decreases in union membership at least in the short term, with the TUC tracking 60,000 actual or likely job losses in unionised companies since December 2008, a figure which they consider is likely to underrepresent the actual number of job losses in unionised industries (TUC, 2009a). In the medium to long-term a range of factors is likely to impact on levels of union membership with opportunities for unions to 'adapt their organising strategies to reflect the changing



economic and policy landscape’ for instance, through identifying potential growth sections within which to organise (TUC, 2009a, p. 6).

These national figures are only indicative. If individual unions are serious about membership diversity, they must monitor in line with government recommendations on equalities mainstreaming. However, the level and quality of monitoring remains variable. The majority of unions surveyed in the TUC Equality Audit 2009 (TUC, 2009b) collected figures on the number of women members (97%), while 60% collected data on ‘young’ and ‘older’ members (Aged under 26 and Aged over 50 respectively). However, less than half collected records on most other groups with 48% collecting data on Black membership, 29% on disabled members, 13% on LGB members, 2% on transgender only and 2% on migrant workers. The proportion of unions collecting data on all groups has increased since the 2007 Equality Audit.⁴

There is evidence from the TUC Equality Audit 2007⁵ that unions are adapting their recruitment strategies to the changing labour market with a number of unions carrying out targeted recruitment among particular protected groups. The most frequently targeted groups were women and migrant workers (with 38% of unions targeting each of these), whilst 33% targeted Black workers, 29% younger workers, 25% disabled workers, 22% LGBT and 11% targeting a specific faith. However, there is no account of the success of these strategies in increasing actual membership among these groups.

The TUC 2007 survey indicates that the records kept on activism by unions have improved substantially since the previous survey. 56% collected data on gender among shop stewards and representatives (compared to 28% previously), 31% in relation to Black shop stewards and representatives compared to 19%, 22% in relation to disabled workers (compared to 6% previously), 7% (compared to 0%) for LGBT and 40% for ‘young’ (compared to 13% in 2003) (TUC, 2007).

2.3.2 Trade Unionism and Equal Opportunities

As the previous report noted most unions have historically seen over representation of “high-status, male, native born, full-time employees” among their officials and activists, and that it is this core that has tended to set bargaining priorities (Hyman, 2001).

Although women and BME groups are covered by collective bargaining they are rarely involved in the process of negotiating collective agreements. Previous research has indicated that Black members and women were less likely to

4. The actual sample of unions taking part in each of the audits differs, so some caution is required in interpreting changes between audits. Data from the TUC Equality Audit 2007 is used here because these issues are not covered in the 2009 Audit.



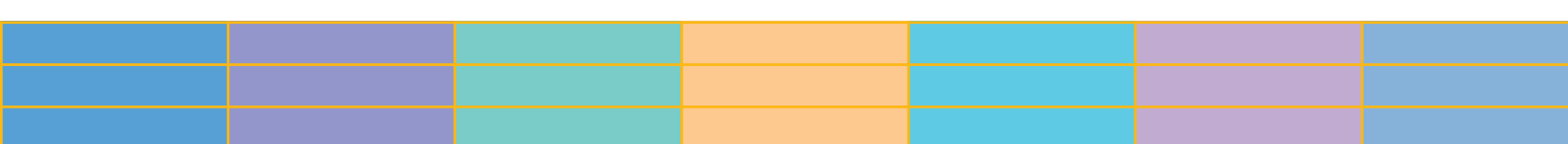
participate in trade union structures and activities than other members (Lee, 1984; Parker 2003; Kirton and Green, 2005).

Trade unions have acknowledged the criticism that they should be more aware of the specific concerns of groups within their increasingly diverse membership and acknowledge the institutionalised discrimination and disadvantage faced by some groups (Wrench, 2004; Kirton and Green, 2005). In 2003, 94% of workers believed that promoting equal opportunities should be a union priority (TUC, 2003) with women and minority groups more likely to identify campaigning on equalities issues as an important reason for joining a trade union (STUC, 2004).

The 2007 TUC Equality Audit found that some unions had taken action to increase the numbers of stewards or branch officers from specific protected groups; 38% had tried to increase the numbers of female stewards and BME stewards, 27% had targeted disabled, LGBT and young stewards, and 20% - migrant workers. This indicates a willingness among unions to embrace new groups of workers as activists. However, it is unclear yet what level of success these initiatives have achieved (TUC, 2007).

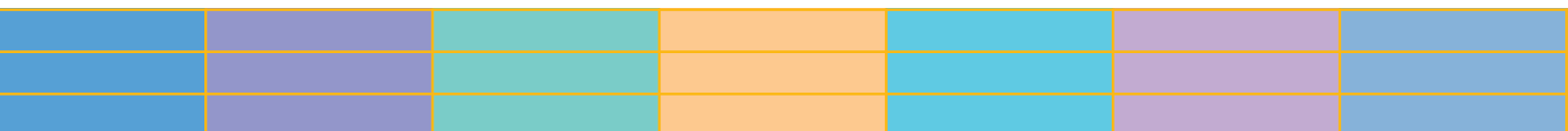
The TUC Equality Audit 2009 looked in particular at bargaining on equalities issues, and found that the proportion of unions issuing guidance on each of several detailed equalities topics tended to be lower than in the 2005 TUC Equality Audit. However, this may not represent a decline in activity since completed questionnaires represent the subjective view of individuals completing them (and these were often different from the 2005 Audit). In summary, 65% of the unions who took part in the audit issued negotiating guidance or policy on general equalities, 65% on flexible working/work-life balance and 63% on women's pay and employment. The 2009 Audit concluded that unions are taking on an ever-widening range of equalities issues, with 35% issuing negotiating guidance or policy on issues around transgender workers and 35% doing the same for migrant workers.

Heery (2005) examined the factors affecting change in trade unions in relation to supporting women and those in atypical employment. While structures of collective bargaining and the policies of employers continue to influence union behaviour, domestic employment law and European public policy are increasingly important in a more regulated labour market. Internally, union politics, dialogue and power interact with the above mentioned external factors to determine the extent to which unions will concern themselves with the agenda of diversity and part-time workers.



2.4. Review of Policy and Research: Summary of Key Points

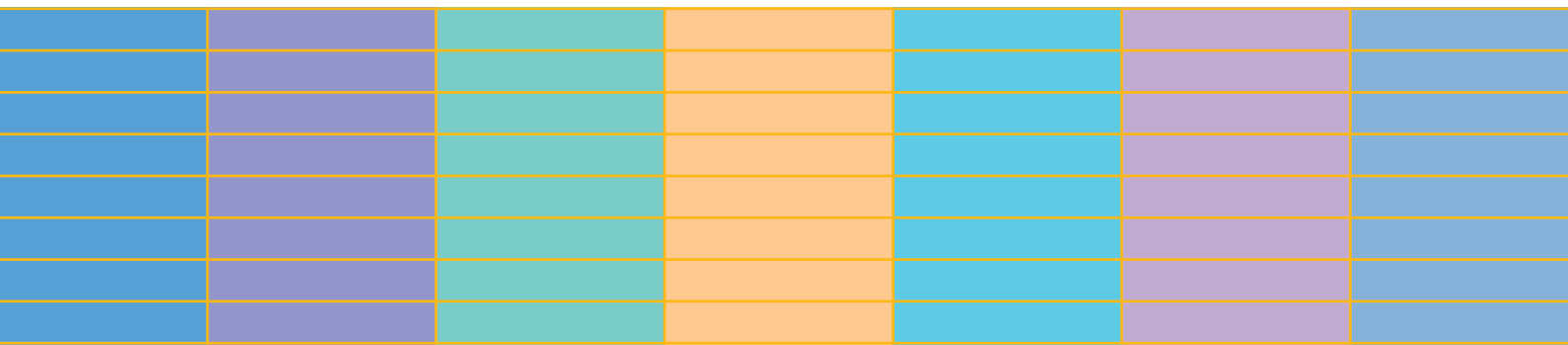
- Women continue to be under-represented in higher grade jobs and over-represented in lower grade jobs (vertical segregation) as well as to be concentrated in certain sectors, such as Health and Social Work and Education (horizontal segregation). This has an impact on the continuing pay gap as well as the economy through failing to utilise the workforce efficiently. The extent of occupational segregation for other protected groups is difficult to ascertain due to problems with lack of data, although there does appear to be some segregation based on BME group and disability.
- Although the gender pay gap has been slowly reducing, full-time female workers still earn on average around 12% less than full-time male workers. The pay gap increases to 32% between part-time women and full-time men. As substantially more women are now in part-time employment, this represents a key issue. Occupational segregation, women's caring responsibilities and workplace discrimination also play important roles in maintaining the gender pay gap. There is evidence too of pay gaps between other protected groups, with particular ethnic groups earning significantly less than white British workers, disabled people earning less than non-disabled, and younger and older workers both being paid on average less than that of prime age workers.
- Equalities legislation affecting protected groups in the workplace has been extended over recent years. Since 2005 there has been legislation against discrimination based on age, the Equality and Human Rights Commission has been established, and a positive duty on public sector bodies to promote equality of opportunity based on gender, race and disability has been introduced. The recent Equality Act (2010) sets out to streamline and harmonise existing legislation and extend the public sector duties to include sexual orientation, religion or belief and age.
- Employer provision of equal opportunities and managing diversity policies has increased in recent years with a greater proportion of workplaces having formal written policies on these issues. However, the extent to which these formal policies are transferred into actual practice is not clear.
- The initial impact of the recession on the employment rate among young people has been clearly demonstrated. Employment rates among both



men and women have also reduced, although rates have dropped faster for men. Women have been protected to a certain extent due to their concentration in the public sector, but with widespread job cuts anticipated here, women are likely to be significantly affected in the future. It is less clear at this stage how the recession has and will affect other protected groups.

- Trade union membership continues to decline, although the decline is lower among female employees than male employees. The recession is likely to result in further decreases in union membership in the short term. The recession could, however, represent an opportunity for unions to adapt their organising strategies to focus on growth industries and protected groups.
- Trade unions appear to have made progress in terms of collecting data on membership by protected groups and particularly for activism by protected groups. However, the level and quality of monitoring remains variable and needs to improve in order to effectively pursue policies to increase membership among protected groups. Data on the success of union initiatives that have attempted to increase membership and activism among protected groups appears to be limited. This data would be valuable in order to target recruitment among protected groups more effectively.





3. Research Findings

This chapter presents the findings of interviews undertaken with representatives of 21 STUC-affiliated trade unions. All quotes are anonymised by referencing the post held by the respondent. Unions, who participated in the research, were of varying sizes from around 100 members to over 200,000 members in Scotland. The unions also represented a range of industrial sectors, with some unions drawing their membership from several different sectors.

Each trade union was asked to identify an appropriate official who would be able to comment on equal opportunities issues and strategies at a Scottish level. Accordingly, the job roles and seniority of respondents varied from union to union. Major UK-wide trade unions often referred the research team to regional (i.e. Scotland) equality officers, many of whom combined this role with other duties. A small number of more centralised UK-wide trade unions offered national (i.e. UK-level) equality officers for interview, suggesting that these individuals had an overview of policy and practice in all regions (including Scotland). Large Scottish trade unions tended to refer the research team to 'national' (i.e. Scotland-level) officers with responsibility for equalities issues, while in some smaller trade unions, senior staff members, such as regional or national secretaries, acted as respondents. In all cases, respondents were identified as having responsibility for promoting equalities issues in Scotland.

3.1 Equalities Issues and Bargaining Priorities

In this section we look at the main equalities issues that the unions identified as being important to their members and the extent to which these issues were articulated in the broader bargaining agenda.

3.1.1 Equality Priorities

Unions were asked what they considered to be the most important equalities issues facing their members. This section will look at their responses in terms of the impact of the economic recession, including current and future budget cuts; adverse impact on protected groups and the impact on the equalities agenda; invisible disabilities; union and industry restructuring; and regional variations.



Table 1: Number of unions identifying key equalities issues

Pay gap/equal pay for men and women	9
Career progression for women	2
Disability/mental health/accessibility	4
Redundancy/budget cuts	3
Childcare/parental rights/ maternity rights/flexible working	8
Restructuring following merger	1
Sexual orientation	1
Total	21

There were a range of different equality issues that unions felt to be key, although equal pay and flexible working was most often mentioned.

"It's difficult to get decent data for other groups because there are small numbers in Scotland. [The union did] look at differences in grades in ethnic minorities and disability, but you can't see anything because of the small numbers."

Regional Policy Officer

The lack of availability of data on pay gaps for protected groups other than gender, in particular in Scotland, was problematic for unions seeking to tackle this issue (although EOC (2007) report on progression of Black women in the workplace provides useful information on this for the UK level).

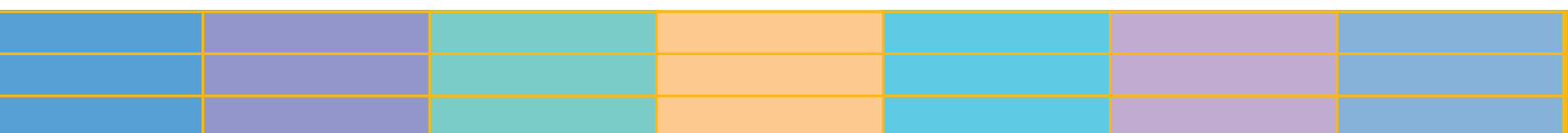
The Impact of the Economic Recession

The impact of the economic recession was specifically mentioned as a key equality issue among a number of respondents. Many were concerned that the actions of employers in response to the recession may adversely impact on some protected groups.

There was concern in particular about current and future budget cuts, particularly in the public sector, and the impact these would have on protected groups:

"There have already been attempts in local government to freeze pay, which will clearly have a big impact on women who constitute the biggest part of our membership and many of whom are on low pay."

Regional Equality Officer



Another respondent stated that cuts should not be made without first taking into account the wider impact they may have on those with disabilities or those parents who have children with disabilities. In addition, another respondent was concerned that employers were using the 'Seniority first' principal to select redundancies, so that new (often younger) staff were disadvantaged.

Others were concerned about increased sickness absence monitoring which may impact adversely on some protected groups such as women with caring responsibilities. One union also reported that women and disabled people were being adversely affected by performance measures introduced as part of redundancy programmes.

"There is more monitoring and performance indicators and they are problematic and home problems are not being taken into account."

Regional Equality Officer

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

"I think they are hiding behind the recession, to not push forward with the agenda and they were not exactly racing forward with it in the first place...In some [organisations] we're looking at the policy [that] hasn't actually changed, they are just implementing bits that they didn't implement before, but the impact on members is frightening for some people."

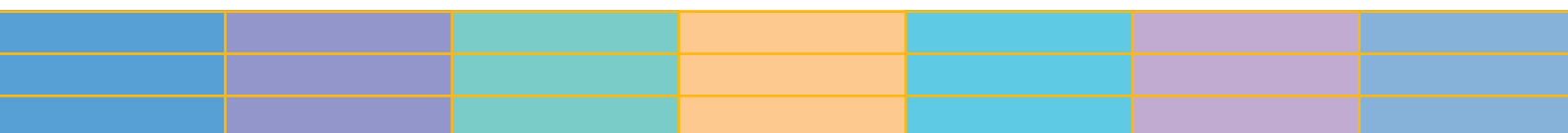
Regional Officer

Unseen Disabilities

When it came to unseen disabilities, a small number of respondents indicated that their union had done some work around dyslexia, for example, by giving presentations on the subject to disability forums. One union respondent mentioned that mental health was something they were increasingly concerned with, in particular how the legislation operated in relation to mental health and what constituted 'reasonable adjustments'.

"It is an emotional job [what most of our members do] so there is a lot of pressure on peoples mental health and I don't think a lot of people understand mental health at all and also I don't think they understand the concept of impact assessments or reasonable adjustment."

Regional Equality Officer



This union equality officer was concerned that employers perceived mental health issues to be low down on the 'hierarchy of disability', with visible disabilities likely to illicit sympathy but "if it's mental health or an invisible disability you can see the sympathy sort of disappearing".

Another interviewee agreed, and felt there was still a lack of fundamental understanding of these issues among employers and employees. She also felt that this may also be a gendered issue since there were few men, particularly in middle management, coming forward with issues such as work-related stress, in her organisation.

In order to raise the profile and awareness of dyslexia and mental health issues, one union invited specialist speakers from societies representing these issues to speak at their existing disability network meetings.

Restructuring

Another issue raised was the impact union restructuring (due to the merger of separate organisations and unions) would have on equality issues. One respondent hoped that their union would be able to take the best equality and diversity views from each of the heritage unions and companies, but there was still ongoing negotiation over what this constituted.

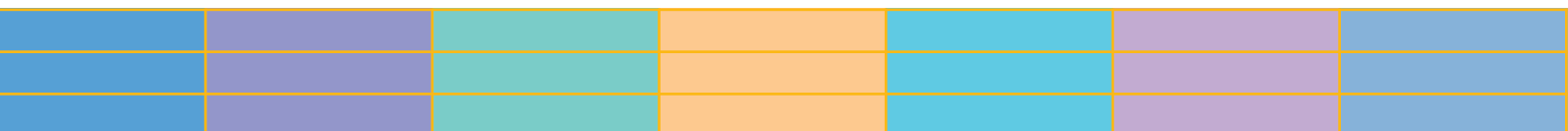
Regional Variations

One respondent stated that all equality areas were important but did raise the issue that there were strong regional variations particularly in relation to Black and Minority Ethnic (BME) issues. For this union the promotion of BME members within the union and the workplace was seen as a key priority. However, pursuing this successfully in Scotland was seen as problematic:

"To be frank, I find it very difficult to recruit people to our BME advisory committee in Scotland, also women and LGBT (Lesbian, Gay, Bisexual, and Transgender) people... [the] further north you go from London the less interest there is and the less people there is coming forward. We have not done very well on BME issues in Scotland – we can't get anyone to go to the Black workers conference by the STUC."

National Policy Officer

However, this only represents one respondents' opinion and does not necessarily reflect the reality.



3.1.2 Bargaining Priorities

Respondents were asked what the current most important bargaining priorities were.

Table 2: Number of unions identifying current bargaining priorities (all mentioned)

Pay	15
Terms and conditions	10
Pensions	2
Redundancies/job security	8
Contract / freelance workers	2
Career progression	1
Restructuring	1
Flexible working/working time	1

Pay and terms and conditions remain important priorities for unions, with several also mentioning that their concern was not so much for improving pay and terms and conditions but about trying to maintain current levels in the current economic climate. Clearly, the issue of redundancy and job security was high on the agenda of many unions. Some of those who had not been affected to date anticipated that they would be in future:

"I think the next few years are going to be particularly scary. There might not be redundancies per se, but there will be restructuring and it will go by natural wastage, but you're not going to replace people. I think we will be looking at an agenda for job cuts."

Regional Representative

One respondent felt that pay freezes in some organisations would probably be inevitable, but they hoped to use these negotiations to lever in better terms and conditions:

"We try to bargain, but what we look for is better work-life balance and rotas. We try to negotiate [on terms and conditions] to make up for pay freezes."

Regional Equality Officer



Another union was trying to find ways of saving jobs through flexible working. It was stated by one union that the current emphasis of bargaining priorities was on 'getting money in peoples' pockets'. While in the past, issues such as flexible working were seen as a priority, this was now seen as less important given the current and future pressure on finances in the public sector. Furthermore, potential job losses were seen as a key area for bargaining in the future:

"We have seen in the last ten years growth in the public sector and the civil service is no different. It is clear now that there is going to be a squeeze and priorities are going to change. In recent years because there has been the money there we have seen a growth in pay and jobs but now we are seeing that being reversed and heading in the other direction."

National Officer

A number of respondents felt that equalities issues were well integrated within bargaining priorities, for instance, considering how different protected groups would be affected by pay freezes and redundancies:

"They are now central to [the union's] aims and objectives, both internally and through the bargaining machinery as well."

Regional Equality Officer

"Nine out of ten issues will have a link to equality in the workplace."

Regional Equality Officer

This may indicate that some progress has been made in integrating equalities within the wider bargaining agenda in some unions. However, while some unions may be more aware of the impact of the recession on protected groups, the extent to which these were embedded was questionable and equality officers may face an upward battle to maintain any progress made:

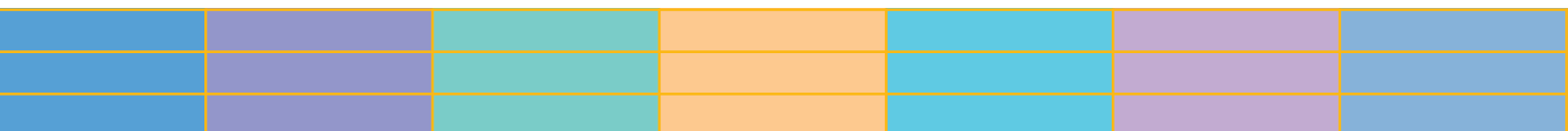
"Equalities will suffer because it is still seen as a luxury, an add on."

Regional Equality Officer

There were also still a small number of respondents, who appeared to be equality-blind:

"It doesn't matter if they are male or female, there are very few problems. There is no discrimination; wages, terms and conditions are the same."

Regional Officer



A number of respondents raised concerns over the extent to which the recession will impact on employees from protected groups in the future. A major concern was that equalities issues would be viewed by employers as an 'extra' in the current climate and were not seen as intrinsic to dealing with the recession. Indeed a number of respondents indicated that this may already be becoming the case.

"We need to make sure that if there are any cuts...[we] have got to make sure that equality does not take a disproportionate hit."

National Policy Officer

"Where there is cost, the choice between paternity leave and 1% of pay, it will be 1% of pay. Where there is a cost implication to any policies, I think, there will be an impact. Where there is no cost implication, I think, they will still have the same degree of importance. In that way they won't be driven forward as much as they were previously."

Regional Officer

For one interviewee the recession has already been seen to have a direct impact on the working lives of many members, in particular in terms of work-life balance issues:

"The calls I get are now about shifts changing. In this economic climate the employers aren't taking on the staff now. The staff are now under pressure to do extra hours and extra shifts and it does have an impact on their home-life."

Regional Official

The pressure on staff to do more hours was also seen as impacting on the amount of release members had to take part in campaign days and other union activity. This illustrates that the recession may yet have an impact on the way unions are able to operate in the workplace, when employers claim they are short-staffed and are not able to give staff release.

For others, the recession was seen as having less of an impact but was still recognised as likely to be a problem in the future:

"We are already starting to get mutterings of issues and mutterings of problems coming back from our reps and, I think, by the middle of next year there is going to be serious cuts in funding for the NHS and we will see a lot of issues for our



members in terms of staffing levels in departments. So I don't think we have yet seen an impact in terms of employment but I think it is still to come within the NHS."

Regional Officer

Where some unions have already had to deal with redundancies, it had not been seen as impacting on any particular group:

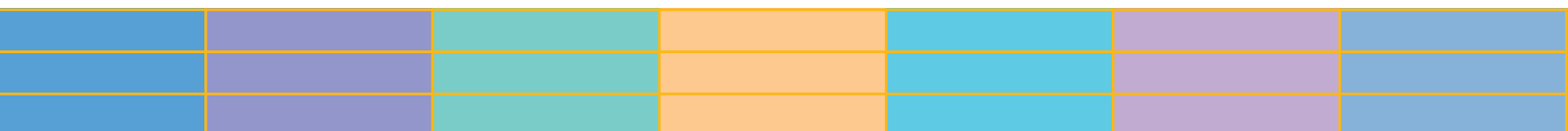
"It has not to a great extent impacted on equalities. We haven't had any evidence that people are being made redundant on the grounds of their race. We would soon pick up on that one, because we do try to ensure that the selection criteria is fair. [The priority is] more fighting to protect what we have got rather than initiating new campaigns."

National Policy Officer

However, this respondent did go on to point out that they were just starting to feel the impact of the recession and it may be that certain groups will be disproportionately affected in the future.

3.1.3 Equality Issues and Bargaining Priorities: Recommendations for Unions

- 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 sexual orientation, gender reassignment, religion and belief, and age.
- There appears to be less understanding of disability issues, in particular, issues around mental health and other unseendisabilities, 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 unseen 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.



3.2 Membership Diversity

The availability of accurate data is crucial to establishing whether certain groups are underrepresented within union membership. Many unions either did not collect extensive data and/or did not analyse it. The respondents therefore reported their impressions of who they thought to be underrepresented among union membership. BME, women and young people were highlighted as under-represented groups among the union membership as well as being groups who were considered to be particularly difficult to engage with.

“The young today don’t understand trade unions because a lot have worked in places without unions.”

Regional Representative

“Younger workers are more difficult to recruit to unions generally and they also tend to be on more fixed term contracts so they are less inclined to join”

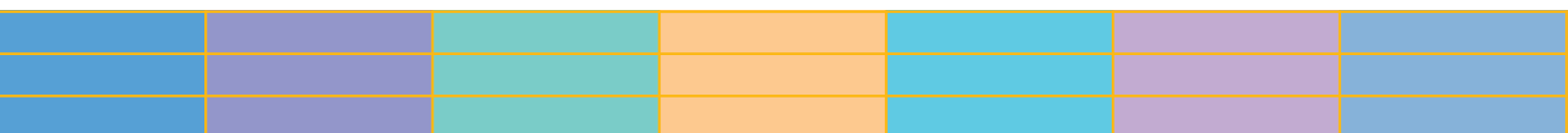
Regional Policy Officer

Respondents weren’t always very clear about the reasons why BME members were difficult to recruit, although an image of the union as predominantly white, and language difficulties, were mentioned (however, it should be noted that it was not known to which degree language difficulties were actually a problem). This is a particularly difficult challenge in Scotland which has a relatively low BME population compared to the UK. Lack of data on potential members can also be a problem here.

“I would certainly be curious to know how many potential BME members there are out there who are not members.”

Regional Equality Officer

Although Scotland has a lower BME population than elsewhere in the UK this should not be seen as a sufficient explanation for their under-representation in unions, rather it suggests that more should be done to promote the participation of BME workers in Scotland. Promotion both in the workplace and within the union was seen as a key priority for some unions. Although BME representation is clearly an issue, one union stated that there had been a shift away from instances of bullying and harassment for BME groups suggesting that progress had been made in this area, and the focus was now on issues of promotion and progression. Some felt that the distribution of



members reflected the distribution of protected groups in the industry more generally:

"I think there are under representations but I think that probably reflects under-representation in the sector more widely."

Regional Policy Officer

Some unions had difficulties with calculating the representation of LGBT people among their membership since, even where this was recorded, it was generally self-declared and some felt that there might be barriers to members in self identifying as LGBT. No unions had considered membership in relation to religion and belief, and 'unseen' disabilities were not generally recorded or recognised. However, some unions had successfully recruited migrant workers as members, particular those operating in certain sectors, for instance, food processing and distribution.

Recruiting from particular protected groups was often not seen as a priority among unions. For some unions their approach was to focus on recruiting as many people as possible, perhaps at the expense of a more focused approach. A number had a blanket recruitment policy:

"We try and recruit everybody."

"We'll recruit anybody."

However, there were a number of unions who had attempted to recruit specific protected groups (although not always successfully). Some of these initiatives will be explored in more detail in case studies later but included for example:

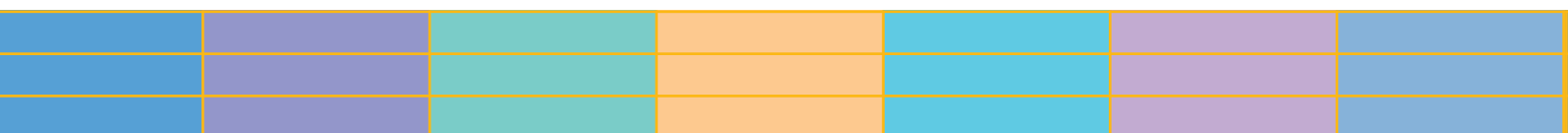
- Holding a recruitment stall at Pride in Glasgow
- Recruiting Migrant Workers
- Encouraging Ethnic minorities to be active in the union

On the whole, unions did not feel that there was anything about the way that their union operated that made it more difficult to recruit from particular groups. However, one barrier that was mentioned by some respondents was workers' perceptions of the union as predominantly white, male, and/or 'old school'. One felt that the only problem was lack of action – there had been no proactive drive to improve recruitment among particular groups.



3.2.1 Membership Diversity: Recommendations for Unions

- 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.



3.3 Participation in Lay Activities

This section examines participation in lay activities within unions and the role of equality officers and equality representatives.

3.3.1 Participation of Protected groups in Lay Activities

Unions were asked whether any particular protected groups were under-represented among members who participate in lay activities. Where members of protected groups were considered to be under-represented, the reasons for this were sought.

Many unions either did not collect extensive data on the make-up of their lay membership or did not analyse it, therefore some respondents reported on their impressions of the participation of protected groups in lay activities.

Some identified BME, younger members and women as being under-represented among lay activists. It was difficult to ascertain the representation patterns among LGBT members or those with 'unseen' disabilities because these groups could not often be identified. Some unions reported that it was difficult to get people involved as activists in equality and diversity generally, but there appeared to be particular issues around getting BME, women and younger members (and perhaps other protected groups) involved.

In addition, the role of activist could be perceived as particularly challenging, requiring a certain kind of person.

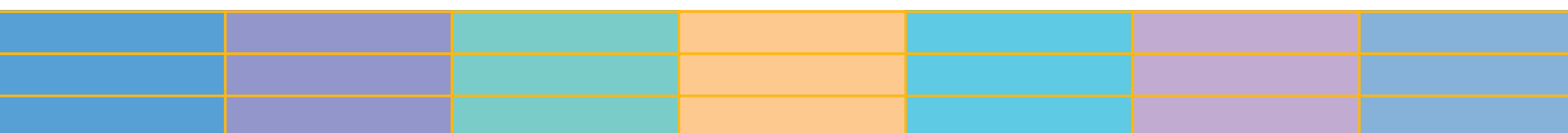
"You need pretty ballsy people to get up there and take these kind of things on."

Regional Equality Officer

While not everyone agreed that this was necessarily the case, this was sometimes the perception held by members:

"Some people think that the union is seen to be a challenging...I think it is one of the things that puts people off. They see men doing it...it's the same if you're trying to recruit somebody new onto a committee, they'll say 'I can't do that', and I say 'yes, you can, it's the same as everything else, you just have to say that it's not right, you don't need to be argumentative', but unfortunately it's the whole perception thing we need to address."

Regional Officer



"It's...about getting people to be active and it's difficult because they don't want to be seen as putting their head above the parapet."

Regional Officer

Some thought that people from the protected groups may be more lacking in confidence than other members and that support structures were not sufficient to enable them to pursue these roles.

A lack of role models from protected groups in senior lay positions may also put some groups off becoming activists themselves:

"Why would you go into something if you are the only one? I can understand where people are coming from. Ethnic minorities, the whole...service is underrepresented...The few that are employed say 'that's not for me!'"

Regional Officer

Some respondents reported increasing pressure on lay representatives in terms of time to get the job done:

"People struggle to get everything done, but we can't spend any more money because of the precarious financial situation."

Regional Officer

"It is the additional time [required to be a lay representative], time is becoming increasingly precious...it is above and beyond."

Regional Equality Officer

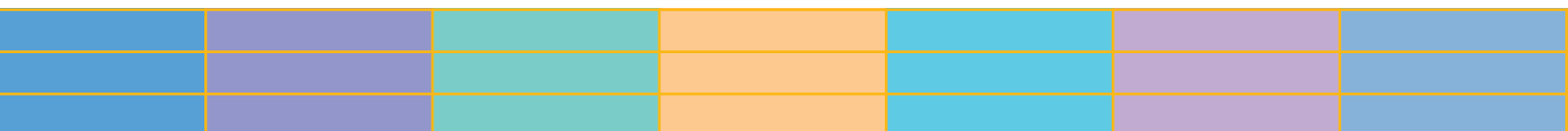
The additional commitment required of lay representatives, particularly in terms of time commitment, could put some groups off:

"The way the workload is spread out, the branch activities take a lot of work and responsibility. I can understand a lot of females declining that, especially if you have young children"

Regional Officer

"I know that the prospect of going to a meeting that might last until 8 o'clock at night is horrific, and if you have childcare or eldercare added to that, that's extremely difficult."

Regional Equality Officer



One respondent recognised that although their union had increased membership across protected groups, the representation of these groups, in particular women, remained a problem:

“We have got nearly [a] quarter of a million members and a high proportion are women and from a gender perspective all of the key positions in our union are basically white, middle aged men. That is a big focus for our department and members made it clear that is one of our strategic objectives is to make our union more representative of the people that they represent.”

National Policy Officer

Unions do appear to have tried to address issues around when and where they hold meetings in order to make these accessible to a variety of groups, although not always entirely satisfactorily in some cases.

“I think the structures are still difficult, timing is still difficult although we try to make it easier through really good negotiated time off arrangements during the day... We used to have Saturday morning conferences and that just trickled away. People are not likely to come out on a Saturday now.”

Regional Equality Officer

“We had an issue to do with religion as most of our meetings tend to be on a Friday afternoon and one of our members is a practising Jew so we have had to move meetings because of that.”

Regional Policy Officer

The ability to participate in meetings also partly depended on the nature of the industry being represented. One respondent from a public sector union reported that they had no problem with attendance at meetings because they were able to hold them in the workplace and very often in the employer’s time:

“We are not a union that has a history of meeting in smoke filled rooms upstairs in a pub on a Wednesday night. Most of the meetings will probably be held in the employer’s time and on their premises.”

Regional Officer

The issue of meetings being inaccessible to members, because of the time and location they are held, was common across the unions. This was partly addressed by providing crèches and giving plenty of notice of meetings. The continuing use of pubs as meeting places was raised by a number of



respondents who felt that such venues discriminated against the participation of many members such as Muslims and women.

"It is very male, white, Christian dominated, a lot of meetings will be in the pub, which is not going to attract Muslims as activists."

National Policy Officer

However, one interviewee did point out that the issue of non-participation by lay members was more than just that of location and timing:

"We have been having this debate ever since I have been doing this job. I tend to think it is a bit more than 'it is just the venue', or 'is it the time of the meeting'. If we just think it is the venue or the time we are just deluding ourselves."

National Policy Officer

Rules introduced for electing members within one union could potentially be a barrier to participation in some of the equalities activities, since in order to participate, representatives already had to be elected as a shop steward representing no less than three members in a workplace. While the structures of the election process within unions may be democratic, they could also present an obstacle for some people:

"We always get a substantial number attending conferences who have never been before to a conference and try to encourage them to speak and they always come away delighted with the experience but then they disappear back into the workplace, because the structure is actually quite hard to get into through the election. Putting your name forward isn't that easy for activists or people who are politically aware [but] in terms of the democratic process, you can't just turn up..."

Regional Equality Officer

Another union respondent stated that one of the barriers to participating was not understanding what went on in meetings and the difficulties in breaking into already well established groups. This suggests that unions need to do more to make new members feel welcome especially in terms of making them aware of what goes on at meetings and how they can potentially contribute.

Generally, unions had not taken much action in order to try and encourage under-represented groups to become lay representatives. One union had some reserved seats for women and BME workers within certain industrial sectors, but this was not replicated throughout the whole union.



3.3.2 Equality Officers and Representatives

Many of the UK-based unions had dedicated specialist equality officers at national level. In addition, many Scottish specific unions had an equality officer covering the whole of the union (in effect Scotland). Larger UK-based unions also tended to have equality officers at regional level, therefore having an officer covering the Scotland region. Of those unions who did not have any dedicated equality officers, the reasons were because the unions were either too small and/or the equalities remit had been integrated within another role, for instance within the role of Regional Officers, or Principal Organisers.

Small unions have particular issues around resource allocation and making choices between, for instance, having an equality officer or having a health and safety officer:

“In reality, as a union, health and safety is more important, but I still think we should have equality officers [at regional level]. ... We’re a small union, so we are more generic and therefore you have to make choices.”

Regional Officer

The roles of equality officers varied between being mostly strategic (this was particularly the case in the bigger unions) and being more reactive, although all at least aimed or hoped to be more strategic. Being strategic involved being more pro-active in setting the equalities agenda and representing this at a high level within the union. Being reactive was considered to involve responding to particular cases or issues, e.g. legislation as it arose, rather than planning influence and activity over a longer term. Equality officers did not tend to be allocated a case load in many cases, which could be perceived as positive in encouraging more strategic working. However, where the responsibility for equalities was one of many responsibilities of officers, having the time to act strategically could be more difficult.

“I think the Equality Officer is entirely pro-active...anything with the full-time officers in unions is a fine balance, are you reactive or proactive, then there’s the pressure of work. [It’s] a bit of both in most cases. In some case you are just fire fighters. We work with branches and try and set the agenda, but then sometimes it’s forget everything else, just bring in the fire extinguisher.”

Regional Equality Officer



Equality Officers tended to be busy people, for instance through attending weekend conferences and supporting and engaging with people on equalities issues:

“a lot of the work I do is after hours or at weekends.”

Regional Equality Officer

As another officer put it:

“There will always be time issues for everyone. I’d like more time.”

Regional Equality Officer

However, there was no evidence to suggest that this was particular to the role of equality officers and may more likely reflect wider issues of workloads among union officials more generally.

Equality representatives were less common among the unions than equality officers. However, several unions had fairly extensive networks of equality representatives.

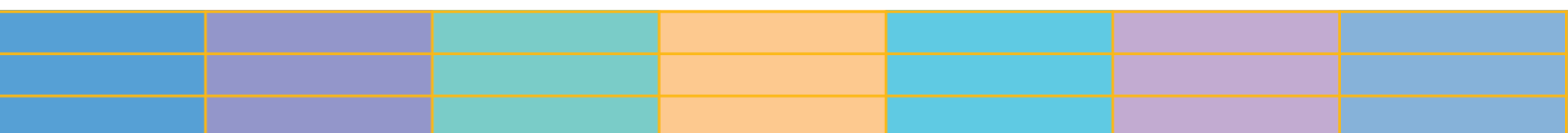
“We have an established Equality Representatives network. Most local associations will have someone or a committee who deal with equality...In the smaller associations, there would be one person, but their remit might include other things apart from equalities, but most of them have something, although it is a lot to do with the size of the association.”

Regional Equality Officer

It was not clear the extent to which the role of equality representatives was strategic or reactive. Equality Officers did not appear to have a particularly close relationship with equalities representatives in many cases, perhaps because reps tended to be part of extended networks. This may also be related to the ways in which some local associations operate, and the level of autonomy they enjoy. It was not known exactly what the time allocation was for equalities representative to spend on their union duties, and indeed it seemed to vary considerably between employers:

“It depends who their employer is and on what their branch can negotiate in terms of facilities time, but I don’t think it’d be that much, maybe half a day or a day. Some get a couple of days a week.”

Regional Equality Officer



Again, there appeared to be time issues for equality representatives, although this varied greatly depending on what time off facilitates had been negotiated with individual employers. For some, the roles could be particularly time pressured:

“Often [they are] doing dual roles, for instance they are also the health and safety rep or a shop steward. They are often overworked as well.”

Regional Equality Officer

However, it was not clear that the issues faced by equality representatives were particular to their roles, with some of the challenges applicable to union representatives more generally. For instance, the challenge of getting people to become representatives in the first place was mentioned, as was having the confidence to take on the role.

3.3.3 Participation in Lay Activities: 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, some issues and challenges in terms of choices of venues and timings of meetings remain. 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 equality 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 where 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.



3.4 Monitoring Members and Lay Representatives

The unions were all asked about the extent of monitoring that they carry out on protected groups. Although most of the unions carried out monitoring of their membership there was considerable variation in the levels of monitoring; the reliability of data collected; the availability of data; and how the data was used.

Table 3 below outlines the range of protected groups monitored by the unions interviewed. It is clear from this table that unions most commonly monitored gender and age whereas there was rarely data available by religion or belief. A small number of interviewees were unsure about what monitoring data was collected. It should also be noted that though a number of unions collected data on sexual orientation, this was not always regarded as comprehensive since this monitoring relies on self identification and there was a perception that many people may be reluctant to disclose this information.

Table 3: Monitoring of protected groups of members

	National	Regional
Gender	19	4
Age	12	4
Disability	6	2
BME	11	3
Sexual Orientation	6	2
Religion or Belief	3	1
Migrant workers	1	

Although the level of monitoring data was limited, the importance of having this information was recognised by many:

"I've been arguing this for years. You'll never understand the profile of the union without this information. If people chose not to identify they are BME, gay etc, we can't do anything."

Regional Equality Officer



There was also frustration that a number of unions focused on recruitment and selection rather than having a clear picture of what their current membership looked like. Many unions had only recently started collecting detailed information, which meant that there is likely to be a time lag in providing accurate data:

“Our ability to monitor the other strands is very poor at this stage because our unions merged and the priority was to get people into the union. It is only recently that the application process allows for a full monitoring to take place. It is kind of on an upward curve. In time the ability to monitor the strands will become more effective.”

Equality Officer

Much less monitoring was carried out on the composition of officer groups. It tended only to be the very large unions that collected detailed information on officers. For many of the other unions, who only had a handful of officers, very little meaningful disaggregation could be carried out.

In terms of accessibility of the data, many of respondents were unsure of how they would get hold of the data while others had direct access to data. In some cases only certain officers had direct access; and for some unions it was available to all reps.

All respondents were asked about how membership data was used, in particular how it was used to inform policy. For most unions policy changes tended to come through the national conference, from reps, groups and resolutions. In most cases monitoring data did not have a major role in informing policy. However, for some unions it does have an important part to play:

“It will inform policy. It’s one of the things we would look at on a regular basis when dealing with big employer groups. If there are drops in membership on a particular strand we would push employers to be more proactive and look at why this is. So it drives policy in discussion with employers.”

Regional Officer

When asked if a lack of monitoring data affected how policy was shaped, most of the respondents stated that this was an issue because of the lack of accurate data. In particular it was felt that because there was a lack of ‘hard evidence’ on the numbers and needs of particular groups it was very often hard to put



forward a solid argument to provide more support and resources for such groups:

"I think if we did monitor, I think the whole equalities agenda would be ratcheted up the agenda because we would see where there are gaps and we could think about how we address this...It would show up issues that would then be able to inform policy. Without that information it is very difficult to work out where your priorities lie."

Regional Officer

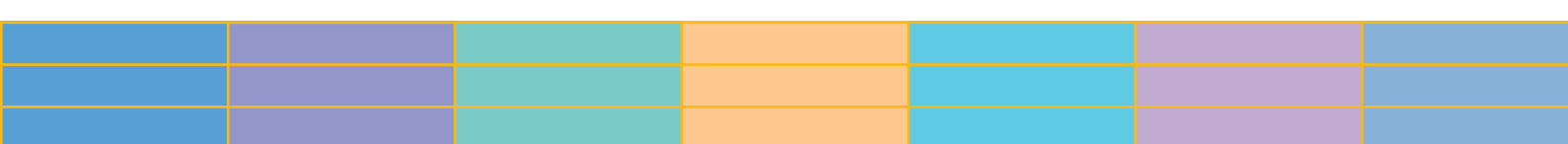
The question of the reliability of data was also raised by a number of unions. For example, where data on LGBT members is collected, these figures are unlikely to reflect the true level among members as there are many issues around confidentiality and sensitivity in giving this kind of information. Consequently, there was a feeling that some of the data may be unreliable and may not provide an accurate reflection of membership for certain groups, such as LGBT. Similarly, for disabled members, many may not wish to disclose their disability and thus many disabilities remain hidden and unaddressed by policy:

"It is sometimes difficult to say to people that they are covered by the DDA when they are reluctant to admit they are disabled...we do have a lot of disabled members but a lot of them don't see themselves as disabled."

Regional Officer

3.4.1 Monitoring Members and Lay Representatives: 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.



3.5 Occupational Segregation

3.5.1 Occupational Segregation within the Labour Market

Men and women tend to be concentrated in different occupations and industries within the labour market. For instance, around three-quarters of women are still found across just five occupational groups, referred to as the five C's: cleaning; caring; catering; clerical (administration); and cashiering (retail) (known as horizontal segregation). These occupational groups are associated with low pay and limited opportunities for career progression (Close the Gap/EOC, 2007). Women are also under-represented in higher grade jobs (the "glass ceiling") and over-represented in the lower grades (the "sticky floor") (known as vertical segregation), for instance, only 36% of managers and senior officials are women compared to 82% of administrators and secretaries (Macpherson, 2008).

Occupational segregation is also apparent within other protected groups such as BME and disabled workers, although research carried out into the experiences of these and other protected groups is significantly more limited than for gender.

The unions who took part in this research represented a wide range of industrial sectors. Some unions represented industries or occupations that had a higher proportion of one gender than another, for example in education, where 75% of people working in the sector are women (teachers unions such as EIS and NASWUT) while only 24% of workers in transport industries are women (transport unions such as URTU, TSSA, RMT and ASLEF). Others represented a range of different industries and occupations with different gender balances (e.g. Unite, GMB, and Unison).

A number of the unions that were 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; and
- Improving facilities for women in male-dominated industries through negotiation with individual employers.



One union officer perceived there to be significant barriers at the workplace level to women entering some non-traditional occupations.

“There were cultural issues, with workplaces with lots of men it is not just an issue of bringing in women into the workplace. There is no point in just bringing women into the workplace without first educating the workplace, which is going to be extremely hostile and [women] are going to leave after the first day. Historically that has happened in some workplaces.”

A small number of unions had sought to work with employers to make male-dominated workplaces more accessible to women, principally through simple measures such as improving the provision of facilities that are accessible to women. In one union they had sought to improve working conditions for women by improving access to toilet facilities:

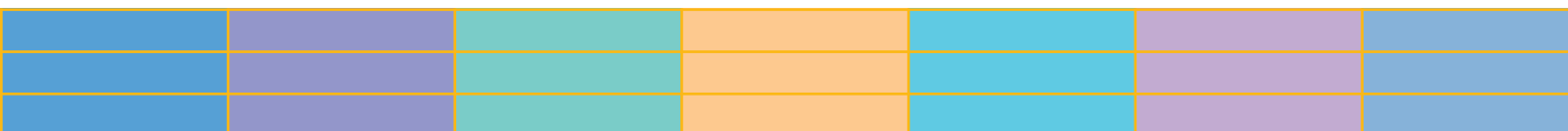
“Things like access to toilets which is an issue if you are a mobile worker. The transport industry is very male dominated, where they have adequate toilet facilities for men, once you start employing women there is a problem for some reason. A lot of stations didn't have toilets for women. That has been an issue.”

National Officer

The levels of receptiveness to requests for flexible working were also seen to be influenced by the extent of segregation within that workplace. For example, one union stated that employers were less likely to accommodate requests to work flexibly in industries that were male dominated.

Other unions had attempted to increase recruitment among other protected groups, such as among BME and LGBT groups, for instance, through recruiting at Gay Pride events, advertising for staff in BME newspapers and magazines, and running workshops for ethnic minorities to promote their participation within the trade union, in collaboration with the employer. The later initiative was reported to have not been particularly successful at recruiting more ethnic minorities into the union, although it had had a positive impact on existing membership. It is not clear the extent to which the other activities were successful in increasing the proportions of particular target groups within their industries.

It has not been possible to find examples of union initiatives, which aimed to tackle vertical segregation among men or women, or other protected groups.



3.5.2 Occupational Segregation within Unions

A number of respondents felt that the gender distribution of membership, lay representatives and officers within their unions generally reflected the distribution within their industrial sector. Due to a lack of monitoring data, respondents were less confident that their membership reflected numbers of BME and disabled workers in the industry.

However, other union representatives recognised that proportions of their membership, lay representatives and officers did not necessarily reflect the sector, particularly at lay representative and officer levels (*see also Sections 3.2 Membership Diversity and 3.3 Participation in Lay Activities*). In some unions, women and people from BME groups are under-represented among lay representatives and officers. It was difficult to ascertain if other groups were under-represented due to lack of data and the 'invisibility' of some groups, in particular LGBT, although some reported that young people were also under-represented:

"We have got nearly a quarter of a million members and a high proportion are women and from a gender perspective all of the key positions in your union are basically white, middle-aged men."

Equality Officer

Some respondents reported that there was a tendency in their union for officers to be male and administrative staff to be female.

A number of respondents felt that there was still resistance within their unions to women and other protected groups being at senior levels, and to acknowledging that under-representation of these groups was indeed an issue. One interviewee outlined the challenges within their own union to changing occupational segregation:

"The rule book is supposed to be our bible but even with that there is still resistance to women and there is still resistance to people from underrepresented groups generally."

Equality Officer

Another union stated that a lack of support from their branch meant that women seemed less likely than men to complete the union's own education courses:



“There are women that are coming through our union education courses and come to the first one of the modules and are then disappearing, they are not embraced by the branch because the branch will think they are getting ideas above their station. We are already liaising with the education department to say to them what is happening to these women who are coming along to courses and then disappearing...the courses can't be that bad.”

National Officer

Without effective monitoring and evaluation in place, it is difficult to ascertain why women are more likely to drop out of courses. The lack of branch support may be a factor. Alternatively, it may be that many women do not perceive the courses to be relevant to them or to their experience.

Even where change had taken place and there was greater representation of women in senior positions, evidence of sexist attitudes towards women officials persisted:

“Some lay members are disturbed by the fact that all of the senior people in the union are female. One or two attach no importance to what I say at all [because I'm female].”

Regional Officer

A number of other unions either had good representation of women at senior levels or had seen improvements. One respondent outlined the importance of unions taking positive steps to deliver equality:

“It is still predominantly white men, although it is changing. I see there are more women and other groups on courses and I think it is training. We've come a long way, but there is still further to go. It takes time and you have to be proactive.”

Regional Equality Officer

Another indicated that the level of representation within the union was changing, although there were obviously still barriers to women's participation as senior officials:

“We don't have as many females wanting to be part of it [senior officials], but it is now more acceptable to see females. We're beginning to see a profile of women right at the top of the union.”

National Officer



A couple of unions were reported to have made attempts to increase the participation of women or other groups among lay representatives or senior officials. For instance, attempts to increase participation among women and BME groups at the senior official level were perceived to have had some success within one union:

"[We] have had ten point plans for promoting women in particular and then other groups into more senior roles, and certainly that has had an effect. We have now got more women and BME [people] into more senior roles. There have been improvements in these areas of senior management...it was all about encouraging women. It was about pushing people through and it has had an effect. It was about encouraging departments. There was a recognition that something had to be done. I suspect there still may be problems in terms of disability."

Regional Officer

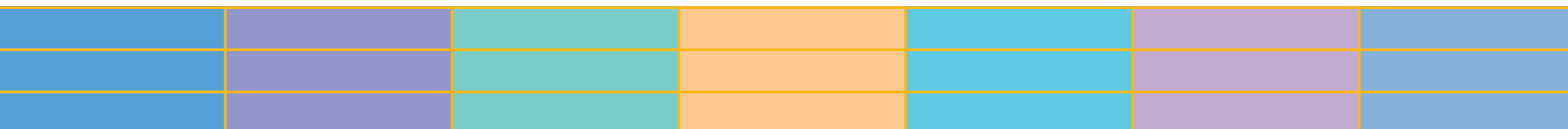
Another union operated a UK-wide initiative to increase participation of people from BME groups among lay representatives (see Good Practice in Equalities).

3.5.3 Occupational Segregation: 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.
- 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.



3.6 Representative Structures

Unions were asked about the structures in place to represent protected groups; if and how these had changed over the previous five years; how these structures could influence policy; and the benefits of these structures.

3.6.1 Equalities Structures

Unions were asked about the structures they had in place to represent protected groups. Table 4 shows that more unions had representative structures dealing with specific equalities issues than those dealing with general equality issues. This is a reversal of the findings of the 2005 study, which showed unions with a greater proportion of generic equalities structures than those representing particular equalities strands. Given that, for the most part, unions reported that equality structures had not changed radically in the last five years (see below) this may be because fewer smaller unions were interviewed for the 2009 research who were more likely to have general equality structures than specific equality structures.

Table 4: Number of Unions with Equalities Structures*

	Committee	Self-organised group/network	Conferences	Reserved Executive Places
General EO	7	1	3	2
BME/Race	8	7	6	4
Women	7	5	6	4
Disabled	6	6	6	2
LGBT	7	7	6	3
Youth	3	4	3	2
Older/Retired	2	4	2	2
Religion	0	0	0	0
Migrant Workers	0	0	0	0

*Regional and/or national



3.6.2 Changes to Equalities Structures

Among the unions interviewed there had generally been little change to the equality structures in the previous five years, though there had been some minor changes such as the creation of an LGBT forum (self-organising group) that had gained committee status in one union. The recent merger of two unions also had some impact on structures. In this case one of the legacy unions had held equality conferences, whilst the other had not and the merged union had adopted the policy of the former.

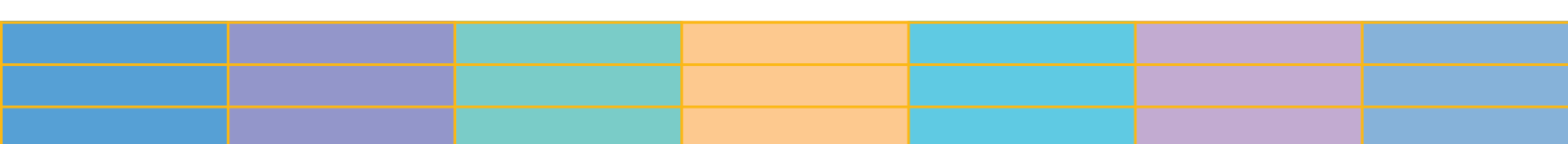
Only a small number of unions had experienced any substantial changes in their equality structures. One union had moved from having separate equality committees for specific strands including gender, BME, LGBT and disability to a single overarching equalities committee. There were a number of reasons for this: firstly, acting in anticipation of an incoming piece of legislation which purposes to bring together all the equality strands into a single piece of legislation (Equality Act (2010)); secondly, in response to perceptions of the benefits of increased awareness across the groups resulting from single structures; and finally in aiming to make more effective use of costs by bringing together different groups under a single larger budget.

A further two unions had made the move from separate strands to a unified equality group. For one of these unions this move was made in response to the fact that the separate strands were not operating effectively and/or did not have enough members. For the other union the move to a single equalities structure came partly from a recognition that existing structures were becoming too entrenched, with the same people in post for a number of years, and needed to be 'freshened up' by bringing in new people and ideas.

For other unions that had seen changes since 2005, these had included changes to the way that equalities committees were organised and the creation of an equalities champion who sat on the NEC (National Executive Committee). For another union the changes involved setting up additional new equalities structures, which meant the creation for the first time of a formal mechanism to involve LGBT members.

3.6.3 General or Specific?

The unions interviewed had a variety of different equalities structures to engage and represent protected groups. While some had structures for specific protected groups and no general equality structures, others had



overarching general equalities structures, but no specific groups. Others still had some combination of both.

Unions were asked, where appropriate, to identify the pros and cons of having equalities structures that addressed strands individually, or tried to work across strands. Some argued that bringing all protected groups together could be beneficial in terms of sharing experiences between groups, knowing what was going on in other equalities areas and pooling resources. In smaller unions in particular, general equality committees/conferences may also be more practical because of potentially small numbers of people from protected groups able or willing to participate.

Having structures for separate protected groups was also seen to be beneficial in terms of gaining particular expertise and understanding of specific equalities strands. In one case, there had been issues encountered around certain protected groups not wanting to associate with other groups, with one Regional Equality Officer stating for instance:

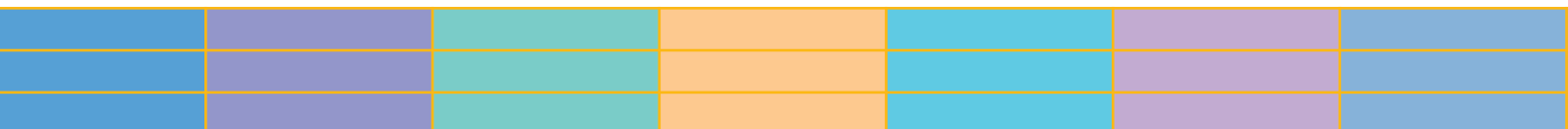
“There are certain elements that don’t want to be associated with other groups. Is that not a form of discrimination when you are not prepared to stand up and support your gay colleague in case they think you’re gay because you support it”

Regional Equality Officer

This illustrates that individuals with expertise around a specific equalities strand may not have a broad understanding of equalities, and may themselves have discriminatory attitudes that require to be challenged.

There was a mix of ideological rationalisation and pragmatism around the move of unions from strand-based structures to single structures.

Some respondents favoured a general equal opportunities committee because they felt that some equalities strands such as LGBT were being marginalised in the union’s wider equality agenda and that by bringing the strands together in a single equalities structure it would be possible to draw more fully on the experiences of the more established strands. One respondent suggested that separate groups may segregate people and encourage them to focus on one particular equalities strand rather than on the wider equalities issues and union agenda. As they state in relation to discussing the merging of strands:



“Personally I think it is better because it means everybody is more aware of all the strands. Like for instance the ethnic minorities, the Black workers - their struggles have been going on for 20-odd years now, whereas the LGBT is quite new and they are coming with issues that Black workers got legislation for years ago”

Regional Equality Officer

However, there is the danger that the particular needs of some groups, like disabled workers, would not be taken into account by adopting this type of over-arching equalities approach.

For another union, having a general equality committee was seen as a way of bringing together separate equality strands that were not working effectively within separate structures. This was partly due to the small size of the union, but also to do with a sense that it would be more effective in addressing equalities, to bring the strands together rather than them operating separately:

“Three years ago we had 3 equalities networks - we had disability, LGBT and the BME network. But it just wasn’t working. We had no meeting of the LGBT network, one member within our disability network and around 8 members within our BME network, so it just wasn’t functioning. So we decided that we would bring them all together...it has been great, because now that they have joined they have broken those barriers down, which has been really good.”

Regional Officer

There are clearly issues around the extent to which there is crossover between equalities issues and to which they are specific to an individual group. This was an on-going debate in a number of unions:

“I think it would be good for members from different committees to meet every six months or so and discuss each other’s plans and how they are doing and how they can support each other. I think it is good for everybody to know what each other is doing...but it’s more important to have specific groups, because even though they do cross over, women like to talk about women’s issues.”

Regional Equality Officer

There was also a sense that in bringing the strands together, the voice of individual strands may be lost, particularly for those strands which, for whatever reason, are not as well represented within the union:



“There may be a case that certain issues may dominate the discussion reflecting individuals’ interests. The real danger is that equality strands that are less well represented are less well discussed.”

Regional Equality Representative

This reflects the wider debate around recent and proposed changes in legislation which, to some degree, bring separate equalities strands together. The establishment of the Equality and Human Rights Commission and the new Equality Act have been read by some as a signal that intersectionality should prevail as an approach to equalities work, above taking a single-strand approach. However, it is important, when developing policy and practice, to be clear about the effect of the creation of the EHRC and the framing of the Equality Act (2010). The Commission makes possible a greater range of work around multiple discrimination, but the work of the EHRC since its creation has principally been around strand-specific structural inequalities. It retains, for example, a strategic focus on the gender pay gap.

Similarly, although the Equality Act has harmonised legislation across strands, it provides protection for individuals on the basis of protected characteristics that relate to a single strand, as well as the cumulative effect of two separate protected characteristics.

It is also important to note the capacity of self-organising groups to empower underrepresented groups, and whilst there has been some move towards greater intersectionality in public policy, this does not necessarily reflect the role of self-organised, single strand equality groups as activist groups pressing for change. It should therefore not automatically follow that what works on a public policy level will be an effective formula at the level of engaging and empowering grass roots activism within trade unions.

3.6.4 Influencing Policy

The ways in which equality structures influenced union policy appear to be broadly in line with the findings of the 2005 study, and there has been little change in the extent of influence enjoyed by protected groups within unions in the last five years. Some unions have equal opportunities representatives on the National Executive Committee (NEC) through reserved places for specific protected groups, or representatives from equalities committees. Others have national and/or regional committees, often reporting directly to the NEC. In some cases the role of these structures seems to be to make recommendations to the NEC.



“The Equality Committee feeds into the Executive Committee which doesn’t have the power to disagree except where we have overstepped our boundaries in terms of finance or remit.”

Regional Equality Officer

National executive committees sometimes adopt leadership roles with regard to equality, for instance:

“Whatever recommendations come out of the Equality Committee would be fed directly in the Executive Committee and that committee would then feed that back to the union at large, to the representatives...”

Regional Officer

In other cases, equalities committees are able to raise motions at specific equality conferences, which set the equality policy for individual unions.

Generally, self-organising groups play a supportive, rather than policy making role, although many have links either formally or informally to various equality committees. One union had four separate equality committees (Black workers, women, LGBT and disabled) which can each send two motions to the national conference.

3.6.5 The Benefits of Equalities Structures

Unions with equality structures were asked what they considered to be the main benefits associated with the structures.

On the whole, respondents were very positive about their unions’ equality structures with committees, self-organising groups and conferences valued for the expertise that they offered in terms of information and awareness of issues.

“[They provide] another point of view, another angle that can maybe highlight problems or benefits...it’s too easy to be blinkered, you don’t automatically think about [some issues].”

Regional Representative

“They’ve done the research, the donkey work, in researching the issues and providing us with ammunition we need to go to the employers and say ‘you need to be looking at these sorts of areas.’”

Regional Officer



"They get to the issues, they keep them alive, they tell us what is out there, what our priorities should be. We inform them, they inform us, so it is a symbiotic relationship."

Regional Equality Officer

A couple of unions felt that the equality structures could provide experience and act as a springboard for people from under-represented groups to become more active in the wider union agenda, through providing:

"Opportunities for people...[to] cut their teeth in a safe environment and then think, 'I'm going to sit on the committee (or whatever) because I'm not afraid of it now."

Regional Officer

Another saw an important role for the structures in empowering members of protected groups:

"I think it empowers people, it lets them see through their own personal experiences, how they can make a difference and change and about your voice, not only in the union, but in the community. You can see it changing women, in whoever is raising that issue, it is making them think they have a voice...that is empowering."

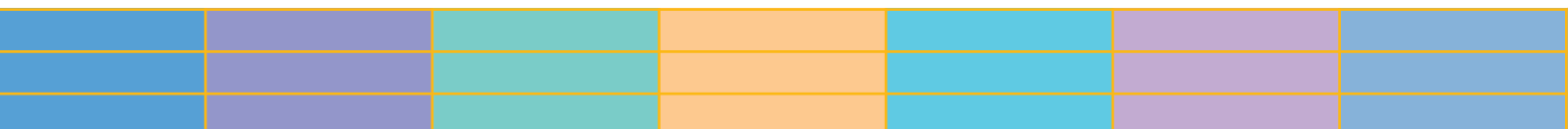
Regional Equality Officer

Some unions also identified a number of barriers that prevented equalities structures working to their full potential. These included engaging people to get interested in union activities; geographical barriers; not being able to get time off work to attend events, especially those held during working hours; and domestic and caring responsibilities that prevent attendance.

For instance a small number of challenges around supporting the structures were raised, such as, the time and resources required to organise the groups (which was frequently carried out by an equality officer or equivalent), especially when there were a large number of different equality committees, groups and conferences. The fact that this was raised as an issue is perhaps indicative of the value that unions place on equalities structures.

"The only question that we have is whether or not some local associations, because of their size, have the capacity to have their own self-organising groups."

Regional Equality Officer



Another issue raised was the ability of representatives to get time off to participate in the structures:

"Increasingly, more and more people who are active, who want to be active are finding it very difficult to do that because they are not getting time off and people have [other domestic responsibilities]. This is partly because of the recession, partly because employers are getting more strict, much less flexible."

Regional Equality Officer

In some cases it was also raised that there may be some resistance among members who were not in protected groups towards having separate equality groups. For example, as one respondent outlines:

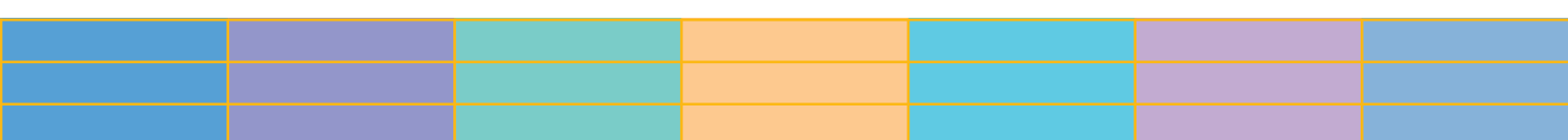
"I think there are people who have an issue around having [a] BME [structure]. I think that goes for all the self-organising groups. I think there has been a depiction of what these groups do that is very off-putting and that comes back to the cultural interpretation of what they are doing e.g. 'the women's committee are going mad again' and frankly I just found it offensive."

Regional Officer

This highlights that more needs to be done to raise awareness among some union members of what equality groups do and the positive benefits they bring to the union and their members.

3.6.6 Equalities Structures: Recommendations for Unions

- As indicated in 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 there are specific forums, it may also be worthwhile considering having a general equality committee or other communication structure, where experiences can be shared.
- Unions should consider whether they provide the time and resources required to operate equality structures. This should include which officer has capacity to lead on the equality committees or groups; what role volunteers and support staff can play in organising forums and events; ensuring there is an adequate budget to support the work of the group or committee; and any facilities time that requires to be negotiated in order that members can attend.



3.7 Unions as Employers

This section examines the role of trade unions as employers themselves. Interviewees were asked about the equalities policies operated by their unions, including formal strategies, policies and handbooks, equality impact assessments, equal pay auditing and support for childcare. Many of the issues covered here were not examined in the previous 2005 study.

3.7.1 Union Equalities Policies

Interviewees were asked a series of questions about the various equalities policies that existed within their unions. The interviewees were generally officers with a responsibility for equalities and not human resource personnel, therefore their knowledge of their unions' policies may not be a reflection of actual policy, and some respondents felt that this prevented them from being able to fully answer these questions.

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

A respondent from one union was very clear and positive about the benefits they received as a union employee and knew where and how to access information if needed:

"Everything is in the staff handbook - it has got the equal opportunities policy issued to all members of staff and it has clear procedures in place for tackling any breaches of policy. It has enhanced maternity pay, which goes far beyond the statutory provision. There is 5 days paid care leave. There is flexi-time. There is reasonable adjustment for disabled staff. Maternity leave."

Regional Equality Officer

Of those interviewees, who were aware of an equal opportunities handbook and/or policy document for their union, only two handbooks had specific sections (or appendices) relating to particular protected groups, such as race or disability. In other unions, there was a general policy covering all protected groups, such as a statement about the union opposing discrimination on grounds of "religion, race, gender, sexual orientation, gender reassignment, marital status, disability, age and trade union activity". In one case, a union with separate policies was working to integrate all the strands into one policy:



"It's about this whole single equality body. We will eventually work towards having one policy, but individual groups don't believe we are actually in that place yet."

Regional Officer

This indicates that a full understanding of each equality strand is required before they can be effectively integrated, and is an issue that is also covered in section 3.6 on Representative Structures. Another union was working with the TUC to improve their internal policies in relation to equalities.

Equality Impact Assessment and Equal Pay Audits within Unions did not appear to be particularly common place, although again, there was a lack of awareness among some respondents over their existence or not.

3.7.2 Support for Childcare

Respondents were asked if their union provided any childcare at union conferences or other events. Ten representatives indicated that their unions provided free crèche facilities at conferences and sometimes at training events. However, a number reported that the facilities tended to be under-utilised. One small union said they did not provide a crèche because they felt the cost to be prohibitive to them:

"Do we provide the cover and pay the thousands it would require even if nobody comes to it?"

Regional Officer

Another respondent said that their union had ceased to provide crèche facilities because of the very low take up. One representative felt that the low demand for crèche facilities reflected the age groups who were more likely to be active in the union, i.e. women with young children tended to be less active. However, other means of meeting demands for childcare were employed by some unions. A small number were reported to cover the costs of childcare which had been arranged by individual delegates. The union who ceased to provide crèche facilities because of the low take up stated:

"Now we cover the cost of people to make their own arrangements. It's about supporting people on an individual basis."

Regional Officer



In these cases, delegates made their own childcare arrangements and the union would reimburse them for the costs. This allows for participants to make arrangements that suit their particular circumstances.

3.7.3 Unions as Employers: 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 union 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.



3.8 Working with Equalities Agencies and Initiatives

This section examines the extent to which unions worked with equalities agencies and initiatives, such as the EHRC, Close the Gap and One Workplace Equal Rights, in particular how often they were used, the purposes of using them, and any impact joint working had had on union equality agendas.

3.8.1 Equality and Human Rights Commission

Most respondents had made use of the EHRC, in the majority of cases as a source of expert information on certain areas, such as the Disability Discrimination Act (DDA), Public Sector Duties or to help them keep up to date on equalities issues:

“Yes, all the time, keep myself up to date. I send out to local association secretaries saying you need to know about this.”

Regional Equality Officer

“The website is a good source of information. We have our own equality e-bulletin and a lot of the information that we source is from there.”

Equality Officer

Other respondents made use of training courses provided by the EHRC which were seen as useful, and some made use of the helpline. A small number of union respondents raised the issue that the EHRC’s website was difficult to use and access information from. Other interviewees stated that they would like to receive more information on the helpline, advice and information from the EHRC. There was also less awareness about the EHRC helpline than the website, with a number of respondents not having heard of it.

3.8.2 One Workplace Equal Rights and Close the Gap

Union respondents were also asked if they were aware of One Workplace Equal Rights or Close the Gap. Of those unions asked, 13 were aware of One Workplace Equal Rights and 5 were not. There was slightly higher awareness of Close the Gap with 15 having heard of it and only 3 not. Those, who were unaware of these initiatives, were generally representatives based outside of Scotland, and this was particularly so for One Workplace Equal Rights. Close the Gap had a wider national presence and so more of the non-Scotland based



representatives were aware of them. Awareness of One Workplace Equal Rights and Close the Gap was good among representatives based in Scotland and there was only one Scotland-based representative, who was not aware of either.

For those unions that were aware of either of the projects, they were asked which activities and resources they found most useful. The level of involvement varied across the unions and a number of respondents were unable to fully comment as they had not had direct involvements with the projects. A small number of unions stated that although the information provided by Close the Gap was very good they felt it was not directly relevant to them, as equal pay was an issue that had already been fully addressed by their union.

For those unions that had direct involvement with either project, they gave very positive feedback:

"I utilised the resources that are there and they are excellent. I think the reps enjoy and get a lot out of events. They can feel more comfortable asking questions in a small environment. They always come away learning something else."

Regional Equality Officer

"We get the emails in and I send it out for whatever strand it is, to all the reps and the rest of our colleagues. As long as there are branch funds for travel, they will support people to go to that. I've been to a few and thought they were really, really good, interesting, a lot of experienced officials and new young activists. There was a good mix of people."

Regional Equality Officer

The unions were also asked about what either of these projects could do to improve the impact of their activities. Most of the respondents were happy with the way activities were currently organised.

One small issue that was raised by a few respondents was to ensure that the information from these projects was disseminated as widely as possible within their own unions. However, it was unclear whether the respondents thought that this was something that either of the projects should be addressing, or whether they perceived this as an action for their own unions. The STUC, in which both projects are based, has no database of shop stewards or workplace reps.



3.9 Good Practice in Equalities (Case Studies)

3.9.1 Good Practice in Equalities

The discussion in the previous sections highlights some of the challenges that trade unions face in promoting equalities in the workplace and advancing the agenda in their own practices and structures. It is possible, however, to pull together a number of case studies through interviews with unions and other examples of good practice from One Workplace Equal Rights and Close the Gap, identifying a number of innovative practices. A short review of this existing good practice has been included to support these findings.

Examples of good practice included: initiatives to increase membership among under-represented groups; initiatives to increase participation of under-represented groups in union activism; raising awareness and supporting equalities issues among members and employees.

3.9.2 Initiatives to increase membership among under-represented groups

A number of unions had carried out initiatives to increase membership among under-represented groups. For example, initiatives aimed at increasing membership among migrant workers, such as that operated by Unite the Union.

Unite has an on-going strategic policy of organising to recruit in new previously un-organised workplaces. One of the sectors targeted has been in food processing, where many of the workers are migrants and typically on poor terms and conditions. The union has been pro-active in recruiting migrant workers to the union in all areas where they are aware there is a pool of such workers and have done so using a variety of methods:

- Unite representatives spoke to the heads of the local community and church, taking along interpreters. They also talked to workers about workplace issues after they had been to Church.
- Unite also produced information leaflets in a range of different languages. A local organiser, who is Polish, has been recruited in one area, as have several representatives who are migrant workers. Unite has also established a branch for Polish workers.
- As a result of this work, Unite have substantially increased their membership among migrant workers.



3.9.3 Initiatives to increase participation of under-represented groups in union activism

USDAW Promoting Black Members Campaign

In one case a union had recently operated an initiative to increase participation of an under-represented group amongst lay activists. This initiative was operated by USDAW and though it refers to an initiative from another region of the UK the case study offers an example of good practice which could be transferred to other unions in Scotland.

One of USDAW'S key campaigns has focused on promoting Black members within the union. USDAW wanted to encourage Black members to fill a number of union rep vacancies and they also wanted Black members to become more active within their consultative structures with various companies.

A pilot project was carried out with a major retailer to encourage the participation of Black members. This involved holding workshops that explained union consultative structures, and what is involved with being a rep. The aim was to encourage greater activity in the union and in the company union structures. The Union briefed all lead officials and reps in stores, where activity was taking place, to make sure the aims of the project were understood and that they were clear about what was being asked of them. Those Black members that took part in the event were given paid release, which was of particular benefit in enabling members to participate in the workshops. One key aspect to the success of this campaign was the participation of the company who were on board from the beginning and provided paid release to enable the workers to participate.

USDAW also carried out a survey targeted at stores with high proportions of Black employees. The report of this survey "racism at work" outlined the key issues facing Black members, the barriers they face in the workplace, and highlighted ideas to support Black members to become involved in union activity. Again, the research was supported by the retailer who co-operated with the distribution of the survey.

Following on from the success of this initiative, a number of further events are planned including plans to host similar get-togethers next year to boost interest in the forum elections; get-togethers to boost interest among Black members for positions in the rep elections in January 2011; a series of local



get-togethers for Black members. USDAW are currently considering the potential to roll out this initiative in other companies.

Unison LGBT Self Organised Group

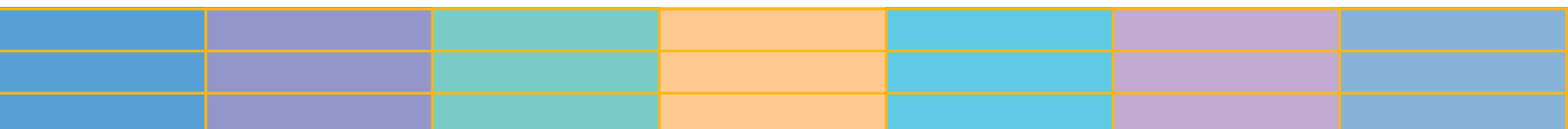
A further innovative campaign aimed to increase union activism among lesbian, gay, bi-sexual and transgender (LGBT) people in a rural location was piloted through the UNISON Highland Branch who established an LGBT self organised group (SOG).

The Highland Branch SOG was formed in 2007 and came about as a result of members witnessing incidences of discrimination and ignorance in the workplace, both with the other trade unions and among UNISON members, and looking for a way to challenge this.

The SOG regularly writes to the local authority (Highland Council) requesting information on what action they are taking to support LGBT members in the workforce and offering constructive criticism and suggestions to things that could improve things for LGBT members. Indeed, as a result of one of these letters, an LGBT event was arranged for staff in a 'safe space' hotel which was well received by members.

The Highland Unison Branch covers a geographical area the size of Belgium, and is mostly rural and remote, with just one city (Inverness). There are no gay-friendly pubs or clubs in the area, except for one club, that hosts an LGBT night one Tuesday a month. This was an issue, that a number of members of the SOG identified as causing them to feel isolated. The SOG therefore wanted not only to support members in the Branch, but to reach out to other like-minded organisations. As a result, the SOG has worked in partnership with Highland LGBT Forum on a number of shared objectives.

A prime example of joint work occurred when the Highland LGBT Forum was planning a Highland Pride Ball in 2008, the SOG recognised the opportunity this provided for reaching and recruiting new members. With this in mind, the SOG sought funding from the Branch and UNISON Scotland to sponsor the ball, arguing that the event would help to raise the profile of UNISON as an organisation that supports its LGBT members. Members of the SOG had a stall at the ball, with UNISON literature and a selection of freebies to give away. The Ball was well attended and received some positive publicity, including some press coverage. Business was steady at the stall, and membership application



forms were given out to potential members, which has led to an increase in membership of the group.

The SOG has continued to raise their profile at local events, for example, members in the Highlands participated in campaigning against racism and fascism in Inverness, as a result of which they were also able to recruit new members.

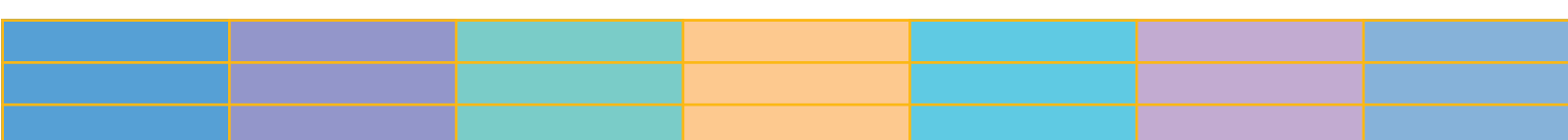
3.9.4 Raising awareness and supporting equalities issues among members

A number of unions had adopted initiatives in order to raise awareness of general or specific protected groups and to support members from protected groups. This appears to be the most common type of union initiative on equalities. Case studies have been drawn up of three unions who operated this kind of initiative. Two of these operated Equality 'Representatives' or 'Champions' (Prospect and Unite) which aimed to increase awareness across all the equality strands and support a wide range of protected groups. One of these initiatives had begun several years ago as a more specific 'Disability Champion', but, following the success of the initiative, had developed to embrace all protected groups. The other case study is from USDAW, who have specifically sought to support lesbian, gay, bisexual and transgender (LGBT) members, as a group that has previously remained relatively unseen among its membership. The One Workplace Equality Award is another platform that enables unions to highlight good practice among trade union reps, and case studies of recent recipients of this award have also been included as best practice examples.

Prospect Equality Representative Initiative

In response to the proposed Equality Bill, the Equality Representatives Initiative was set up by Prospect in the Scottish Agricultural College (SAC) and has been operating for under a year. There are currently 13 Equality Representatives (both union and non-union staff) covering 875 employees across a number of geographically dispersed campuses.

The Initiative is tiered with equality representatives making up one level, and an overseeing committee making up the second. Made up of union and human resource representatives who have undergone significant training in equalities issues, the Committee meets every three months. Equality



Representatives have a general equality remit to keep staff and managers informed of new things that are going on, such as legislation and raising awareness of equality issues. Their contact details are available via the college e-branch so that staff can get in touch for advice. Equality Representatives have the additional support of members of the Committee, if they are unable to resolve individual staff queries themselves. The issues that the reps work on are then fed directly back into the Committee who meet regularly with the organisational directors and can raise equality issues at this senior level.

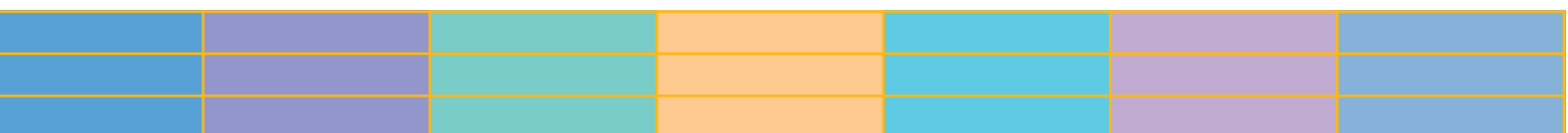
Unite Equality Champions

Unite have had a systems of Champions in place for around 5 years now, although these started out representing single strands, e.g. disability, before becoming multi-strand 'Equality Champions' three or four years ago. The aim of the system of Equality Champions is to "challenge behaviours, help people understand inclusion, tackle discrimination and create an inclusive culture which supports integration, acceptance and treats people with respect and dignity". 'Equality Champions' are volunteers who are members of the union, and here are over 100 in the NHS in Scotland. All 'champions' undergo up to 3 days training covering the 6 equality strands, and their names are then made available to staff in their organisation who can then approach them on an individual basis in order to ask for help and support.

USDAW LGBT Campaigning

Although supporting LGBT activists is a relatively new area of work for USDAW, they have implemented a number of initiatives to support their LGBT members and the union as a whole. In 2006, Usdaw set up new equalities structures, which included formal mechanisms to involve LGBT members, such as LGBT activists who sit on the regional and divisional equality forums and bring issues to the national equalities group.

In addition to these formal structures, there have been a number of campaigns to support LGBT members, one of which is the campaign for the rights for same sex parents. This arose in response to LGBT members whose parental status was not recognised by their employer. This campaign was developed very much at a grassroots level. Although USDAW has been campaigning for parents and carers rights and benefits for a number of years, LGBT activists had identified that while a lot of the issues in the campaign were equally applicable to LGBT members, there were a number of distinct issues facing LGBT members that were not reflected in the ongoing campaign. For example,



employers were raising questions over parental rights, such as paternity leave and flexible working, when couples are not civilly partnered. It was, therefore, felt that it would be useful to have some information that addresses some of the particular barriers faced by same sex parents. It also highlighted a training need for reps in order to support them to advise LGBT members who are parents and ensure that they are accessing all the rights that they are entitled to.

USDAW also wanted to build up their local networks of LGBT activists as they already have successful networks for women and BME workers. One of their first steps was to encourage the seven divisional equality forums to set aside a weekend to focus solely on barriers facing LGBT members, such as homophobic harassment. This activity was primarily undertaken at a local level as it was felt to be important to strengthen LGBT networks locally first, before moving onto national events. Boosting the confidence of LGBT reps and getting them more active and involved in the union was seen as an important way of increasing the participation of LGBT members and helping them progress through the union.

STUC One Workplace Equal Rights Equality Award

The STUC One Workplace Equality Award is a core project activity that aims to recognise and acknowledge good practice of trade union members in promoting equality and tackling discrimination. The award forms part of the STUC Union Rep awards and the nomination process asks unions to identify lay activists who have excelled in the promotion of equality issues within their workplace, union or community to encourage Scottish trade unions to better support equality issues.

A prime example of this were the joint recipients of the 2008 One Workplace Equality Award Unison Branch Secretary Marion Stewart, and Elaine North, a Support for Learning Assistant at Maxwellton High School in Dumfries and steward for the UNISON Dumfries and Galloway Local Authority Branch. Both recipients campaigned with their Branch to challenge historical gender pay inequalities and promote equality of opportunity for all workers.

The Campaign included calling for equality in both access to training and development and equality in pay for low paid women members in the branch. In this case, the local Council had paid an equal pay compensation payment to home carers, catering staff, cleaning staff and care assistants but did not extend the compensation to classroom assistants. The Branch championed a



campaign to raise awareness of unequal pay for classroom assistants, which resulted in an increase to 98.5% UNISON membership of classroom assistants in Dumfries and Galloway, and enabled them to recruit six new stewards. It also led to over 300 equal pay claims being lodged against the Council with the Tribunal Services for unfair and unacceptable treatment of Support Assistants. These claims became a test case in Scotland, setting a legal precedent for the interpretation of equal pay law in Scotland.

Following this success the branch went on to campaign against council proposed redundancies gathering support from the public with assistance from other stewards and union officials. They took the fight to the street making parents, teachers and the public aware of what the council was wanting to do, and the impact that this would have on children and other service users. They delivered 2000 campaign postcards to individual councillors and also started a public petition, gathering public support on the streets of Dumfries, Castle Douglas, Newton Stewart, and Annan, all areas affected by the threat of redundancy.

The UNISON Dumfries and Galloway Branch has increased branch membership and demonstrates the tremendous impact women can make as union representatives in organising, recruiting and negotiating around Equal Pay. This has resulted in the recruitment of hundreds of low paid female members. In one year alone there was a 7% increase in membership in their Branch which is largely due to the work driven by the nominees and their Branch.

Other recipients of the award have ensured that equality issues are included in the union's bargaining agenda and that their employer has adopted and implemented a proper equality policy, particularly addressing race equality issues where the proportion of Black and ethnic minority workers is poorly represented in comparison with the recruitment pool.

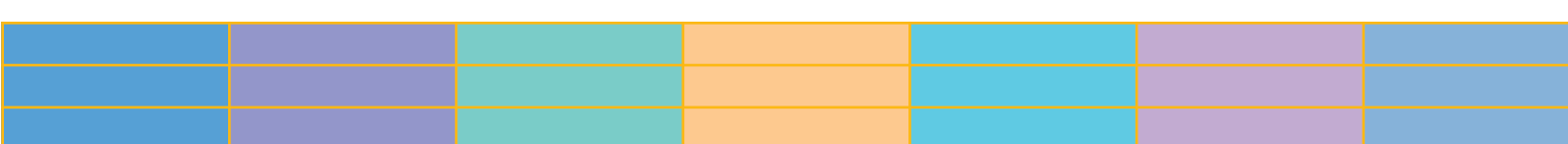
3.9.5 Good Practice in Equalities: Recommendations for Unions

- The current research identified a number of good practice initiatives in developing equalities that are being undertaken by unions. These include initiatives to increase membership among under-represented groups, initiatives to increase participation of under-represented groups in union activism, and raising awareness and supporting equalities issues among



members. Initiatives aimed at raising awareness of and supporting protected groups within existing membership predominated, arguably because increasing membership and participation of protected groups may require more resources.

- However, more positive action is required by unions in order to improve membership among under-represented groups, and in particular, to increase participation among these groups in union activism. It may be advantageous for Unions to benchmark good practice from outside Scotland to enable this. Both Close the Gap and One Workplace Equal Rights have a role to facilitate this, particularly in light of the Equality Act, which may afford greater scope for positive action.
- As previous chapters have illustrated, the current economic climate potentially represents a threat to developing the equalities agenda. Adopting initiatives to increase membership among under-represented groups in particular, could represent a strategy to maintain union membership. Therefore, addressing equalities issues and active recruitment is essential to attract these groups.
- As previous chapters have indicated, there has been limited evaluation of the effect of good practice, particularly on membership and in lay activities, in order to establish what initiatives are effective and so what can be effectively replicated elsewhere. Greater sharing of good practice (such as the One Workplace Equality Award) and evaluation would be valuable in developing good practice further.



4. Conclusions and Implications for Policy

This research on Scottish trade unions' approaches to equalities has followed up and built on previous research carried out in 2005. Since the original research was carried out, significant changes have occurred in equalities legislation and the economy. Many unions appear to have made progress in developing their agendas in relation to equalities, although a small number seem not to have done so. The current economic climate within which organisations and unions find themselves may have a negative impact on the equalities agenda. It is therefore imperative that unions do not let equalities slip down their list of priorities and risk undoing progress already made.

While pay and terms and conditions remain core bargaining priorities for unions, the economic recession has resulted in a change in favour of bargaining to maintain pay and terms and conditions rather than improving them. Redundancy, too, has become an increasingly important issue in bargaining priorities. Several unions recognise this as a key equality priority, indicating their appreciation of the interplay between protected characteristics within redundancy situations. While some unions are concerned that equality is being pushed down the agenda because of the economic recession, there is some evidence that consideration of equality will continue to be just as important an issue as some protected groups appear to be disadvantaged and potentially more at risk of redundancy. Unions need to recognise the disproportionate impact that redundancy has on some protected groups, and ensure that this awareness is built into their redundancy negotiation process.

Unions should also be aware of structural inequalities in the labour market, especially during this period of recession, and begin to consider solutions. One strategy for this could be negotiating to improve conditions, which will be of particular benefit to protected groups, such as access to flexible working. In the face of pay freezes unions may be able to keep job cuts to a minimum through negotiating reduced working hours and increased flexible working.

Work on recognising and supporting members with 'unseen' disabilities is generally still in its infancy, although a number of unions did raise this as an issue. There is a feeling that there continues to be a widespread lack of



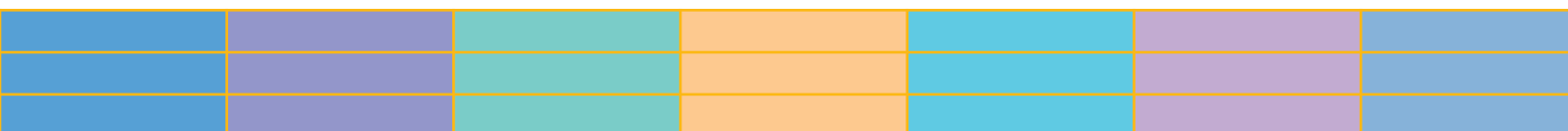
understanding of and sympathy for these issues, and in particular, how the concept of 'reasonable adjustments' required in the disability legislation applies in these cases. This is an area that offers a great deal of scope for further development within the union agenda.

Some unions have run initiatives to increase union membership among particular protected groups, and while there is some anecdotal evidence of success in increasing membership of migrant workers, it is not clear how successful generally initiatives are since their impact on membership is neither recorded, nor collated. Better dissemination of good practice and 'what works' and 'what doesn't work' between unions may help unions develop future initiatives. However, better recording and monitoring of the success of initiatives is crucial to identifying successes.

The image of unions as white and male still seems to be a problem in attracting particular protected groups to participate in lay activities. Although a number of respondents stated that this perception did not always reflect reality, unions still have significant work to do in improving their image with both their existing and prospective members. Perceptions around the role of activists also appear to be off putting to members from some protected groups. Again, unions have work to do in communicating what is involved in the role as well as perhaps addressing issues such as facilities time, timing and location of activities, as well as perhaps offering support to new lay activists.

A number of unions had dedicated equality officers, although for some unions these were individuals who also had a range of other responsibilities. A smaller number of unions had equality representatives and there was considerable disparity in terms of the facilities time allocated to their equalities duties. Improved resource and time allocation for these roles may be helpful in developing a strategic equalities agenda.

Many unions recognise the importance of gathering data on membership, lay representatives and officers, and some do gather fairly comprehensive data broken down for a range of protected groups. However, many gather only fairly basic data, and some that have introduced new categories, such as sexual orientation, on membership forms have encountered difficulties back-dating the data for existing members, and measuring the reliability of data for groups who may choose not to disclose or self-identify. An anonymised staff survey (or question in existing staff surveys) may be one way to gain more accurate, up-to-date information. Unions need to consider regularly up-dating



membership information, and gathering a wider range of information on membership by protected groups, and should collate and feed this into policy, since it is only by this means they can accurately ascertain where potential issues lie.

Although some unions were aware of the wider issues of occupational segregation, there may still be a need to raise the profile of this issue in some unions and workplaces. Generally, there was scope for greater action from unions to address occupational segregation within the industries they represented.

Union equality structures, such as committees, self-organising groups and conferences can play an important role in developing and supporting the equalities agenda within unions. Unions should consider whether to focus on general equalities, specific equalities or some mix of both. Decisions will partly depend on the size and resources of the union.

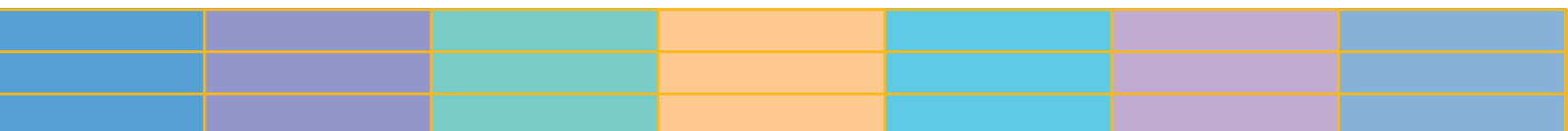
A useful framework to assess progress on trade union approaches to equality since 2005 are the three models of equal opportunity policy that were identified in the 2005 report and outlined again in the review of policy and research section of this report.

The first *sameness* model's aim is equal treatment in terms of access to work, rewards and benefits irrespective of race, gender, disability, etc. The UK's equality legislation and, perhaps as a consequence, some union activity, is largely based on this liberal approach.

The second *difference* model asserts that workplace inequality is the result of structural inequalities at the level of the group, for example, women or ethnic minority workers. Unlike the sameness model, it does not assume that equality in rewards will automatically flow from equal treatment.

The third model is that of *transformation*: where new standards, for example, in gender or race relations, are established by transforming the systems in which they operate. The gendered and racialised elements of institutions are made visible and equalities issues are placed at the heart of decision making.

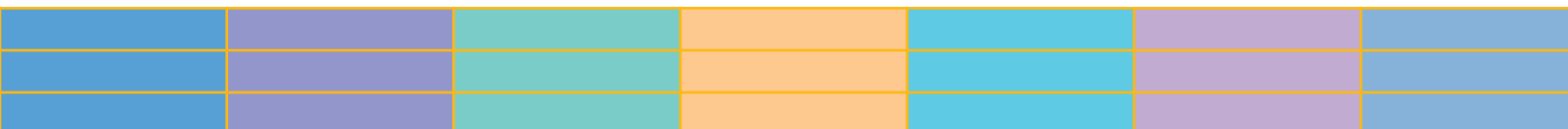
On the whole, unions appear to have adopted less of a *sameness* approach of equal treatment irrespective of race gender disability which has been criticised for its focus on the individual and which fails to challenge the



underlying norms and prejudices which cause inequality. Many had got to grips with issues of *difference* arising from structural inequality faced by protected groups and some were working towards a *transformative* agenda to mainstream equalities through increased visibility and greater emphasis of equality issues as reflected in their equalities structures.

These findings provide evidence that some trade unions have progressed to a more developed equalities agenda since the 2005 report. The challenge for Scottish trade unions now is to maintain progress through the sharing of good practice to ensure all unions work towards a transformative agenda.

Many unions may also want to consider their own equality and diversity policies for their employees (including officials and support staff) and bring these into line with existing best practice, including carrying out Equality Impact Assessments, which may help them to set an example to employers.



APPENDIX

Trade unions participating in the interview phase of the research

Accord

BALPA

BECTU

CSP

CWU

Educational Institute for Scotland

Fire Brigades Union

First Division Association

GMB

Musicians' Union

National Association of Schoolmasters Union of Women Teachers

NUM

POA Scotland

PROSPECT

RMT

Society of Radiographers

UCU

Union of Shop, Distributive and Allied Workers

UNISON

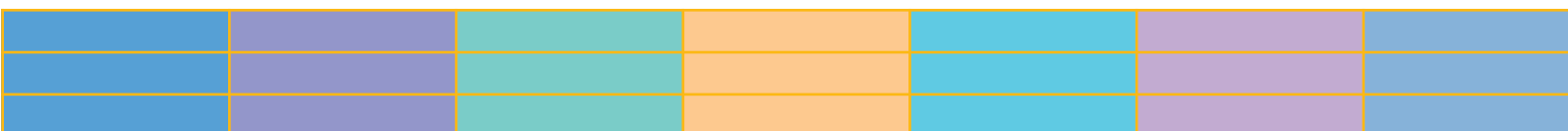
Unite the Union

URT



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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



Employment Research Institute
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