

UNION MODERNISATION FUND

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WALES TUC – EQUAL AT WORK

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Introduction

Trade unions have a key role to play in promoting equality and challenging discrimination at work. They are able to do so in two key ways – by using collective bargaining rights to negotiate the best equal opportunities policies and practices with employers and also by representing members who experience unlawful discrimination. As the equality agenda continues to develop rapidly, the Wales TUC (WTUC) was ever more conscious that trade unionists must be kept well informed of new discrimination legislation as they apply to a greater number of trade union members. Trade unionists working in the public sector also have to understand and be able to help their members in relation to public sector duties, including taking proactive steps to promote equality and eliminate discrimination in relation to race, disability and gender equality. And they need to be knowledgeable about the implications of the over-arching anti-discrimination provision within the Human Rights Act 1998.

The WTUC's Equal at Work project set out to ensure that trade unions in Wales are better informed about equality legislation and to equip reps with the necessary knowledge and skills to negotiate equality agreements with employers, to prevent discrimination and tackle it when required.

Why this project?

In 2003 a team from the University of Wales, Bangor published 'Snakes and Ladders: Advice and Support for Discrimination cases in Wales'. It explored a number of key equality areas, including the lack of information about rights and sources of advice, the existence of a weak infrastructure to deliver advice, support and representation, and the lack of training and quality accreditation among major advice providers. It also recommended a number of actions to be taken by the WTUC, which informed their Equal at Work project.

Natasha Hirst, WTUC's Equalities Officer, explains:

'There was a real need for the Equal at Work project for a number of reasons. Recent developments within the equalities agenda, with anti-discrimination legislation now covering sexual orientation, religion and belief, and age, in addition to the original strands of sex, race and disability, had resulted in an increase in the demand for trade union advice, representation and negotiation on discrimination issues. Restrictions had also been imposed which meant that the Equality and Human Rights Commission (EHRC) would only support strategic discrimination cases – so individuals facing discrimination were not receiving support. What's more, the role of equality reps in the workplace was growing and the TUC had started advocating that equality union reps should be given statutory rights in the same way as shop stewards, health and

safety and learning reps. We were also inspired by the success of the One Workplace Initiative in Scotland – and indeed several of our project’s champions sought to replicate that model across Wales.’

The Equal at Work project therefore aimed to:

- undertake research to assess what its 49 affiliated unions were already doing in Wales to promote equality, to look at the barriers they face, and to monitor and evaluate new activities inspired by the project
- promote and raise awareness among stakeholders about new and existing equality rights for workers – and about the new public duties to promote equality
- increase the capacity of trade union reps, both paid officials and lay reps, to bargain for equality and challenge discrimination
- develop a Wales trade union network of lead equality officers and key equality agencies.

Methodology and outcomes

Staffing

The project was resourced by a full-time project officer and a part-time administrative assistant (two days a week), both employed by the WTUC. The project officer had a very wide and demanding remit, including (amongst others) the design and delivery of training, developing and implementing project promotional material, designing and updating the website and instigating six pilot projects. She reported to the WTUC’s Head of Policy and Campaigns, who allocated three days a month in kind to line manage the team and attend advisory group meetings. Project progress was reported regularly to the WTUC’s Executive Committee and General Council, as well as to the WTUC’s annual conference.

Advisory groups

The project team was supported by the Project Advisory Group (PAG), a strategic group drawn from senior representatives of some of the larger unions (AMICUS, GMB, PCS, UNISON, T&GWU and USDAW), the Commissions DRC, CRE and EOC (now replaced by EHRC) and other equality organisations (Age Concern Cymru and Stonewall Cymru). The Project Implementation Team (PIT), a particularly effective and useful group that gave a strong steer to the project team, was charged with providing operational guidance. Its members were actively involved in the delivery of the project and contributed appropriate expertise and contacts for the project to be delivered effectively.

Objective 1: Increasing understanding through research

A research steering group was established at the outset of the project with representation from the Equality Commissions and equality organisations. A first piece of research was commissioned jointly by the DRC and the WTUC but the research steering group did not consider it to be of sufficient standard for publication, and the research was therefore re-tendered. The Bevan Foundation’s subsequent research was officially launched at the WTUC annual conference in May 2008. It was based on a review of inequalities in the labour market in Wales, interviews with 19 trade union officials and five union branches, and interviews with 11 individuals from stakeholder organisations.

The published report¹, a summary of which is available bilingually on the Equal at Work website, presents a very broad baseline of inequalities within the Welsh labour market as well as presenting a picture of the varied trade unions’ approaches to equality at work in Wales. It found some evidence of good practice among the trade unions and that

¹ <http://www.equalatwork.org/publications/research>

the biggest equalities issues were equal pay and flexible working. It also concluded that trade unions in Wales and the EHRC had 'diverging agendas' and highlighted an 'urgent need for dialogue'.

Objective 2: Promotion and awareness-raising activities

• Project Website

A website² was developed externally and maintained internally by the project team. It provided background information about the project as well as making available online a range of equality resources, tools and information to union members, employers and employees. The site includes sections on equality legislation covering all the equality strands, project campaign materials and posters (which can be downloaded) and a resources section, so users can download tools such as equalities impact assessments to use within their workplace.

• Communication, marketing and promotional activity

A new project brand was commissioned, developed and adopted throughout the marketing and promotional work, reflected in the three campaigns designed and delivered upon the following themes:

- Migrant workers
- Are you being treated fairly?
- Age discrimination (on a joint basis with Age Concern Cymru).

Materials were disseminated to over 2,500 workplaces in Wales by distributing posters and leaflets through trade union events, via trade union officers and reps, the CBI, Wales Council for Voluntary Action (WCVA) newsletters, and WTUC events such as the annual conference. Articles were prepared for newsletters and newspapers, press releases were issued and presentations given at a range of events and partner meetings.

• Employer and employee rep seminars

The employer and employee rep seminars were one day sessions aimed at 'pairs' of a trade unionist and their employer, with the objective of enhancing their understanding of equality good practice so that they could develop a more inclusive working environment on their return to their workplace. The project delivered five of these employer/employee seminars, which 64 participants attended.

Participants found the seminars useful and relevant, and appreciated the range of people attending, so they could share experiences across sectors. Several stakeholders mentioned that the seminars had been 'brilliant in terms of confidence building and enthusiasm'. One employer said that since participating in the course she was now "consulting with the unions on every agenda."

Participants used the materials after the event – for example, to support the development of organisational policies and procedures such as race and gender equality schemes. Equality and discrimination issues included:

- contributing to specific issues, such as an equal pay review
- enhancing relationships within organisations, such as between HR and the trade union
- driving policy, such as embedding and mainstreaming equality and diversity into the organisation
- tackling discrimination issues faced by employees, such as maternity and parental care issues
- diversifying the workforce.

² <http://www.equalatwork.org/>

Participants set themselves a mix of long-term and short-term workplace equality goals, such as

- enhancing equality awareness across the organisation by training all staff in equality awareness
- fulfilling legislative obligations and duties under public equality schemes
- fulfilling equality of pay and greater transparency in staff appointments
- developing an inclusive and fair environment
- mainstreaming – ‘unless embedded into the culture of the organisation it won’t work’.

As well as raising awareness, these seminars encouraged employers and trade unions to work together to develop innovative workplace pilot projects (at least six), which Equal at Work would go on to support during the implementation stages. The seminars focused on

- demonstrating mainstreaming of equality
- strengthening employer-union partnerships by identifying barriers and joint solutions
- developing workplace-specific actions for implementing equality duties and responsibilities.

Pilot projects

The Equal at Work project set itself the target of developing six innovative workplace projects that would focus on the new strands or duties to promote equality. It was envisaged that the pilot projects would be run jointly with the employer and the trade union/s in order to strengthen partnership working specifically around equalities. From these projects it was intended to identify best practice and promote them to others. Four of the projects subsequently chosen were workplace pilots and two were union driven.

Pilot 1: Unison (Union pilot)

This pilot focused on running two mainstreaming equality seminars for union reps and employers to address their knowledge gaps and encourage joint working in tackling workplace equality issues. Unison also facilitated a pan-equality/EHRC day to update and discuss equality issues with officers and reps and gather feedback to help assess further training and information needs. As a result of the project, examples of good practice came to light – such as a housing association putting flexible working policies in place. Unison plans on developing the equalities agenda further and ensured a strong involvement with the Equal at Work project as a result of the pilot.

Pilot 2: PCS (Union pilot)

The PCS pilot organised a pan-equality day to inform reps on recent developments within the equalities field in Wales and to discuss how best to engage the equality committees and to work with pan-equality strands. Around 60 people attended. The Equal at Work project contributed in terms of advising the organisers and inputting on the day. The event was deemed successful and it has been agreed that a pan-equality day for reps will be held annually within PCS.

Pilot 3: UCU and Glamorgan University

The main aim of the pilot project was to survey members and staff to assess any issues or gaps relating to equality practice in the organisation, including areas such as flexible working, workload, and bullying and harassment. The survey questionnaire was designed with input from the Equal at Work project and modified to take into account comments made in a focus group with members. The findings of the research will be used to negotiate with HR on conditions and inequality of workload.

Pilot 4: Wales Audit Office

This pilot project had four main objectives: implement and monitor an equal opportunities policy; train staff on equality and diversity issues; improve staff morale; and develop a good practice equality intervention to be shared with other Welsh organisations. At a later date it was also decided to develop an equalities scheme. Almost all 250 staff have received diversity and equality training, with the Equal at Work project involved in preparing the training brief and in selecting the successful contractor.

Pilot 5: Welsh Assembly Government (WAG)

The main objective of the WAG project was to pilot the provision of a trade union equalities rep with similar 'statutory rights' to health and safety reps and union learning reps. It was hoped that the pilot would demonstrate the case for establishing equalities reps and provide an example of good practice that could be rolled out to other organisations across Wales. Accordingly, the WAG will put in place a project officer and around 10 workplace equalities reps across WAG sites throughout Wales. The equality reps will work alongside current structures, such as staff groups, equality champions and HR, with the aims of raising awareness of good equalities practice, providing advice and signposting members, and acting as change agents in influencing a better working culture.

Pilot 6: NHS Wales

The NHS Wales project focused on developing and putting in place a network of accredited equalities reps throughout all sites and main divisions of the NHS and its organisations in Wales. Once identified and selected, the reps would be provided with training and support to enable them to carry out duties such as monitoring, advising and promoting good practice, particularly in terms of mainstreaming equality. Equalities reps would be given the equivalent 'rights' to those of health and safety reps and union learning reps. The pilot is still in its infancy – support will be provided via the WTUC after the completion of the Equal at Work project.

Objective 3: Increasing trade union capacity

Equal at Work was involved in delivering two highly successful training courses, the Bargaining for Equality and the Employment Tribunal and Discrimination Law (ETDL) courses, to increase trade union capacity on equalities issues.

- **Bargaining for Equality Course**

Four Bargaining for Equality courses were designed and delivered, targeted at trade union reps. They focused on enhancing their understanding of equalities and discrimination and equipping them to tackle equalities and discrimination issues in their workplace, in particular through including equality issues as part of the negotiation process with management. The course was initially delivered on a weekend residential basis, beginning on Friday evening and ending on Sunday lunchtime, but was subsequently offered over three weekdays, to appeal to workers unable to attend at the weekend. Feedback showed an extremely positive impact on participants' understanding of equality and discrimination issues and of new public sector duties, as well as their ability to apply their knowledge in the

workplace and negotiate on equalities issues. Around three quarters of the 71 participants became more involved in equality issues as a direct result and made use of the materials and resources provided on the course, including for dealing with and advising members, sharing information with colleagues, for information and reference purposes and to kick-start projects in the workplace. Participants made action plans, which led them subsequently to work jointly with other unions 'to extend knowledge and skills in the area of equality' and 'to organise a conference for migrant workers'; address workplace inequalities ('I... am now supporting a group of staff and running a transparent workload formula working group'), give recognition to branch equality reps and promote interest in equalities issues.

Some, for example, reported that, once back at work, they were:

- undertaking a review of major HR policy agreements and highlighting how current policies, such as sickness absence procedures, discriminate against disabled staff
- negotiating for better adjustments for members with learning difficulties and those with physical impairments
- developing new ideas for dealing with equalities at a negotiation level
- participating in equality impact assessments to evaluate the impact of policies and procedures upon staff and end-users of services
- changing work performance monitoring systems.

What's more, they had clear ideas and goals to implement for the future in terms of tackling equality issues within their place of work, such as:

- developing and setting in place comprehensive equality and diversity policies within the workplace

- undertaking equality impact assessments across all workplace regulations, policies and procedures
- reducing the number of discrimination cases due to improved preventative actions within the workplace
- tackling specific inequalities issues such as gender inequalities and the issue of pay structure
- equality awareness raising across the workplace
- securing management buy-in and commitment to equality issues
- getting management to consider greater community engagement as a way of ensuring that the service represents the community it serves.

• **Employment Tribunal and Discrimination Law (ETDL) course**

The Employment Tribunal and Discrimination Law (ETDL) course was a six day course (one day a month in the majority of cases), targeted both at trade unionists and Citizen's Advice Bureaux (CAB advisers) to enable them to advise and support members or clients in employment tribunal cases.

The course was regarded by stakeholders as one of the key successes of the Equal at Work project – mainly due to the demand among participants, which was largely generated by positive word of mouth recommendations.

Feedback showed that the course had improved their understanding and helped them to deal better with the discrimination law and employment tribunal process in their place of work. Participants went on to use the knowledge in advising others within the workplace, including members and employers, as well as in training new shop stewards. Others were planning on using their knowledge to identify employment tribunal cases and advise tribunal applicants on workplace equality issues.

Objective 4: Establishing an equality reps network

One issue considered by the project was how to add value to other networks already in existence, such as developing a union alternative to the Equalities Exchange Network for employers, facilitated by the former EOC and now the EHRC. Such a network had existed previously and was considered by some of the stakeholders to be very successful. Another issue was how to accommodate the needs of both senior officers and trade union reps within one equality reps network. As a result, the possibility of developing two networks is being explored by the project, one of which, a WTUC Equalities Reps Network aimed at union equalities reps and officers, has already been set up. Its first event was around age legislation and included the new Older People's Commissioner for Wales, Ruth Marks. Information distributed at the event was then posted on the Equal at Work website for those who were unable to attend but were interested in the issues discussed.

Lessons learned

- **Identify project objectives before developing the funding application** – this was a key strength of the project and better than 'trying to fit a project into the funding criteria'. In terms of meeting the needs of the trade union movement in Wales, this was considered to be a big advantage.
- **Consider using a Client Relationship Management system** – keeping and tracking data on potential and actual beneficiaries proved a significant challenge for the project team, who were dependent on the Wales TUC's central database to keep all their information.
- **Invest in securing buy-in from the right senior people** – from within the trades unions and other partners – to attend the meetings and support the project.
- **Invest time in promoting the website** – Feedback showed that it is seen as 'a fantastic resource' and 'very useful'. However, 'that consistency needs to be developed and the website updated regularly.'
- **Work out how you're going to get people to engage with the project** – the seminars were originally going to be at the start of the project, so that pilot project ideas could grow from them. The first seminar was therefore organised during 2006 but had to be cancelled due to the lack of take-up among potential participants. Stakeholders cited the over-reliance on regional union officers, who failed to understand the concept of sending union reps along with employer reps to the seminar as one of the main reasons why the project had not succeeded in recruiting enough participants to this event. Natasha Hirst explains:

'As a result, the project team had initially to provide a greater level of support than was originally envisaged to enable union officers to recruit 'pairs' of employer and employee representatives to seminars. This meant that it took longer than anticipated for the project to organise and recruit participants for these seminars. The project's experience also showed that recruitment and seminar facilitation worked better where a single contact within a union was available to recruit employer and employee pairs. This worked particularly well in the case of Unison (the only union to have its own dedicated equality officer in Wales), as the equality officer was able to be fully briefed and convey to union reps that they needed to ensure that employers attended with them.'
- **Ensure pilot projects are fully resourced** – some of the pilot projects were under-resourced and often lacked commitment from their host organisation. This was a key issue because, according to stakeholders, it was crucial for the

success of the pilots that both the trade union and the employer were equally engaged and that there were good working relationships between HR departments and the trade union reps. The lack of real commitment from employers often led to an over reliance on an already stretched project officer to drive projects forward. No project funding was allocated for the delivery of pilot projects and in some cases this restricted the host organisation's ability to bring in additional capacity or expertise to drive elements of the pilots forward. In other cases, pilot projects were hindered by the slow speed of developments within their host organisation and the time it took for senior management to agree to the pilots taking place.

Looking forward

The Equal at Work project has the potential to contribute towards increasing the understanding among trade unions about the needs of disadvantaged workers as the WTUC continues to share and encourage discussion. The WTUC is mainstreaming the project elements that have made the greatest difference, notably the delivery of the Bargaining for Equality course and the employer and employee rep seminar, and considering additional courses in consultation with the EHRC, other equality organisations and trades unions.

Resources need to be put in place to maintain and update the Equal at Work website for the benefit of equality reps throughout Wales, and to make sure it is well linked to the websites of the WTUC and individual trades unions, ensuring too that it is fully bilingual. There is the possibility of producing further union focused publicity materials jointly with unions (to avoid duplication) and equality organisations.

Time and resources will be allocated to obtain a greater buy-in and commitment from senior representatives from within the equality organisations and trade unions to future related activity, as well as ensuring good communication in general – including

exploring the need to establish a strategic level Equalities Network, consulting widely on its terms of reference, potential membership and relationship with the EHRC and relevant organisations and trades unions, before its launch.

The WTUC will also encourage its equality committees to place greater emphasis on bargaining for equality related to their particular strand in the workplace (for example, the Women's Committee may wish to make recommendations on how to include undertaking equal pay audits as part of the negotiation agenda within the workplace) and ensure that any key recommendations are shared with the WTUC's pan equality committee and ultimately all associated unions.

Live and ongoing pilot projects (in particular campaigning for equalities reps within the WAG and public sector in Wales) will continue to be supported and case studies on these and other workplace equalities initiatives identified at training sessions and seminars, for sharing good (and possible bad) practice with affiliated unions and others.

Conclusion

The Equal at Work project has generally proved a very successful project, especially in terms of delivering very highly regarded training and seminar sessions for union equalities reps and employers. It has also facilitated closer links between the unions and equalities organisations. Natasha Hirst concludes:

"It's been great. It certainly has got senior people in trade unions talking – people who perhaps wouldn't have engaged with the Commissions or wouldn't have got involved with the employers. Without the involvement of Equal at Work, some of the pilot projects simply would not have happened."

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