



Equality Update

September 2012

Introduction by Helen Carr, National Head of Equality

What equality means to UCU

Our prime concern is to fight for greater equality and to oppose all forms of harassment, prejudice and unfair discrimination at work, we recognise that this includes the injustices that our members face in all areas of their lives, whether on grounds of sex, race, ethnic or national origin, colour, class, impairment or disability status, sexual orientation, gender identity, religion or belief, age, socio-economic status, casualisation or any other aspect of status or personal characteristic which can lead to discrimination.

We have seen cuts in jobs, cuts in course provision, unfair policies, a weakening of the Equality Act, employment rights eroded and attacks on our pensions and yet it continues with the Government's relentless agenda to dismantle the public sector, all of which brings new challenges for us all. A recent report from the Trades Union Congress '*Two steps forward, one step back – How the Coalition is dismantling our equality infrastructure*', highlights this impact on us as individuals and society at large, stating that:

'The cumulative impact of these changes threatens to turn the clock back on equality. Women, people from black and minority ethnic or minority religious backgrounds, disabled people, young and older people, and LGB and T people still experience significant inequalities and many have suffered disproportionately as a result of austerity and public sector cuts. Without a strong equality infrastructure it will be even harder to challenge those inequalities and to reverse the setbacks in the years to come.'

This is why the University and College Union stands firm with the trade union movement to oppose all forms of prejudice, harassment and oppression. Our rules set out this principle and commitment to equality, justice and the right to organise in defence of our members.

Equality is important in all aspects of our lives and work as well as throughout our democratic structures; we aim to ensure that we challenge discrimination on all levels, formulate policies and respond to consultations from a variety of stakeholders, including the Government.

We must continue to fight these injustices as and when they occur which is why I cannot stress enough the importance of ensuring that we all play our part in achieving equality and to oppose all forms of unfair practices within our workplaces and the wider community.

After all, equality for all is what the trade union movement was built on!

September 2012

What you need to know about equality legislation

Equality legislation is changing and not for the better! In line with the swingeing cuts in public services, we are also seeing our rights diluted. A system that rewards employers and punishes the worker. Following introduction in October 2010, the Equality Act was seen as the biggest shake up to equality legislation and gave a number of provisions which strengthened and extended protection from discrimination in the employment. Seven months later, the Coalition Government opens consultations to dismantle and reduce protection for workers.

Red Tape Challenge on Equalities

The Red Tape Challenge website was set up by the Coalition Government in April 2011 to challenge the public to 'reduce the overall burden of regulation' in a number of areas including Health and Safety, Environment and Employment Related Law. The Red Tape Challenge on Equalities received over 7,000 responses overwhelmingly in support of the Equality Act 2010. Nonetheless, in May 2012, the Coalition Government launched consultations **on repealing a number of important provisions** – these are outlined below:

Area proposing to be repealed	UCU Position
<p>Third party harassment</p> <p>Makes an employer liable for repeated racist, sexist, homophobic or other prejudice-based harassment of staff by third parties like service users, customers or clients, where the employer has failed to take reasonable steps to protect them.</p>	<p>The Government has clearly stated that there <i>'is no real or perceived need for this protection.'</i> Surveys by teaching unions suggest a third of teachers suffer prejudice-based harassment from students or parents on a regular basis.</p> <p>UCU has argued that third party harassment legislation must be retained by UCU members due to third party (students) they teach. UCU argued in its response to the consultation for specific third party harassment provisions to be retained and strengthened in the Equality Act.</p>
Area proposing to be repealed	UCU Position
<p>Employment tribunals – powers to make recommendations</p> <p>The Government is seeking to abolish the new extended power that enables employment tribunals to recommend that an employer who is found guilty of unlawful discrimination should take</p>	<p>The Government argues that <i>'the new wider powers have been rarely used and are therefore not necessary without recognising how unrealistic it is to expect many reported cases in such a short timeframe since the introduction of the Act.'</i></p> <p>UCU believes that should this part of</p>

<p>specific steps to prevent others suffering similar treatment.</p>	<p>the Act be repealed will further allow employers to continue to operate discriminatory practices in the workplace. UCU responded to the consultation. It is a new provision and has not been given a chance to work.</p>
<p style="text-align: center;">Area proposing to be repealed</p> <p>Statutory discrimination questionnaires</p> <p>This enables an individual who suspects they have been discriminated against to seek information from their employer.</p>	<p style="text-align: center;">UCU Position</p> <p>The government states that <i>'additional burdens are created by the provision and the questionnaires have not achieved their intended purpose of encouraging settlement claims without recourse to tribunal or encouraged efficiency of the claims process for cases that reach tribunal.'</i></p> <p>UCU believes that if repealed, individuals will find it extremely difficult to demonstrate how they have been discriminated against without having access to statistics, comparators etc held by the employer. In addition, the use of questionnaires has been very useful in employers negotiating settlements without the need for an employment tribunal.</p>
<p style="text-align: center;">Area proposing to be repealed</p> <p>Access to justice: Reform of the EHRC</p> <p>The Government is making it harder for individuals to enforce their equal rights.</p>	<p style="text-align: center;">UCU Position</p> <p>The future of the Equality and Human Rights Commission is also under threat as the government plans its reform of the organisation through a severe reorganisation of its service delivery and function seeing many workers being made redundant. Some of the functions undertaken by the EHRC will be moving into central Government, making it less independent and therefore less accountable.</p> <p>The service cuts to the Equality and Human Rights Commission (EHRC) and the impact this will have on individuals to gain access to advice, support and information; more people will have a lack of awareness of their rights and find it difficult to access advice.</p> <p>UCU is supporting PCS and Unite the Union's campaign to save the EHRC.</p>

UCU is supporting the PCS and Unite campaigns to save the EHRC by encouraging our members to write to their MP and/or sign the online petition.

Area proposing to be repealed	UCU Position
<p>Employment tribunals – introduction of fees</p> <p>Having suffered the injustice of being treated in a discriminatory manner and having been left with no further option but to go to an Employment Tribunal, employees will be charged (from summer 2013) £250 to initiate a discrimination claim, £950 for a hearing and further fees for other tribunal services as the claim proceeds.</p>	<p>Although between 2% and 3% of discrimination claims heard at an Employment Tribunal are successful, UCU believes that the fees will act as a further barrier for many individuals especially those facing discrimination at work.</p>

Public Sector Equality Duty

A fundamental change to the way equality was viewed took place in 2000 following the racist murder of Stephen Lawrence. Lord Macpherson charged with investigating the Metropolitan Police Service (MPS) handling of the case, concluded that the MPS were 'institutionally racist. This is defined as ***'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin.'***

The Race Relations (Amendment) Act 2000 (RRAA) was the legislative response to the findings of the Stephen Lawrence Inquiry. The RRAA, which came into effect in April 2001, placed **a general duty** on all public authorities to a) Eliminate unlawful discrimination, b) Promote equality of opportunity and c) Promote good race relations between people of different racial groups.

Similar duties on disability and gender followed and in the Equality Act 2010, a single Public Sector Equality Duty (PSED) was created which took effect in April 2011, covering not only disability and race but age, gender reassignment, religion or belief and sexual orientation.

Therefore, it will be no surprise to learn that the current PSED is **also under review**. Again, the government's mantra 'to reduce the unnecessary bureaucracy where it exists and consider alternatives to legislation' serves as the main reason to further undermine the duty.

No statutory code of practice

Another area under threat is that the new PSED was to be supported by a statutory code of practice prepared by the EHRC. However, in spring 2012, the Government

announced that it feels that further Statutory Guidance may place too much of a burden on public bodies.

UCU agrees whole-heartedly with the TUC that the dilution of the PSED will take away many years of progress. We also believe that large number of challenges to decisions to cut public spending due to the failure of government and local authorities to conduct equality impact assessments, a huge setback as it was an effective tool in bargaining and negotiating.

At TUC Congress in September 2012, UCU made an amendment to a motion proposed by the NASUWT on Public Sector Equality Duty Codes of Practice to a) ensure that the public sector unions are involved in the review of the PSED and b) reinvigorating equality as a mainstream collective bargaining issues and provide guidance and advice to affiliates. The full text of the motion follows:

Public Sector Equality Duty Codes of Practice

Congress notes with extreme concern the coalition government's decision not to proceed with the planned statutory Codes of Practice for the Public Sector Equality Duty (PSED). Congress also notes the intention to review the PSED including the general duty.

Congress deplores the coalition government's ideologically driven obsession with 'removing red tape' which is really an attempt to deny protections for workers and vulnerable groups in society.

Congress asserts that statutory codes have a valuable role to play in ensuring that employers comply with their duties to eliminate unlawful discrimination and advance equality of opportunity. Congress applauds the efforts of TUC affiliates in pressing for equality impact assessments to thwart attempts by the coalition to dilute workers' rights.

Congress believes that the scrapping of statutory codes will significantly undermine the power of the Equality Act 2010 and moreover removes an important sanction for applying the law.

Congress calls on the TUC to mount a vigorous campaign against the coalition government's relentless attacks on equalities by:

- i. Exploring legal avenues to block attempts to water down the Equality Act 2010*
- ii. Campaigning for the publication of statutory codes of practice for the PSED*
- iii. Opposing cuts to the budget of the Equality and Human Rights Commission, it's staffing and powers of statutory enforcement.*
- iv. Ensuring that the public sector unions are involved in the review of the PSED*
- v. Reinvigorating equality as a mainstream collective bargaining issue and provide guidance and advice to affiliates.*

Devolved nations and Northern Ireland

Although the Equality Duty applies to England, Scotland and Wales, Scotland and Wales are able to set their own specific duties. The specific duties in Wales came into force on 6 April 2011, and the in Scotland on 27 May 2012. The Equality Duty does not apply to Northern Ireland, but Northern Ireland has separate similar equality legislation required under Section 75 of the Northern Ireland act.

See our Resources section for further information.

What UCU is doing to achieve equality in the workplace

At UCU we campaign to ensure that equality is not seen as an 'add-on', but as an integral part of everything that we do. Our dedicated Equality Unit works tirelessly with members and stakeholders to ensure that UCU's voice is heard and that our members are supported in their workplaces when issues arise. We outline here some of the ways in which we strive to bring equality to the forefront of all that we do.

UCU Congress

UCU's supreme policy-making body of the union is its **Annual Congress**. Congress includes separate annual meetings of UCU's further and higher education sector conferences, where policy particular to these areas is decided.

Motions passed at UCU's Annual Congress are shaped into policy and form the continuing work of equality within the union under the direction of the Equality Committee with involvement of the four equality sub-committees.

UCU Committees

The **Equality Committee** is made up of members from the National Executive Committee. They work to ensure (amongst others) that a) the union's equality agenda is taken forward, b) UCU has a voice with stakeholders i.e. government and other trade unions and c) support is given to members, campaigns (internally/externally) where inequality exists.

The Equality Committee also works alongside other committees of the National Executive in advising, negotiating and reviewing joint equality agreements and policies.

In addition, UCU has four **Equality sub-committees** representing the interests of our Black, Disabled, LGBT and Women members. These committees operate in an advisory capacity to the Equality Committee.

Annual meetings

Our **annual equality meetings** are held every autumn. These meetings are excellent opportunities for you to network with other UCU members and discuss key issues affecting Black, Disabled, LGBT and Women members. They consist of a mixture of

motions from branches / LA's, speakers and workshops and election to the equality sub-committees all of which are central to taking forward the equality work of UCU.

UCU Single Equality Scheme

UCU Single Equality Scheme has been developed with the involvement of UCU's Regional and National Committees who were charged with identifying three equality led priorities. The scheme builds on UCU's existing commitment to equality as set out in our rule book and demonstrated through our structures and our actions.

A review of the scheme in 2012 identified overarching priorities that we hope will give members and employees of UCU a collective understanding of what we want to achieve on equality.

The overarching objectives are:

- Challenging attacks on equality issues relating to jobs, pay and pensions
- Promoting equality of access to further and higher education jobs and services including equal pay, professional development and promotion
- Monitoring of implementation of national equality agreements, the Equality Act and branch negotiated local improvements
- Increasing members skills and knowledge of equality work through training , seminars, conferences and events
- Increasing the participation and visibility of Anti-Casualisation, Black members, Disabled members, LGBT members and Women members at all levels of UCU

We also help to shape the equality agenda on a European and International platform through representation on Educational International, an organisation of education employees across the world promoting quality education, the interests of teachers and promoting solidarity with other workers in society.

Equality Communications

In order to ensure that members are kept up to date with the equality agenda, the Equality Unit produces a number of **equality publications** for branch / LA and individual members all available via the UCU website. These publications serve as guidance, briefings and or tool kits to enable activists to assist members at a local level

We also produce a number of **equality newsletters** covering all equality issues affecting our members and those specifically for our four equality strands.

Whether active or just interested in receiving updates on equality issues, you can join any of our equality networks. The networks available for joining are **Black Members, Disabled Members, LGBT Members and Women Members** and serve to inform UCU members of issues relating to a particular equality strand.

Training and development

The Equality Unit are also available to address branches/LA on issues of equality as well as delivering training as part of UCU National Training Programme. See Resources and Useful Contacts for further information on who to contact.

Raising issues locally: Discrimination, bullying and harassment

There are a number of legal protections for all staff at work against the more 'common' forms of discrimination, notably racial, sexism, homophobic or against disabled people. However, using any of these legal protections can be daunting, as you may feel this risks exposing yourself to additional abuse, or that your institution's culture may make it difficult to prove that discrimination is taking place.

Or it may equally be the case that you are being treated badly for no other reason than your manager is a bully, or a colleague has developed a personal grudge.

Although they vary, every education employer should have agreed, and published, procedures for you to follow if another member of staff, whatever position they may hold, is not treating you appropriately or professionally. This is part of an employer's 'duty of care' implied in all contracts of employment.

What to do if you have an issue?

If you feel you have a particular problem, you should approach your branch/local association as soon as possible. **Early intervention** can often ease situations or clear up misunderstandings without ongoing recriminations. Your UCU representatives also have been trained in order to help, and will keep all matters **confidential**.

Other things you can do to resolve an issue include:

Gathering your evidence in a clear systematic order – this should include, keeping relevant clear records of notes of meetings (including dates and times), summary of conversations, emails, names of those present etc. It is vital that you keep notes away from your place of work such as on your work PC, where others might access your notes.

Legal advice - Try not to complicate the information you are receiving by involving external agencies especially if you are receiving legal advice and assistance from UCU. If you involve external agencies such as a lawyer to assist you, chances are any legal assistance you receive from UCU will cease.

Ensure that you have a **support network** in which to call on – handling cases on matters of discrimination and or harassment, can and will place a lot of stress on you, especially as you will still be working closely with those who you are taking action against.

UCU engages the services of **Recourse** (previously known as the College and University Support Network – CUSN) that offers support services to all staff in further and higher education and their families, including:

- **Counselling:** confidential, solution-focused counselling on personal and workplace issues
- **One-to-one coaching:** personalised practical and emotional support via a secure email system
- **Information, advice and support material:** news, guides and factsheets on relevant topics such as well-being, work-life balance, workload problems, stress management, coping with bereavement, and dealing with difficult people.
- **Financial assistance:** a needs-based grants and loans programme
- **Money management advice:** individually tailored strategies to address financial difficulties restructure debt and secure benefits
- **Signposting to relevant organisations:** the information you need to take the next steps to a better future.

All these services can be accessed online at [the Recourse website](#), or through a 24/7 telephone support line, on **0808 802 03 04**.

Ill health

It is imperative that if you are suffering from anxiety and develop stress related illnesses and are forced to take time off work linked in any way to your treatment, that you are covered by a medical certificate for that period. The certificate should state that the cause of your illness is '*directly work related*'. A certificate simply stating stress is not recognised by the courts as a medical illness and, where possible, your certificate should be accompanied by a GPs note explaining the source and the nature of the illness.

5 things you can do

You can help to further the union's equality agenda by:

1. Informing your branch /LA committee at your earliest opportunity if you feel you are being discriminated, victimised or harassed - chances are you may not be alone!
2. Become a member of the Developing Activists Network (DAN) - a network for every member who wants to get involved in the life of their union.
3. Attend one of the many UCU Activist Education Programmes. Whether you are an existing UCU activist or you are considering taking on a more active role within your UCU branch we have a course for you. We run courses in a number of areas both regionally and nationally including courses on equality
4. Sign up to join our Equality Networks where you will receive direct information relating to that specific network.
5. Attend and take part in our Annual Equality Meetings held every autumn.

Who we are

UCU Equality Unit

UCU has a national team of staff with expertise and involvement within the equality agenda. They implement the policies and priorities determined by members through the democratic lay structures.

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If you would like to:

- Receive any of our publications (including alternative formats)
- Sign up to receive a copy of our newsletters and/or join a equality network
- Wish to receive information relating to our annual equality meetings
- Unsure of who to contact in the Equality Unit

Please send an email stating your requirements to egadmin@ucu.org.uk

Resources

UCU produces a number of resources aimed at supported individual members and branch /LA activist in their working environment.

Equality Act

<http://www.ucu.org.uk/index.cfm?articleid=4136>

Public Sector Equality Duty - Wales

http://www.ucu.org.uk/media/pdf/0/s/Public_sector_equality_duty_in_Wales.pdf

Public Sector Equality Duty - Scotland

http://www.ucu.org.uk/media/docs/l/9/Public_Sector_Equality_Duty_-_Scotland.doc

Public Sector Equality Duty – Northern Ireland, Section 75

http://www.ucu.org.uk/media/docs/c/8/The_Public_Sector_Equality_Duty_in_Northern_Ireland.doc

UCU Equality Duty Toolkit

http://www.ucu.org.uk/media/pdf/i/3/UCU_Equality_duty_toolkit.pdf

A full copy of the TUC report '*Two Steps forward, one step back – How the Coalition is dismantling our equality infrastructure*' can be downloaded here

<http://www.tuc.org.uk/equality/tuc-21425-f0.cfm>

Equality Communications

<http://www.ucu.org.uk/index.cfm?articleid=2131>.

UCU Activist Education Programme

<http://www.ucu.org.uk/index.cfm?articleid=3311>

Branch / LA Contacts

<http://www.ucu.org.uk/index.cfm?articleid=3771>

Developing Activist Network (DAN)

<http://www.ucu.org.uk/index.cfm?articleid=2813>

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