

## **Bullying and harassment leaps to the top of the agenda**

The evidence that bullying and harassment at work is one of the greatest concerns of staff in all our sectors is growing apace. One of the few findings of the recent Waddington survey of 4,000 UCU members that came as any surprise was that the issue that members were most likely to take to branch officers was harassment and bullying.

'UCU is the only union I've surveyed where harassment and bullying tops the list' said Professor Waddington. A number of branches have recently conducted bullying surveys, and the returns show a very high incidence of bullying.

It seems that the hard-nosed management culture that has grown up in both FE and HE since the 1990's, fuelled by the competition for resources, students, research grants etc, the pressure from external inspections and audits, the use of many forms of league tables, the emphasis on producing a skilled national workforce rather than a knowledgeable one, have all led to an explosion of bullying.

What is UCU doing about it? A growing number of branches/LA's are conducting bullying and harassment surveys of their members, and using these to negotiate with employers on an improved culture.

In FE, the AoC/Joint Unions Equality Working Party is just embarking on completely rewriting a bullying and harassment model policy, which we hope to have available in the next few months, for use as a basis for negotiation

in both colleges and universities.

If you are negotiating a policy locally, make sure it includes:

- a statement that harassment or bullying at work will not be tolerated
- definitions and examples of harassment and bullying
- a full list of the groups most likely to suffer harassment, and the legal protection available
- informal and formal procedures for dealing with harassment and bullying
- a formal recognition of the role of trade union representatives

Meanwhile, UCU's Equality and Employment Rights Department is working on producing a substantial publication dealing with all the issues around harassment and bullying. This will look at the issues from both an equality and a health and safety perspective. It takes the line that bullies are a workplace hazard, and can be dealt with under health and safety legislation. We hope to launch this publication at Annual Congress in May.

In the meantime, if anyone has examples of good or bad practice, of bullying and harassment surveys used in your institution, of clauses in policies that are effective, please send them in to the Equality Unit as soon as possible. Once the publication is available, we aim to use it at training events whenever requested.

## Updated policies in national force

In FE, the AoC/Joint Unions Working Party has recently updated the Model Agreements on Race Equality and Religion or Belief Equality. The changes reflect changes in the law, but also a growing understanding of what represents good practice. A considerable improvement on the previous agreements the documents *Guidance for FE: race equality* and *Guidance for religion or belief equality in FE (Eng/Wal)* can be found at [www.ucu.org.uk/index.cfm?articleid=1968#equality](http://www.ucu.org.uk/index.cfm?articleid=1968#equality).

We are currently going through the same process with the agreement on sexual orientation equality, and hope to have it finalised very soon.

Meanwhile in HE, the JNCHES Equalities Forum recently issued an updated version of the guidance on equal pay, which is also a considerable improvement. This can be found at [www.ucu.org.uk/media/pdf/k/m/jnches\\_equalpayguidance.pdf](http://www.ucu.org.uk/media/pdf/k/m/jnches_equalpayguidance.pdf).

It is hoped that the emphasis on equal pay reviews and the joint management/union seminars on conducting them which have recently taken place around the country will lead to an improved rate of introduction of equal pay reviews in HEI's.

Meanwhile, the forum is finalising the updating of the work life balance guidance. This is a useful document and as soon as it is approved it will be available on the website

## Events

Several major events of interest to UCU members are coming up in the near future.

- Unite against Fascism will be holding its annual conference on 1 March 2008, from 9.30 at The TUC headquarters in Great Russell Street, London. Visit [www.uaf.org.uk](http://www.uaf.org.uk).
- The Commission for Disabled Staff in Lifelong Learning will be launching its final report on 5 March at the Queen Elizabeth Hall, London. Places are free. Disabled staff will have their travel expenses met by NIACE. Forms are available from: [www.niace.org.uk/Conferences/CDSLL-final.htm](http://www.niace.org.uk/Conferences/CDSLL-final.htm)

- With the support of every major stakeholder in post-school education, including DIUS, it is hoped that the recommendations of this report will transform the experience of disabled staff in our sectors.
- The fourth in the series of FEM Conferences – FEM08- will take place at Sheffield University Student Union on Saturday 26 April 2008. This free one-day conference will explore issues of gender equality. Visit [www.femconferences.org.uk](http://www.femconferences.org.uk)
- The Love Music Hate Racism Carnival will be held in London's Victoria Park on Sunday 27 April 2008, to mark the 30th Anniversary of Rock against Racism. Visit [www.lovemusichateracism.com](http://www.lovemusichateracism.com)
- There will be two joint ECU/UCU/UNISON events on the gender equality duty one year on. The first will be on 30 April, the date gender equality schemes first had to be published. It will be held at UCU head office, 27 Britannia Street, London WC1X 9JP, from 12.30 to 4.00. The second event will be held at the same times in Leeds University, on 16 May 2008. The aim is to bring together equality and diversity practitioners and branch equality officers from HEI's to learn from the experience of implementing the gender equality duty after its first year, and to look at ways of improving. Any HE Equality Reps interested in attending, please contact [kheasman@ucu.org.uk](mailto:kheasman@ucu.org.uk)

## The equality duties – have you seen the annual reports?

Each of the current equality duties requires an annual report on progress with implementing the action plan, an account of targets met, next steps etc. For race equality, the date is 31 May, on which date in 2008 the second three-yearly review should be published.

For disability equality, the first annual report should have come out on 4 Dec 2007. For gender equality, the first annual report is due on 30 April 2008.

Has your institution published its report on disability? Is it preparing one on gender? Is it undertaking a three-yearly review on race? Has

the UCU branch been involved? If not, demand to know what is happening, and ask for a meeting to give trade union input into the report.

The price of equality, like that of freedom, is eternal vigilance.

## News in brief

- In November, MPs approved an amendment to the Criminal Justice and Immigration Bill which adds a new offence of incitement to homophobic hatred [parallel to the existing offence of incitement to racial hatred] because of the increasing number of homophobic attacks taking place across Britain. The new offence would include song lyrics which encourage the torture and murder of gay people, and violently homophobic websites, but not jokes or playground insults. The bill is still making its way through parliament.
- Penny Beschizza, one of UCU's leading deaf activists, was one of a small group of British Sign Language (BSL) users to meet with the prime minister on 22 January. The aim of the meeting was to seek the same level of financial and public support for BSL, five years after its recognition as a language, as is given to other indigenous British languages such as Welsh and Gaelic. Penny pressed the need for more support for BSL tutors.
- Prejudice against employing older workers may be beginning to decline at last. The Office for National Statistics issued figures saying that 175,000 jobs were created in the three months to November, of which more than half, 90,000 were filled by people over 50.
- The final report of the Ethnicity, Gender and Degree Attainment Project issued by the Equality Challenge Unit and the Higher Education Academy showed that being from some ethnic minority groups was still likely to be associated with lower degree attainment. The review recommended review of teaching, learning and assessment methods through equality impact assessment and action planning. UCU, which was represented on the project by Roger Kline, Head of Equality and

Employment Rights, welcomed the report and the recommendation.

- The government has issued revised guidelines on tackling violent extremism on campus. UCU's response was that the guidelines are an improvement on the previous ones, with a stronger emphasis on community cohesion and on working in partnerships with union branches, but that, through the examples given, they still run the risk of seeming to target the Muslim community. Consultation is now ongoing on parallel guidelines for FE colleges.

## CRE/UCU Monitoring Project in Further Education

### Funding found for project worker

The joint CRE/UCU monitoring project in FE which was carried out last year has prompted stakeholders within the sector to act to address what has been described as the 'universal non-compliance' of colleges. The survey of 50 colleges failed to find even one which met minimum standards of compliance according to the CRE template.

A project worker is about to be appointed to oversee implementation of the project recommendations. The worker will be employed by LLUK and housed here at UCU to work closely with the equality team.

The project worker will report directly to the Workforce Race Advisory Group and be responsible for addressing wider sectoral issues through engagement with stakeholders in addition to work with individual colleges.

The Equality and Human Rights Commission are following up monitoring work of their predecessor commissions and it is expected that direct links will be established with the new worker. Discussions are ongoing to ensure a fast track referral protocol for those colleges in the survey who continue to display a lack of commitment for equality.

For further information contact Chris Nicholas [cnicholas@ucu.org.uk](mailto:cnicholas@ucu.org.uk)

## Quotation Corner

'Courage is fire, and bullying is smoke'

Benjamin Disraeli, British Prime Minister – 1804-1881

## Landmark case for carers

Sharon Coleman, a British woman, has won the initial stages of a landmark legal case at the European Court of Justice (ECJ), which could give new rights to millions of carers. Ms Coleman, a legal secretary, took her employer, Attridge Law, to an employment tribunal because she felt she was being discriminated against because of her son's disability. Her employers were making it very difficult for her to work flexibly. The Employment Tribunal decided to refer the case to the European Court for a ruling on whether EU discrimination law on disability can apply to people not themselves disabled but closely associated with a disabled person. The Attorney General in the ECJ found that Sharon Coleman had suffered 'discrimination by association'.

A panel of European judges will make a final ruling later this year. If the case is upheld by the

## Get in touch

Please send any views, letters etc for this publication to [eqadmin@ucu.org.uk](mailto:eqadmin@ucu.org.uk) For queries in relation to anything in this newsletter, please use the following contacts. To contact the Equality Unit for more information about:

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full court, the verdict would effectively give new rights to millions of carers.

Pressure is growing on the British government to include rights for carers in the single Equality Bill promised later this year.

## Publication of report: Jobs for the Girls (Implementation of recommendations of the Women and Work Commission)

### MPs call for more funding and support to eliminate gender pay gap

Key amongst the report's recommendations are:

- The government should consider a gradual extension of the right to request flexible working to the whole workforce to recognise the wider changes in work that can affect any employee.
- If the pay gap continues only to decline slowly, the government should look at further measures such as the extension of the gender equality duty to the private sector and consider making pay audits mandatory.
- The Discrimination Law Review has not adequately addressed the current failings in legislation and so the report recommends the government look again at the issues of hypothetical comparators, representative actions, time limits and other proposals not taken up in the review's findings. It also recommends the government examine the role played by some 'no win no fee' lawyers in current public sector equal pay claims cases.