



Congratulations on being elected a Union Equality Representative

As a union equality representative you are an important part of the union team, promoting equality in the workplace and community.

Some union equality reps will also be shop stewards, safety or union learning reps, while others will be union equality reps only. Some will be general equality representatives, while others will be more specialist eg women's rep, disability champion, black members' rep, young members, LGBT, or harassment listening support rep.

While union equality reps currently have no legal rights to time off, UNITE has negotiated agreements with employers, the role is included in our rules, and the campaign for statutory rights for union equality reps continues.

The union's aim is for all workplaces to have a union equality rep, with a network of equality reps in larger workplaces, for all union reps to attend union equality courses, and for a Branch Equality Rep on the branch committee. As soon as you are elected make sure you let the union know nationally and regionally so that you can get support and information.

Finally, it is important to remember that shop stewards have the authority to negotiate in the workplace so **you can only enter negotiations when you have the agreement of your shop steward**. If you have any queries, no matter how small, about your role, you can speak in confidence to your Regional Organiser for Women, Race and Equalities.

This UNITE Union Equality Reps Toolkit includes :

- Union Equality Reps Handbook
- Guide on Facilities and Time Off for Union Equality Reps
- PAY UP! Guide to Fair Pay and Equality Audits
- Guide to Dealing with Harassment, Discrimination & Bullying
- Family Rights Guide
- Leaflets, Guides and poster to build involvement of women, black, Asian & ethnic minority, disabled, young, older, LGBT and migrant workers, and to promote zero tolerance

A disk with this information is also part of the toolkit. Back-up information is available on the union's web-site www.tgwu.org.uk (during 2008, this will become www.unitetheunion.org.uk)

Your role as a Union Equality Representative is to:

- work alongside other union reps such as shop stewards, union learning reps, safety reps and branch officers to recruit, organise, represent and involve **all** members
- be aware of harassment, discrimination and equality issues in your workplace and community
- check how representative the workforce and union membership are of the community, and organise with others to identify and remove barriers to equality

- listen to members' equality issues and concerns, and link up with the shop steward and other union reps to help address them
- be involved in discussions with other union reps and members on priorities for pay and bargaining with management, so that everyone is aware of the need to prevent discrimination and injustice
- check policies and agreements with shop stewards to keep them up-to-date with equality legal changes and good practice
- build involvement of under-represented members and encourage diversity in union reps, so that all workers are involved and represented
- play your part with others in taking forward key union campaigns such as equal pay, family friendly and flexible working, zero tolerance of harassment and bullying, and equality for migrant and agency workers

Remember, as an elected union equality rep, you are entitled to back-up and support from your union UNITE, from other union reps, union equality reps education courses, your UNITE officer, and from the Regional Organiser for Women, Race & Equalities – if you aren't sure about anything, don't worry on your own, make contact.

Your action plan

Get ready

- Win support in your **workplace and branch** for union equality reps
- Arrange to go on union **equality education**
- Shop steward/officer to **agree facilities for paid time off** from the employer for union equality reps
- Carry out an **equality audit** as part of organising union members

Get started

- **Raise awareness** of equality issues
- Make sure members facing discrimination are **represented**
- Discuss getting equality on the **bargaining** agenda

Keep going

- Promote equality for :
 - **Women**
 - **Black, Asian & ethnic minorities**
 - **Disabled people**
 - **Young and old**
 - **Lesbian, gay, bisexual, trans workers (LGBT)**
 - **Migrant and Agency workers**
 - **Ex-offenders**
- Create a **fairer working environment** for all

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Facilities & Time-off for Union Reps



Reps

YOUR GUIDE

This Guide contains information on:

- **the role of union equality representatives**
- **facilities and time off for union equality reps**
- **key points for bargaining**
- **arguments to support facilities for union equality reps**
- **women & work commission recommendations on union equality representatives**
- **workplace newsletter on union equality representatives**
- **model union equality reps agreement**

The role of Union Equality Representatives

The role of union equality representatives is to :

- work alongside other union reps such as shop stewards, union learning reps, safety reps and branch officers to recruit, organise, represent and involve all members
- raise awareness of harassment, discrimination and equality issues in their workplace and community
- check how representative the workforce and union membership are of the community, and organise with others to identify and remove barriers to equality
- listen to members' equality issues and concerns, and link up with the shop steward and other union reps to help address them
- be involved in discussions with other union reps and members on priorities for pay and bargaining with management, so that everyone is aware of the need to prevent discrimination and injustice
- check policies, agreements and equality schemes with shop stewards to keep them up-to-date with equality legal changes and good practice
- build involvement of under-represented members and encourage diversity in union reps, so that all workers are involved and represented
- play their part with others in taking forward key union campaigns such as equal pay, family friendly and flexible working, zero tolerance of harassment and bullying, and equality for migrant and agency workers

Facilities and Time-off Agreement for Union Equality Reps

Currently there are no legal rights for union equality reps. Therefore to be able to carry out your duties you need support from other union reps and members to achieve agreed facilities and paid time off. Where you already have paid time off as a shop steward, safety or learning rep, you will need additional time to promote equality.

Paid time off could be for:

- Listening to members' equality issues and concerns
- Preparing for representation and negotiation
- Keeping in touch with members
- Organising and recruiting
- Taking part in the wider union
- Union Education and Training
- Mapping the workplace
- Audits and monitoring, including equality surveys

Facilities could include access to:

- a private space to meet your members
- a desk and a filing cabinet
- a telephone
- a fax
- a computer with internet and email
- information
- notice boards

A Model Agreement covering these key points is included at the back of this short guide.

Key points for bargaining

While there are currently no legal rights to paid time off, a number of employers have agreed facilities and paid release for union equality reps.

In 2006, the Women and Work Commission highlighted the valuable role of union equality reps and set out the reasons why they should have statutory rights. A short summary of key points follows. The government action plan from these recommendations also supports the importance of union equality reps through funding, training and promotion.

When bargaining for recognition of union equality reps and facilities, you need to emphasise the valuable role of union equality reps in promoting either the existing equality culture in your workplace or in creating a new one.

Make a "business case" for your employer which assures them that it makes good business sense to have union equality reps with paid time off and facilities in the workplace. As with health and safety, you do not wait for accidents to happen and safety reps can help create a safe workplace, so with equality, you do not wait for discrimination to happen and union equality reps can help create a fairer workplace and prevent discrimination. You can also use the example of the union learning reps that have helped in improving and raising the learning and skill levels of workers in many organisations.

Arguments to support facilities for Union Equality Reps

Good for business and prevents costly cases

- a) Employees who work in a fair and equality friendly environment are happier, more likely to be retained, and therefore more efficient, which makes good business sense
- b) By addressing issues systematically, union equality reps can help prevent discrimination and harassment which will in turn avoid costly and time-consuming legal cases
- c) Having a union equality rep especially from under represented sections of the workforce shows a positive attitude to diversity in industry which can help with staff recruitment and retention, for example in the bus industry women's reps help support and encourage retention of women. There are also government initiatives to tackle issues of under representation such as attracting more women into engineering. By creating the right environment for women, with the assistance of Union equality reps the employer can respond to these initiatives.
- d) Recognition of union equality reps and providing them with paid time-off and facilities shows the employer's strong commitment towards equal opportunities
- e) Union equality reps' involvement with shop stewards in eg pay negotiations will help deal with equal pay or other pay inequalities which can prevent lengthy equal pay claims

Benefits to the employer

- a) Well-trained and knowledgeable union equality reps can make an important contribution in understanding, promoting and establishing non-discriminatory policies and procedures, and in ensuring any problems are identified early
- b) Union equality reps will play an important role in the employers' drive to tackle equality issues and promoting action on equality and dignity at work
- c) Union equality reps can provide specialist support, skills and advice on diversity issues, including equal pay and tackling race, disability, and other forms of discrimination

- d) Equality needs to be a mainstream issue and by working alongside other union reps, union equality reps can assist in ensuring that it is embedded into collective bargaining and integrated into the workings of the company/organisation

What the government recommends

- a) The Women & Work Commission recommended that union equality reps should work with employers to support equal pay and opportunity, thus resolving problems in the workplace
- b) The commission also calls for an equality check, a tool to help employers understand where their contribution might best lie. Trade union equality reps can work with employers to carry out an equality audit to identify barriers to equality, from which targets can be set and positive action plans developed to monitor their effectiveness.

Summary checklist – benefits of Union Equality Reps

- Discrimination is not only unfair but it is **unlawful**
- Prevention is better than cure
- Good practice helps with retention and recruitment of employees, particularly with under represented staff

Women & Work Commission recommendations on Union Equality Representatives

The Women and Work Commission's report, *Shaping a Fairer Future* states that **equality representatives resolve problems at the sharp end** and says:

- A system of trade union equality reps is welcomed. These reps would provide a lens of equality across workplace practices, raise issues related to equality and diversity, tackle discrimination, resolve conflict and seek solutions with management alongside other union colleagues
- The presence of equality reps should facilitate joint working at a local level to develop well-targeted action on issues most relevant to individual organisations and their workforce. They could improve the business benefits associated with equal opportunities policies by providing a focal point for dialogue and improving decision-making.
- Equality reps would act as specialists when policies and procedures related to diversity and work-life balance are under negotiation. They would have a particular role to play in raising equal pay up the workplace agenda and assisting in equal pay reviews. They should support a move towards looking at systemic pay inequalities and away from piecemeal individual claims
- The role of equality reps would attract a more diverse group of union members to become involved
- Equality reps look at a wide range of issues including flexible working, equal pay and how to break down the barriers preventing women from moving into non-traditional jobs
- To be effective, equality reps will require good quality, thorough training. We propose that a capacity building programme be put in place under the Union Modernisation Fund (this has been established)

- Unions and employers will also need to reach agreement to give equality reps:
 - paid time off for training and to carry out their duties and facilities;
 - an undertaking to disclose relevant information, including separate pay data by gender, which equality reps may need to carry out their role effectively
- Some of us feel that, as with union learning reps, following a period of capacity building, union equality reps should be placed on a statutory footing to ensure that they have paid time off for duties and activities and for training. Without this, equality reps would not be sufficiently effective nor achieve their potential for adding value in the workplace
- DTI, through partners such as Opportunity Now, should build a set of exemplar companies willing to pilot projects such as: providing paid time off, support and facilities to a network of equality reps (this has been happening)



UNITE PROMOTING EQUALITY AT THE WORKPLACE



NEWSLETTER

2007-2009

Developing and supporting workplace Union Equality Representatives

Who are Union Equality Reps?

Union equality reps are active members of the union who are elected to concentrate on equality issues once they have been trained and accredited by the Union. They are union reps with a particular interest in one or more area of equalities. Union equality reps will

- advise and support members
- raise awareness on discrimination issues
- map workplaces and the membership to ensure equality by gender, race, disability, sexuality, age and religion
- carry out equality surveys
- promote best practice on all policies and agreements including equality schemes
- organise under-represented members
- keep members informed of equality issues
- negotiate for policies and practices
- monitor their effectiveness
- identify equality issues
- ensure issues are raised and placed on the bargaining agenda

Who can become a Union Equality Rep?

UNITE already has a number of union equality reps in different workplaces and the numbers are on the increase. However, both UNITE and the TUC recommend that every workplace and branch should elect union equality reps. To achieve this we should encourage:

- shop stewards, safety reps and union learning reps who would like to extend their role
- all other existing reps for example, women's reps, disability champions, branch equalities officers and women, race & equalities sector committee delegates
- active members who represent the diversity of our union and want to get more involved

How do union equality reps relate to other union reps and committees?

It is important to remember that union equality reps are not a substitute for shop stewards but an extra helping hand. They are neither an alternative to the women's, race equality, disabled members, young members or LGBT committee organisation. Union equality reps' input will enhance the work of the union in all workplaces. Union equality reps will be able to concentrate their efforts on equality issues across all areas such as terms and conditions, policies, agreements and discrimination cases. They will also raise awareness of equality issues among members and management. Their work will have a beneficial input into the work done by other reps.

Union equality reps are members of the workplace reps teams and work with shop stewards, safety reps, union learning reps and branch officers. While union equality reps currently have no legal rights to time off, UNITE has negotiated agreements with employers, the role is included in our rules, and the campaign for statutory rights for union equality reps continues.

The union's aim is for all workplaces to have a union equality rep, with a network of equality reps in larger workplaces, for all union reps to attend union equality courses, and for every branch to have a Branch Equality Rep on the committee.

Are you interested in becoming a rep?

If you or any of your members are interested in becoming a union equality rep or any other UNITE rep, please contact your Regional Organiser for Women, Race & Equalities.

Prevention better than cure

UNITE believes that it is important to avoid cases of discrimination and harassment rather than only addressing the issues when they occur. We believe that all our shop stewards, safety reps and union learning reps deal with cases regarding equalities in their work but we can go a lot further when we have reps that have a specific role for equality. For this reason UNITE – T&G section started the Union Equality Representatives Project in June 2006.

The aim is to strengthen the role of union equality reps so that we will be able to

- better organise
- provide representation
- retain members
- provide support to our diverse membership

Union equality reps play an important role in our campaigns such as Pay-Up, migrant and agency workers, pensions, family friendly, low pay, recruitment of young members, under representation and zero tolerance.

- negotiate the introduction of union equality reps for those workplaces without one
- put pressure on the decision making bodies to gain recognition for union equality reps
- campaign to gain statutory rights to facilities and paid time off for union equality reps

Union Equality Reps Toolkit

The UNITE Union Equality Reps Toolkit includes :

- a handbook on the role of union equality reps
- guides to time off, fair pay and audits, dealing with harassment and bullying, family rights
- leaflets and poster to support representation and participation of all members : women, black, Asian & ethnic minority, young, older, LGBT, migrant workers, and to promote zero tolerance

The toolkit has been produced as part of the Union Equality Reps Project supported with funding from the BERR (formerly DTI) Union Modernisation Fund, part of the Labour government's commitment.

Union Equality Reps help achieve fairer workplaces

Union equality reps as part of the collective bargaining structure will help in developing fairer workplaces for all. To achieve this aim we need a well supported and diverse group of union equality reps and we need to:

- negotiate good paid time-off and facilities for our existing union equality reps

UNITE Model Agreements

UNITE has a union guide to facilities and time off for union equality representatives and a full pack of Model Equal Opportunities Agreements, please contact the National or Regional Organiser for Women, Race & Equalities.

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UNITE Model Agreement for Union Equality Representatives



Statement of intent

In line with our commitment to equal opportunities and dignity at work, the organisation/company and UNITE are committed to establishing and supporting the role of union equality representatives.

The organisation/company recognises that UNITE will elect its equality representatives and shall notify the organisation/company of their names at the earliest opportunity in writing.

Remit of the Representatives

The Union Equality Representatives are elected members of UNITE and will concentrate on equality issues. Their duties will include:

- Supporting and negotiating on behalf of members in discrimination cases
- Providing information and guidance on tackling potential problems
- Working closely with shop stewards and other union representatives to promote equality
- Representing the union on committees for example, on equality
- Promoting good practice on all policies and procedures
- Raising awareness about discrimination
- Identifying ways in which equality can be an integral part of the workplace culture
- promoting diversity and tackling under-representation

Training and time-off

Union Equality Representatives will have reasonable paid time-off during their working hours for trade union duties and activities. These can include:

- Receiving union training on representation and negotiation skills, discrimination, harassment and equal opportunities and any other courses to extend their skills as representatives
- To meet members and union officials
- To prepare for and to attend union meetings, committees and conferences
- To meet all newly recruited staff
- To prepare for and take part in negotiating meetings

Facilities

The Union Equality Representatives shall be entitled to facilities in order to carry out their duties and meet their members. These will include:

- accommodation for meetings
- access to a phone and other office equipment
- use of notice boards which could include electronic communication, for example, e-mail and intranet/internet and the ability to freely distribute and display official UNITE communications
- dedicated office space, plus a computer, and with a secure e-mail address

Election

Union Equalities Representatives shall be elected as per Union rules.



Reps' Rights

Pay and Audits

Harassment

Family Rights

Women

Race Equality

Disability

Young Workers

LGBT

Pay-Up!

Organising for Fair Pay and

EQUALITY
Audits

YOUR GUIDE

This Guide contains information on:

- **Fair Pay and Equality Audits** **19**
- **Checklist for ending unfair and unequal pay** **20**
- **Tackling low pay and promoting fair pay for:** **24**
 - **women, parents and carers**
 - **black, Asian & ethnic minority workers**
 - **young men and young women**
 - **older workers**
 - **disabled workers**
 - **LGBT workers**
 - **Migrant workers**
 - **Agency workers**
 - **Ex-offenders**
 - **Workers without relevant skills/qualifications**
- **Job evaluation and performance related pay** **30**
- **Minimum wage and family leave pay rates** **31**
- **UNITE equality checklist** **32**

Fair Pay and Equality Audits

Organising for Fair Pay and Equality Audits is about building a stronger more effective union. The Checklist at the end of this guide is for you to use to audit equality in your workplace and in the union. The first part of the guide is about the importance of organising for fair pay as part of the equality audit.

When we look at pay we have to look at how it affects peoples' standard of living and consequently their well-being. It is not a surprise that families with the lowest income have disproportionately high household expenditure. It is also important for us as a trade union that half the children in poverty have a family member who works.

Unfair, unequal pay and lack of transparency in pay systems create a divided, demoralised and undervalued workforce. Unequal pay affects the majority of workers, and pay gaps due to discrimination are particularly suffered by :

- carers, lone parents and part-time workers
- working women, black, Asian and ethnic minorities (BAEM), disabled workers
- young or older workers
- migrant workers
- lesbian, gay and transgender workers

The union has a vital role to play in ensuring workplaces have :

- Fairer pay
- Greater equality of opportunity for all
- More equal access to training and progression

Our union has four key priorities :

1. There is enough evidence to show the link between low pay and poverty. To help people out of poverty, we have to **tackle low pay**
2. The UNITE **"PAY UP!" Equal Pay** campaign is about closing the gender pay gap between women and men at work and checking for any unfair pay
3. The UNITE **"Mind the Gap"** campaign means pay rises reflecting productivity as well as the cost of living, and the pay gap between workers and bosses
4. It is not enough to look at pay alone. Alongside our pay bargaining we need to **ensure that all equality issues are fully addressed** and check that there are no unfair practices such as redundancy and/or length of service agreements that discriminate against women and BAEM workers, sick agreements that discriminate against disabled workers, discriminatory age rates, or low and unpaid family leave.

UNFAIR & UNEQUAL PAY

You can help change this!

As a union equality rep it is important to remember that shop stewards have the authority to negotiate in the workplace so **you can only enter negotiations when you have the agreement of your shop steward**. Working with other union reps you can help achieve fair and equal pay in your workplace.

Use this Fair Pay and Equality Audit Checklist to help you:

WHAT?	WHY?	DONE?	ACTION NEEDED IN MY WORKPLACE
Carry out an Equality Audit of the workforce using eg the sample form after this checklist	To highlight eg concentration of women in lower grades, lack of progression of black workers, lack of disabled workers	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Bargain for Facilities and Paid release for Union Equality Reps and campaign with government for statutory rights for union equality reps	To strengthen the skills, knowledge and capabilities of the union in advancing equality; to ensure the union has specialist equality support and time		
Bargaining for 100% income for family leave and campaigning with government for this as of right	Family friendly policies are a way towards eradicating poverty. Loss of income at this time leads to hardship long-term		
Eliminating unfair wage rates eg on grounds of age, gender, ethnic origin, nationality	Unequal pay rates are divisive and can be unlawful		
Ensuring the National Minimum Wage is achieved and improved on Campaigning with government for an increase in the National Minimum Wage	Some workers are unlawfully paid below the NMW eg non-unionised workplaces, migrant domestic workers and homeworkers. Eliminating low pay is a win for equality		

WHAT?	WHY?	DONE?	ACTION NEEDED IN MY WORKPLACE
Training included as a collective bargaining issue Fully funded training with paid time off and monitoring who receives training	Access to training, or lack of it, can have a big impact on pay. Part-time, agency and older workers particularly lose out on training	<input checked="" type="checkbox"/> <input type="checkbox"/>	
Negotiating reasonable adjustments without loss of pay and with clear procedures to check this	Disabled workers have the right to reasonable adjustments to get and keep a job. This should not be at the expense of previous pay rates		
Check women's pay and equality	There is a gender pay gap in most workplaces		
Check black, Asian & ethnic minority workers' pay and equality	BAEM workers are mostly under-represented in higher grades		
Check young men and young women's pay	Unfair age rates exist in many workplaces		
Check older workers' pay	Poverty in retirement mean more older workers at work facing discrimination		
Check disabled workers' pay and equality	Disabled workers are more likely to be low paid		
Check migrant workers' pay	Migrant worker Agencies are discriminating, including in basic rates, housing, travel, Tax & NI		
Check agency workers' pay	A two-tier workforce is bad for everyone		
Check ex-offenders' pay	Discrimination is unlawful		

Checklist

Workplace practices that can be unlawful

- Different rates of pay for men and women
- Different shifts for men and women
- Black, Asian and ethnic minority workers on the night shift
- Job segregation for disabled workers
- Seniority or last-in, first-out indirect discrimination

UNITE PAY & EQUALITY AUDIT OF CURRENT WORKFORCE

The following is an example of a basic form which could be used to conduct an equality audit to get a picture of the workplace and identify potential discriminatory practices and issues to address.

Grade	No. of Men	No. of Women	No. of BAEM Workers	No. of Disabled Workers	No. Aged 26 and Under	No. Aged 50+	P/T workers Men	P/T workers Women	Total
Total									
%									

*An equality audit needs to include relevant info for your workplace. Therefore, you may need to add columns to include e.g. Migrant Workers, agency Workers, LGBT Workers or specific religions.

MONITORING RECRUITMENT, SELECTION, TRAINING AND PROMOTION

This is an example of a basic form to monitor equality in recruitment, selection, training and promotion and to identify issues to address.

JOB/TRAINING APPLIED FOR.....

NUMBER APPLIED						NUMBER INTERVIEWED						NUMBER APPOINTED/TRAINED					
M	W	BAEM	D	50	26	M	W	BAEM	D	50	26	M	W	BAEM	D	50	26

M = Men **W** = Women **BAEM** = Black, Asian and Ethnic Minorities
D = Disabled **50** = Aged 50 or over **26** = Aged 26 or under

Families in poverty and suffering unfair pay include:

A. WOMEN, PARENTS AND CARERS

- Women not only receive low pay but unequal pay and the great majority of low paid parents are mothers
- Fathers who cannot even afford to take paternity leave
- Women full-time workers earning 85p for every £1 earned by a man and 59p if working part-time
- Women who because of career breaks and part-time working end up in pensions poverty

But you can help change this!

To tackle women's pay union equality reps need to:

- carry out a pay audit to identify where there is unequal pay and undervaluing of work mostly done by women
- negotiate for equal pay and job evaluation free from gender bias
- backed up by equal pay legal rights
- negotiate for part-time, flexible and job share working at all levels
- ensure sexual harassment is eliminated from the workplace

Union equality reps should aim to negotiate for family friendly agreements that include:

- 100% maternity pay for one year leave for all women which could be shared with a named partner
- 100% paternity pay/maternity support leave for one month applying to all regardless of gender or sexual orientation
- 100% adoption pay for one year leave
- Full rights from day one of employment
- Full pay for parental leave
- Full paid time off for carers
- Unpaid long term career breaks with a right to return
- Contribution towards childcare costs

For further information please refer to "Equality and Family Rights" and "Pay Up" campaign pack – EOC "Code of Practice" and "Review Kit on Equal Pay" – The Equality and Human Rights Commission, 3 More London, Riverside Tooley Street, London SE1 2RG Telephone 020 3117 0235 www.equalityhumanrights.com.

B. BLACK, ASIAN & ETHNIC MINORITIES

- People from ethnic minorities who are twice as likely to live in low income households
- Around 60% of Bangladeshis, 40% of Pakistanis and 30% of Black Africans in working households who are in low income
- Ethnic minority women who are amongst the lowest paid workers
- Black, Asian and ethnic minority (BAEM) full-time workers with a pay gap of 4.5% for men and 13.1% for women and a wider gap of 45% and 34.2% respectively for part-timers

- Homeworkers who are mainly women and many from ethnic minorities and put in long hours for small wages, some as little as £2.00 an hour and very few employment rights

But you can help change this!

- Carry out an equality and equal pay audit for job segregation, fair and equal pay
- Monitor appraisal marks between different ethnic groups
- Negotiate for an equalities review, if necessary
- Negotiate for equal pay for all in your pay negotiations
- Ensure the progression of BAEM members in the workplace by making certain
 - equal opportunities procedures are followed
 - under-represented groups are encouraged to apply for promotion
 - there is access to training including English language
- Challenge stereotyping of BAEM women
- Negotiate for family policies that reflect BAEM women's lives

For further information please refer to "Negotiators Guide on Race Equality"

C. YOUNG MEN AND YOUNG WOMEN

- Young people who do not receive the "rate for the job" and are paid below the minimum wage
- The 16 to 17 year olds who are paid "pocket money" for their work and are paid less than 3.00 an hour
- Young men and women over 16 years who held 336,000 jobs in 2006 that paid less than the national minimum wage; apprentices who were paid as little as £80 a week
- Those young women apprentices who earn 2/3 of male apprentice's which sets an unequal trend for women's pay from a very young age

But you can help change this!

Union equality reps need to negotiate:

- the same rate for all, regardless of age and/or recognised training
- the same rate for apprentices regardless of gender
- rate for the job for apprentices and temporary staff

For further information please refer to "Factsheet – Age Discrimination"

D. OLDER WORKERS

- Workers aged 40-45 who are paid less than those in younger age groups regardless of level of qualification
- Older pensioner couples who are much more likely to be on low income
- About a quarter of the over-65s who are facing a life of poverty
- Older workers who are forced to carry on working beyond retirement and often end up in lower paid work
- Those who will be hit the hardest with the likelihood of an increase in the retirement age coupled with low income and interrupted service

- Women manual workers whose life expectancy has decreased in recent years
- Poorer people who have a shorter life expectancy with no time or very little time to enjoy their hard earned retirement

But you can help change this!

Union equality reps need to ensure that:

- Rate for the job regardless of age or gender
- their members are neither forced to work beyond retirement age nor put under pressure to retire early
- the existing early retirement benefits and policies are not changed without proper consultation with the union

For further information please refer to “Factsheet – Age Discrimination”.

E. DISABLED WORKERS

- Disabled workers who earn less than others with the same qualifications and face a pay gap of around 10%
- Disabled people who are twice as likely to live in low income households, have lower levels of qualifications, are three times more likely to be unemployed
- Disabled workers who have almost half the chance of non-disabled people to be in work
- Disabled workers with mental health problems; those aged 50 or over; those with lower qualifications; those of Pakistani/Bangladeshi origin; and those living in areas with few jobs

But you can help change this!

Union equality reps need to negotiate best practice for:

- Recruitment, retention and promotion of all disabled members including those who develop an impairment or long-term health condition or those with learning disabilities and mental health problems; by ensuring:
 - working conditions including reasonable adjustments are suitable
 - disabled workers are encouraged to apply for promotion
 - there is access to training
 - a negotiated retention policy is in place, with paid disability leave
 - the employer is tapping into schemes such as the New Deal, Workstep, Access to Work, Workforce Plus in Scotland and Want to Work in Wales
- Flexible working which assist disabled parents and those with mental health problems, in particular
- Paid time off for disability-related absences including conditions with fluctuating circumstances without affecting their appraisal
- Non discriminatory Sick and Health & Safety agreements
- Monitoring the recruitment, retention, promotion and pay of disabled workers

For further information please refer to “Guide for Negotiators to Disability Rights at Work”.

F. LESBIANS, GAY MEN, BISEXUAL & TRANSGENDER WORKERS

- Lesbian, gay, bisexual and transgender (LGBT) workers who cannot be "out" without fear of discrimination
- Those who may leave their work due to harassment as the most persistent and common form of discrimination endured by LGBT workers
- Around one in six transgender workers who take lower paid work as a result of their changed gender role or the one in 10 who lose out in promotions

But you can help change this!

Employers should make positive changes to what affects the level of wages and welfare of LGBT workers. Union equality reps need to ensure:

- harassment and bullying is not tolerated in the workplace
- benefits for couples are extended to all workers
- lesbian and gay couples are included in pensions schemes
- there is no loss of pay and benefits due to possible redeployment or harassment of members who have changed their gender. Also to get the best pension agreement for these members

For further information please refer to "Guide to the Employment Equality (Sexual Orientation) Regulations 2003"

G. MIGRANT WORKERS

- Migrant workers who earn low wages, receive illegal deductions from their wages, are in low-skilled jobs
- Those who put in long antisocial hours and are often over qualified
- The 375000 newly arrived migrant workers who face illegal deductions for accommodation, transport, meals, utilities and even so-called 'administration fees' from their wages by employers and agencies who are getting high quality workers for low-waged work

But you can help change this!

T&G has been in the forefront of the campaign to gain employment and social rights for migrant workers. Union equality reps need to ensure that:

- migrant men and women workers are organised into the union
- they benefit from the same pay and conditions as the rest of the workforce
- issues such as racism are dealt with and preventative measures are put in place
- learning needs of all workers are met
- they get a fair deal at work

H. AGENCY WORKERS

- Around two million agency workers including many young, migrant, disabled and women workers in temporary jobs
- Agency workers who are paid at or below the minimum wage and are on average paid 80p for every pound paid to their permanent counterparts
- Agency workers who can be summarily made redundant with no right to take any kind of industrial action or are never called back if they have complained or asked for improvements

But you can change this!

There are agency staff in most workplaces; union equality reps need to negotiate for:

- All temporary staff to have equal rights to permanent staff pay and conditions including:
 - Basic wages
 - Sick leave and pay
 - Holiday leave and pay
 - Maternity, paternity, adoption, parental and carers leave and pay
 - Disciplinary, grievance and dismissal procedure
 - Pension scheme
 - Training and promotion
 - Health and safety
 - Equal opportunities, harassment and bullying policies
 - Reasonable adjustments
- The right to a permanent contract after a negotiated period of employment

I. EX-OFFENDERS

- Ex-offenders who find it hard to find employment or stay in a job
- Those released from prison without a job, money or a proper support system to keep them away from re-offending and in employment
- Ex-offenders who stay unemployed or are forced into insecure low paid jobs

But you can help change this!

Union equality reps need to remind employers that around a quarter of the working-age population are ex-offenders and negotiate for:

- Ex-offenders recruitment policy by convincing employers that being in work is the best single way to stop (re)offending. The policy needs to include:
 - Withdrawing of a blanket ban on offenders and only be concerned about the type of offence(s) relevant to the job
 - Running a disclosure check only when the position requires it
 - Working closely with training providers
 - Offering placements to individuals
 - A positive attitude towards offering paid work after placement

- For employers to see that generally there is either no or very little risk in employing ex-offenders; union equality reps need to find information about the following and encourage employers to do the same:
 - Offenders and offences
 - Assessing risk when employing (ex)offenders
 - the law and good practice (for example Tesco and ASDA)
 - Examples of people who have led law-abiding, productive lives following conviction
- Encourage your employer to:
 - contact support services such as Nacro's Resettlement Plus helpline which helps employers
 - engage with statutory and other agencies working with offenders

For further information please refer to NACRO, the crime reduction charity 169 Clapham Road, London, SW9 0PU Tel 020 7582 6500 www.nacro.org.uk

J. WORKERS WITHOUT RELEVANT SKILLS/QUALIFICATIONS

- Those with poor skills who have not had the opportunity to train and can expect to earn 11% less than average
- Adults with no qualifications or formal training
- Women who cannot fill highly paid positions due to traditional gender segregation of jobs and inflexible working

But you can help change this!

Overcoming the skills gap in your workplace can help tackle low pay. Union equality reps working with union learning reps should negotiate for:

- Funding of training that leads to formal qualifications
- Paid time off for training
- positive action to tackle skills discrimination by developing training and skills initiatives aimed at of women, black and ethnic minority workers, disabled employees and older workers in the workplace

*For further information please refer to education Department Tel: 020 7611 2621 www.tgwu.org.uk
 Unionlearn, Congress House, Great Russell Street, London WC1B 3LS
 Tel: 020 7079 6920 www.unionlearn.org.uk
 Learning and Skills Council, Cheylesmore House, Quinton Road,
 Coventry CV1 2WT Tel: 0845 019 4170 www.lsc.gov.uk*

Job evaluation and performance related pay

Job evaluation

To look at the pay and grading structure and compare various jobs, the employer needs to do a Job evaluation. This is to **evaluate the job and not the person**. Union equality reps need to ensure that the job evaluation scheme is not discriminatory by making certain that:

1. "men" and "women's" jobs are incorporated within the same job evaluation scheme
2. the scheme is appropriate to the jobs it will cover
3. the job evaluation steering committee members are representative of the jobs covered and are trained and there should be a union representative
4. there is a non-gendered use of generic/bench mark jobs
5. the job descriptions are written to an agreed format and are assessed to a common standard
6. job titles are gender neutral
7. job factors cover **all** important job demands. For example "working conditions" and "physical strength" can be included in schemes covering "men's" jobs but those such as "manual dexterity", "caring skills", "mental concentration" and "working with people" which are associated with "women's" jobs may not be used as factors at all.
8. the weighting system for factors is suitable for the jobs being covered and any high or low weights do not affect predominantly men or women
9. there is a recognised appeals procedure and the results are monitored for gender bias
10. the outcomes of the job evaluation are checked for sex bias
11. existing schemes are reviewed in order to prevent discrimination
12. grading and pay protection are free of sex bias
13. there is an Equal Pay Policy
14. there is an ongoing system of monitoring pay outcomes by gender which looks at the employment practices such as job segregation

Performance related pay

Another important procedure is the pay performance assessment. Union equality reps need to make certain that these schemes are equality proofed by ensuring that the:

1. assessment is **based on the actual performance of specific tasks and not the person's assumed capabilities**. This can affect black, Asian and ethnic minority, women, disabled, young and older members
2. reasonable adjustments are made for disabled members sometime before the assessment
3. assessment is not beneficial or detrimental to a particular racial group
4. assessment takes place regularly against an agreed job plan, based on the worker's job description.
5. member has an opportunity to comment and discuss the annual assessment report with a discussion about training opportunities and career development

6. assumptions made about women's commitment based on "presenteeism culture" are challenged

For further information please refer to "Pay Up" campaign pack, Negotiators Guide on Race Equality, Guide for Negotiators to Disability Rights at Work, Factsheet – Age Discrimination

- The Equality and Human Rights Commission, 3 More London, Riverside Tooley Street, London SE1 2RG Telephone: 020 3117 0235 www.equalityhumanrights.com

NATIONAL MINIMUM WAGE RATES

from October 2007-2008

£5.52 an hour (age 22 and over)

£4.60 an hour (development rate age 18-21)

£3.40 an hour (age 16 and 17 above compulsory school leaving age. Does not apply to young apprentices)

Fair Piece Rates (including homeworkers) 120% of NMW

Employers and employment agencies are NOT allowed to make deductions from wages for **essential health & safety or protective equipment/clothing.**

National Minimum Wage Helpline : 0845 6000 678

STATUTORY MATERNITY PAY

(figures from April 2007-2008)

1st 6 weeks: 90% earnings

Next 33 weeks: £112.75 a week (or 90% earnings if less)

STATUTORY PATERNITY PAY

2 weeks: £112.75 a week (or 90% earnings if less)

STATUTORY ADOPTION PAY

39 weeks: £112.75 for one parent (or 90% earnings if less)

2 weeks: £112.75 for other parent (or 90% earnings if less)

LOWER EARNINGS LIMIT

£87 per week (minimum you must earn for National Insurance contributions)

WORKING TAX CREDIT

Available to families with a joint income of under £15,000 (11,500 for single income)

And for Child Tax Credit the limit is under £58,000 (66,000 for a child under one year)

Department for Business, Enterprise and Regulatory Reform and Inland Revenue web sites provide more detail and updates. www.berr.gov.uk www.inlandrevenue.gov.uk

FAIRER WORKPLACES: STRONGER ORGANISATION

UNITE checklist for equality at work

Your Workplace

Total in Workplace :		
Members	_____	Non-Members _____
By gender :		
Men Members	_____	Non-Members _____
Women Members	_____	Non-Members _____
By ethnic origin :		
White members	_____	Non-members _____
BAEM members	_____	Non-members _____
By age :		
under 26 members	_____	Non-members _____
Disabled members	_____	Non-Members _____
LGBT workers		
Members	_____	Non-members _____
Part-time workers		
Members	_____	Non-members _____
Migrant workers		
Members	_____	Non-members _____
Agency workers		
Members	_____	Non-members _____
Active Retired members	_____	

Your union at work

UNITE Shop Stewards

Total UNITE shop stewards: _____

Men: _____ Women: _____ % _____

White: _____ BAEM: _____ % _____

Shop Stewards Under 26: _____

Disabled shop stewards: _____

Involvement in UNITE Equality/other Shop Stewards' Courses

UNITE Union Equality Reps

Name: _____

Address: _____

Tel: _____

Fax: _____

Email: _____

Involvement in UNITE Equality/other courses

Equal Opportunities Committee

Details of UNITE members of the committee

Name: _____

UNITE position held: _____

Address: _____

Tel: _____

Fax: _____

Email: _____

Involvement in UNITE Equality/other courses

WORKPLACE POLICIES/AGREEMENTS

- Do you have these policies?
- Are they negotiated with the union?
- Have they been updated in line with new law?
- How do they compare with UNITE negotiating aims and model agreements?

Workplace Policies/Agreements	Yes/no (comments)
General policies and agreements	
● Annual leave policy	
● Sick leave policy	
● Disciplinary policy	
● Any other relevant policies eg human rights, confidentiality/data protection, health and safety	
Specific Equalities policies/agreements:	
● Equal Opportunities – general policy	
● Union Equality reps facilities	
● Family friendly :	
○ Maternity	
○ Paternity	
○ Adoptive	
○ Carers	
○ Parental	
○ Flexible working/job share	
● Gender Equality – (public duty)	
● Equal Pay Policy	
● Part-time workers	
● Institutional Racism – (public duty)	
● Religious & cultural discrimination	
● Disability Equality – (public duty)	
● Age Discrimination	
● LGBT equality	
● Ex-offenders	
Equality Audits and monitoring	
● Pay scales/job evaluation/equal pay audit results	
● Disability audit results	
● Recent discrimination (internal/tribunal?)	
● Use of HD(1) T&G Harassment Form	
● Equality assessments (eg IIP, Local Govt)	

Workplace Policies/Agreements	Yes/no (comments)
General organising information	
Recognition agreement, & current status	
Most recent pay & conditions settlement	
Staff handbook / other info on terms and conditions	
Details of pension plan	
Details of each workplace ie location, function, number of employees	
Number & location of shop stewards/activists (and name, contact details, age, gender and ethnicity details)	
Number of members (and age, gender and ethnicity details)	
Last quarter's joiners and leavers	
Details of shift patterns / hours (for organising meetings)	
Workplace issues	
Perceived obstacles	
Possible solutions	
Resources required	

Your UNITE Branch

BRANCH Number: _____

Number on Branch Committee: _____

Women: _____ **Men:** _____

Branch Equality Officer

Name: _____

Address: _____

Tel: _____

Fax: _____

Email: _____

Involvement in UNITE Equality/other courses

Branch Membership

Total in Branch _____

By gender: Men _____ Women _____

By ethnic origin: White _____ BAEM _____

By age: under 26 _____

Disabled members: _____

Retired members: _____

LGBT members: _____



Reps' Rights

Pay and Audits

Harassment

Family Rights

Women

Race Equality

Disability

Young Workers

LGBT

Zero Tolerance - Dignity and EQUALITY at Work

Dealing with Harassment,
Discrimination & Bullying

YOUR GUIDE

This Guide contains information on:

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How to use this guide

- **If you are experiencing harassment, discrimination or bullying**

See section 1 for information on how UNITE can help

- **If you are asked to represent a member complaining of harassment or bullying**

Use the guidance in section 2 on representing a member, section three on the law, section 5 on listening support available, and use the Checklist for Representatives and the HDB(1) Report Form in section 8

- **If you are asked to represent a member accused of harassment or bullying**

See section 4 on getting the representation right and use the HDB(1) Report Form in section 8

- **If you want to negotiate dignity at work policies**

See section 6 on the UNITE negotiating agenda, section 7 on negotiating a workplace policy, and section 8 for the UNITE model agreement

Message from the General Secretary

Winning equality at work is a fundamental principle of trade unionism. UNITE – the Union is opposed to all forms of workplace harassment.

Workplace harassment and bullying are some of the worst forms of discrimination. As part of our commitment to ending discrimination at work and promoting fair and decent workplaces, the union needs to ensure that no member suffers harassment, discrimination or bullying.

The union also has legal obligations. All representatives must make sure they understand how to deal with harassment, discrimination and bullying and follow these guidelines.

Tony Woodley

Joint General Secretary

Introduction

Harassment, Discrimination and Bullying cause untold misery and humiliation to thousands of workers, particularly women, black, Asian and ethnic minorities, disabled workers, LGBT, young and older men and women every year. All UNITE – the Union members should be able to turn to the union for advice, support and representation if they are subjected to unwanted, offensive attention, exclusion, verbal or physical abuse and undermining of their capabilities.

UNITE representatives need to be fully aware of harassment, discrimination and bullying to deal with it effectively, to provide support to members, and to ensure workplaces where there is zero tolerance of all forms of harassment, discrimination and bullying.

This booklet provides guidance for members and representatives on tackling harassment, discrimination and bullying if it arises, on preventing it from occurring in the first place and on ensuring workplaces where there is dignity and respect for all. For regional back up and support, please see contact details inside the back cover.

Diana Holland

National Organiser for Women, Race & Equalities

Collette Cork-Hurst

National Secretary for Equalities

ZERO TOLERANCE OF HARASSMENT, DISCRIMINATION & BULLYING

UNITE – the Union Rules on Equality

UNITE – the Union was formed on 1 May 2007. The Instrument of Amalgamation included fundamental objectives on equality for the rules of our new union :

- **Promotion of equal opportunities** eg through equal pay for work of equal value, collective bargaining, organisation, education, provision of representation, services and benefits
- **Active opposition to all forms of prejudice and discrimination** eg on grounds of gender, race, age, ethnic or national origin, colour, class, disability, caring responsibilities, religion/belief, marital status, sexuality, trans status
- **Fair and effective representation of women and black, Asian & ethnic minority members** through minimum proportionality at union committees & conferences
- **Regional and National Women’s Committees, Race Equality Committees, Disabled Members’ and LGBT Committees & Conferences** and for Young Members
- **Promoting union equality reps** at the workplace and campaigning for their rights; including union women’s reps, disability champions, black members’ reps, young members’ reps, LGBT reps and Listening Support Network members

Policy

UNITE – the Union brings together the important traditions in both T&G and amicus representing members who have been harassed, discriminated against and bullied, and clear policy in support of zero tolerance and dignity at work.

The UNITE HDB(1) Report Form at the back of this guide is important for ensuring fair procedures and for monitoring cases of harassment, discrimination and bullying.

Section 1

Harassment, Discrimination & Bullying: A Workplace and Trade Union Issue

What are harassment, discrimination and bullying?

Harassment, discrimination and bullying complaints present some of the most challenging cases for representation at work, including *the union's legal responsibility* to get the case absolutely right. At the workplace, harassment and bullying degrade individuals and create a work environment of fear and intimidation which undermines trade union unity. It can also be a contributing factor to other workplace issues, such as unequal pay, job insecurity and lack of progression. What is important in any definition of harassment is the complainant's perception of the behaviour. If she or he finds the behaviour unwelcome, then that members' case must be treated seriously.

Harassment can take different forms, for example verbal, written, or physical abuse, exclusion, gestures, graffiti, pictures, flags or emblems. It may be a one-off or continuous incident. The impact of harassment needs to be recognised. People suffering harassment need to have confidence they are being listened to and taken seriously.

The legal definition is broadly that harassment is "unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment."

Discrimination means less favourable treatment on grounds of your sex, race, disability, sexuality, caring responsibilities, age, religion, class, or other personal characteristic. It can affect pay, hours of work, training, promotion and conditions at work.

Bullying is unwelcome behaviour which is offensive, humiliating, abusive and mostly carried out by using unwarranted or invalid criticism. Also by isolating the person and focusing on distorted or fabricated allegations of underperformance and misuse of power. It often includes threats, abuse, teasing and practical 'jokes' which make the recipient feel upset, threatened, humiliated or vulnerable.

Bullying and harassment may be by an individual against an individual (perhaps by a manager or supervisor) or involve groups of people. It may not always be obvious but it is always unwanted and unwelcome. Bullying and harassment can be face to face or in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work. Bullying and harassment cause anxiety, humiliation and helplessness. It makes people frightened and demotivated, causes stress, loss of self-confidence and self-esteem and can lead to job insecurity, illness, absenteeism and even resignation. Almost always job performance is affected and relations in the workplace suffer.

What are the different forms of workplace harassment?

Sexual harassment is a form of sex discrimination. It takes place when someone is subjected to unwelcome and unwanted sexual behaviour or other conduct related to gender. It is overwhelmingly women who suffer from sexual harassment, but some men experience it too. Young men and gay men can be particularly vulnerable to this sort of victimisation.

Sexual harassment includes unwelcome behaviour which can range from leering looks and verbal abuse of a sexual nature, displaying pin ups and other sexually suggestive pictures, objects or written materials, unwelcome touching and, in extreme cases, assault and even rape.

Racial harassment is a form of race discrimination. It takes place when someone is subjected to unwelcome and unwanted racial behaviour, or other conduct related to **race, ethnic or**

national origins. Racial harassment can range from racial jokes, graffiti, ridiculing or insulting and name calling because of someone's race or nationality, cartoons or pictures that degrade people of a particular racial or ethnic group, deliberate exclusion from normal workplace conversation or social events and even physical assault.

Harassment of disabled workers and unwanted behaviour based on a person's impairment or condition is disability discrimination. Harassment may be directed at an individual or a group. It can be patronising or offensive comments, inappropriate reference to a person's disability, unwelcome discussion of the impact of disability, communicating with a disabled person via a third party, prejudging a disabled person's capabilities, unwelcome interference with personal aids or equipment, uninvited physical contact, staring, or refusing to work with or exclusion of people with disabilities from social events or meetings.

Harassment on grounds of age is age discrimination and can affect both **young and older workers**. This can take the form of ageist jokes, derogatory remarks, bullying, name calling, assumptions regarding the person's ability to learn, offensive remarks, overbearing supervision or unjust criticism, inappropriate initiations for new workers, ignoring views and opinions, exclusion or isolation and setting a person up to fail.

Homophobic bullying and harassment of lesbian, gay and bisexual (LGBT) workers is discrimination on grounds of **sexual orientation**. It can include offensive "banter", unwanted sexual references, spreading malicious rumours, verbal abuse, name calling, stereotyping, false allegations of misconduct, actual or threatened unwanted disclosure of sexuality, derogatory comments, lack of recognition and excluding same-sex partners from social events, intrusive questioning about a person's domestic circumstances and threatened or actual physical or sexual assault.

Harassment on grounds of Religion or belief is discrimination. It can take the form of offensive comments or jokes, refusal to work with a person because of their **religion/belief or non religion/belief**, excluding a person from social events or meetings, making assumptions about a person's religion/belief or non religion/belief, mocking practices associated with particular religions or beliefs, unfair allocation of work and intimidation.

Harassment on grounds of transgender status is a form of discrimination. It is unwanted behaviour on grounds of **gender identity**. It can happen when a person intends to undergo, is undergoing or has undergone gender reassignment. It can include hostile and intimidating behaviour, demeaning treatment relating to the person's sex and sexual orientation, exclusion from workplace activities, refusal to share toilet and other workplace facilities, taunts, verbal and physical abuse.

The Law

Harassment as a form of discrimination is unlawful and employers can be liable for employees who harass others at work. Section three gives details of the law in cases of harassment and bullying in England, Scotland, Wales, Northern Ireland and the Irish Republic, as well as making reference to European law and International standards.

Criminal charges can be brought against harassers especially in cases of physical assault. In addition, the courts have also awarded damages on the grounds that the employers and supervisors were negligent in their duty to protect an employee.

The responsibility of the union

As well as having a clear moral responsibility to take action on harassment problems, the opposition of the union to all forms of harassment is set out in Rule, as included at the beginning of these guidelines.

The union also has a legal duty to ensure that complaints are taken up and dealt with correctly. These guidelines and the HDB(1) Report Form procedures explained in these guidelines are crucial reading for every shop steward, union equality representative, safety rep and officer.

The union has a legal requirement under equality law in England, Scotland, Wales, N. Ireland, Republic of Ireland and Europe to offer its services without itself

discriminating. This is particularly important to take into account where both the complainant and the alleged harasser are members of the union (see section 4 on getting representation right).

How widespread is harassment, discrimination and bullying?

Surveys show just how common harassment and bullying is:

- A BBC/MORI poll found one in three women had experienced sexual harassment at work and an Industrial Society survey of 1,700 men and women found 54% had suffered sexual harassment at work
- A survey of 2000 workers by the Chartered Institute of Personnel and Development (CIPD) found that one in five employees has been a victim of bullying or harassment in the last two years. Also groups most likely to become victims are black and Asian employees, women and people with disabilities. According to the report, 29 per cent of Asian ethnic minority workers said they had experienced some form of bullying or harassment, compared to 18 per cent of white employees. Some 37 per cent of disabled workers said they had come up against bullying, compared with 18 per cent of non-disabled people.
- A study for the Department of Trade and Industry (now BERR) in 2006 reported that almost one million workers said they had personally experienced bullying or harassment at work in the last two years.

Widespread problems of workplace harassment and bullying are backed by the union's own experience. While the number of harassment and bullying incidents reported to the union varies throughout the country, in some regions as many as one or two serious new cases arise every week.

In the past, union members suffering harassment or bullying have been reluctant to report it, partly because of their own embarrassment and partly through a lack of confidence that reporting the incident will improve their situation.

Times have changed though. More and more women and men are now demanding redress.

UNITE – the Union is firmly committed to supporting members suffering harassment, discrimination and bullying at work – and to ensure it is stamped out of every workplace.

No laughing matter

Some people think that sexual remarks, for example, jokes and touching are just a bit of fun at work, that racial stereotypes, anti-gay banter or name-calling related to age or disability are only objected to by those with no sense of humour. But where this attention is unwanted, it can cause a great deal of distress, through embarrassment, intimidation, isolation and exclusion.

Our campaign against harassment is not about stopping social banter between friends but ensuring that all members feel safe and comfortable in their working environment.

Above all, harassment is about power. It reflects the position of women, black, Asian & ethnic minorities, disabled, LGBT, young and older people in society, which is why harassers are often line managers, and the victims under their supervision.

But harassment is also common among employees on the same grade. The effects can be

particularly distressing in workplaces in which few women or black, Asian or ethnic minorities work, where part-time, agency and migrant workers face harassment, where disabled workers are overlooked and LGBT workers are not “out” in the workplace.

Harassment, discrimination and bullying aim to undermine the person targeted, often leaving them feeling humiliated and lacking confidence. It is not only their work performance that can suffer, but their health and home or social life as well. Their pay rate and the job itself can even be put at risk.

Case A

A college in Nottinghamshire agreed to pay £15,000 compensation and to issue an apology and a positive reference to a disabled worker. The employee who had ME (Chronic Fatigue Syndrome) was sacked from her job as a Disability Co-ordinator.

The College Principal took over her line management and failed to adjust her working hours to accommodate her disability and she was consistently bullied and intimidated by her for a lengthy period until she took extended sick leave.

For some women, black, Asian, ethnic minorities, and others who have raised harassment issues, life at work becomes so miserable that they may ask for transfers or resign. **No one should ever be forced to do this.**

Some harassment cases come to light as a result of an investigation into disciplinary charges. For example a woman might be disciplined over a trivial work problem after rejecting the sexual advances of a manager.

UNITE – the Union is committed to fighting harassment in all its forms. The union recognises harassment as a disciplinary matter and will support members who experience harassment by actively pursuing their case through grievance procedures and where necessary, legal proceedings.

Whatever the circumstances, all workers have a right to a working environment which is free from harassment, discrimination and bullying, and they should not be made to feel guilty or embarrassed for exercising those rights.

Section 2

Representing a member suffering harassment, discrimination or bullying

A sympathetic approach

It is important that all representatives are sympathetic to any members complaining about harassment, discrimination and bullying. Representatives should remember that:

- Members in this stressful position are likely to find it difficult to explain the problem clearly and quickly
- It may be extremely embarrassing for the member to reveal specific remarks made about their appearance, name-calling, sexual suggestions, racist abuse and in particular any physical abuse
- A victim may not have even told their family or friends – because of its highly personal nature and fears about whether they will be seen in any way as partly responsible
- The member may need reassuring that the union opposes harassment

Every representative should be aware of these difficulties. If a member makes a complaint about harassment, it is crucial that she or he does not become isolated. Representatives should make every effort to ensure a hostile environment does not develop. See the Checklist for interviewing a member on harassment and bullying, part of the HDB(1) Form at the end of this Guide.

Listening support

In cases of harassment, it can be important to offer the member the opportunity to speak to a member of the UNITE Listening Support Network (see Section 5 for more details). This additional support is complementary to workplace representation, officer support, and legal back up available.

The nature of harassment, discrimination and bullying can mean that cases may go unreported where members do not feel confident or comfortable raising the issue, which is why the Listening Support Network was set up. It is **the union's aim that all women complainants in sexual harassment cases should have the opportunity to talk to a UNITE woman representative in the first instance, and that this commitment also applies to black, Asian and ethnic minority members, disabled members, LGBT, young and older men and women members.** The Regional Organiser for Women, Race & Equalities will help identify a member to provide listening support to the complainant from the UNITE Listening Support Network.

Case B

A young woman member had been pestered with unwanted attention by the shop manager where she worked. The harassment culminated in a physical assault on the young woman.

She first approached a male union officer but found it too embarrassing to give him the full details. A woman full time officer was called in to overcome this difficulty and get the details of the complaint. The union then took up the young woman's case. Support from other women encouraging her to pursue the case was crucial throughout the lead up to the Tribunal hearing.

Once the Tribunal was under way, the evidence in support of the young woman was overwhelming, leading the Tribunal's chairperson to suggest an out of tribunal settlement. At first the company refused, but on taking legal advice made a four figure offer.

Agreeing a way forward

Confirm that the member does not want or welcome this sort of behaviour and make notes of the reported incident or incidents for your own record.

You should also give the member firm assurances that the matter will be treated in strictest confidence.

Action carried out on his or her behalf – even having a quiet word – must only take place with their full consent.

Procedures for dealing with harassment, along with their legal rights, should be clearly outlined to the complainant, using the HDB(1) Report Form. Representatives must be certain that the member is willing to pursue the proposed course of action.

The HDB(1) Report Form

This Report Form is very helpful in assisting representatives follow the correct procedures, and as well as a checklist for interviewing the member, it includes a section for the member to sign confirming they are aware of legal deadlines, including the need to raise a formal grievance, and their responsibilities in this regard. See Section 5 for more details and there is a copy of the form in Section 8.

In any event, you should always advise the complainant to keep **full notes** of incidents involving the harasser including times, locations, what happened and any witnesses. These notes may be crucial if further harassment or victimisation takes place and of course, if a legal case is taken.

You may also need to discreetly ask other workers if they have had similar experiences although you should **get the members' approval** before you do this. Again assure the member that **confidentiality** will be maintained in any of these discussions.

It is important to stress that the representative's strategy in dealing with the harassment depends primarily on how the complainant views the harassment, not on how anyone else would see it.

For example comments about personal relationships and appearance might be extremely distressing to some people but not so serious to others. In particular, a member's gender, cultural background, race, age, sexual orientation, disability, or just being new in the job might make some conduct more threatening to them – and those differences might mean they become a target for abuse from harassers.

Depending on the circumstances, between you it may be decided:

- to pursue the matter informally without reference to the employer
- or
- to go straight to the formal grievance procedure

For some incidents of harassment, it may be appropriate to go straight to the formal grievance procedures – or for a physical assault, to advise and help the member to report the incident to the police.

Remember that strict time limits apply for taking discrimination cases up legally and that a formal grievance must be lodged before a legal case can be pursued. (See Section 3 on the Law and the T&G HDB(1) Form at the end of the guidelines : the time limit is three months less one day from the incident, and six months in the Irish Republic).

Informal union action

In some circumstances, the complainant may only wish the harassment to stop, get an apology and not take any action which involves management.

An informal meeting could be set up either with the alleged harasser and the representative – or arranged between both the parties and the representatives.

If the member has not explicitly told the harasser that his or her behaviour is unacceptable, the letter shown below could be used.

The harasser should be told that his or her behaviour cannot be tolerated, advised that the meeting or conversation is informal but if the harassment continues it will be followed by more formal procedures.

<p>Dear.....</p> <p>I am writing to complain about what you (did/said) to me (on date/yesterday/this morning when you.....</p> <p>Over the previous months you have</p> <p>I want you to stop this behaviour now/calling me</p> <p>I find this offensive and unacceptable. I am keeping a copy of this letter and I shall take further action if you do not stop immediately.</p> <p>Yours sincerely,</p>

Example letter from WASH (Women Against Sexual Harassment)

Formal procedures

If these informal measures prove to be ineffective, then the member may decide to pursue the case through the formal workplace procedures. It may be the case that complainant wants the incident of harassment pursued formally straight away.

Depending on how clear the case is, the complaint will usually be progressed through the grievance procedure and if upheld, the alleged harasser will then be subject to the disciplinary procedure.

You should assure the member complaining of harassment of the union's maximum support throughout the formal procedures.

Try to limit the amount of stress for the member by making sure that both procedures have strict time limits and that the member does not have to endlessly repeat her/his evidence when written submissions could be considered instead.

Remember that the time limit for taking up a harassment case legally is normally three months less one day from the last incident of harassment in Britain and N. Ireland and 6 months in Republic of Ireland. This may differ from the time limits in your established grievance procedure, so it can be necessary to submit the legal claim even while the grievance/disciplinary procedures are not exhausted. If there is a satisfactory outcome from the internal procedures, the legal claim can then be withdrawn. Remember, a formal grievance must be lodged before a tribunal case can be submitted.

The grievance procedure

Using an established grievance procedure is a formal way for a member, supported by the union, to make a complaint to which the employer is obliged to respond and treat seriously.

The member's line manager should be notified of the situation. If possible also consult a manager or personnel officer who has had training in harassment cases. The employer should nominate an appropriate person from the management team to be responsible for the case.

The employer should fully investigate the case – with the union ensuring that this is carried out fairly, sympathetically and thoroughly. This will normally involve interviewing both parties and witnesses. Depending on the nature of the alleged harassment, consideration should be given to suspending or relocating the alleged harasser for the period of the investigation and procedure.

Following the complaint, representatives should be vigilant about further harassment and any form of victimisation from management such as any changes to the complainant's working practices or experiences of additional work problems, or even disciplinary action against the complainant.

The disciplinary procedure

If the complaint of harassment and bullying is upheld in the grievance procedure, the employer should then start disciplinary proceedings against the harasser.

If the complainant acts as a witness in a disciplinary procedure, representatives should negotiate a formal right for him or her to be accompanied by a UNITE representative throughout the procedure. (See section four for advice if both people are members of UNITE).

Either during the procedure or on its outcome, do not agree to:

- the complainant being transferred – unless the member wants a transfer
- the complainant being suspended
- the complainant being forced to continue working with the harasser

During the procedures, the harassment should be treated as a disciplinary offence, either as misconduct or gross misconduct. A charge of gross misconduct normally requires the employee to be suspended on full pay. For a lesser incident, the alleged harasser should be relocated pending the outcome of the procedure.

Case C

A UNITE member, who worked as a computer programmer, suffered sexual harassment, bullying and verbal abuse, over a long period. The abuse centred on her home life: her husband tragically had suffered permanent injuries in a street robbery. The abuse culminated in a physical assault. With the help of the union, the member pursued her case. The assailant was prosecuted, after which damages of £15,500 were won in an out of court settlement.

Section 3

Harassment, Discrimination, Bullying and the Law

Legal responsibilities of Employers

Employers have a duty to prevent bullying and harassment and a duty of care towards the whole workforce. Employers are usually responsible for acts of bullying and harassment by their employees. ACAS therefore strongly recommends that all employers should make clear that such behaviour will not be tolerated in the workplace. They also recommend that a statement on the standards of behaviour is used to help avoid the consequences of bullying and harassment such as poor working relationships, low morale, inefficiency and potentially the loss of staff.

Legal rights on Harassment, Discrimination & Bullying

Workers can bring complaints under laws covering discrimination and harassment, health & safety and unfair dismissal. Anti-discrimination law is a day one right, and workers are also covered at interview:

- **Sex Discrimination Act 1975** gives protection against discrimination and victimisation on the grounds of sex and marriage. There is also a specific legal right to protection from sexual harassment, which for example includes the impact of the harassment on a woman who is sexually harassed at work, so she does not have to compare herself with how a man would have been treated
- **Race Relations Act 1976** gives protection against discrimination and victimisation on the grounds of race, colour, ethnic or national origin. There is also a specific right to protection from harassment on the grounds of race and ethnic or national origin. These rights protect migrant workers from harassment
- **Disability Discrimination Act 1995** gives protection against discrimination and victimisation, including specific protection against harassment related to a disabled worker's impairment or condition
- **Employment Equality (Sexual Orientation) Regulations 2003** give protection against discrimination and harassment on the grounds of sexual orientation, including harassment related to being a lesbian, gay man, heterosexual or bisexual worker
- **Employment Equality (Religion or Belief) Regulations 2003** give protection against discrimination and harassment on the grounds of religion or belief and non-religion or non-belief
- **Employment Equality (Age) Regulations 2006** give protection against discrimination and harassment on the grounds of age faced by both younger and older workers
- **Sex Discrimination (Gender Reassignment) Regulations** protect transgendered people from discrimination and victimisation in employment
- **Employment Rights Act** In some circumstances, an employee can claim 'constructive' unfair dismissal, if they are forced to resign due to harassment and bullying at work. You have to have been employed for a year and there is also a three month time limit, but the issue of time limits and service qualifications can be very complicated, because of the different legal rights that may be involved. Contact your shop steward, union officer and/or Regional Organiser for Women, Race & Equalities, who can ensure legal advice is obtained
- **Health & Safety at Work Act 1974** Under this law, employers are responsible for the health, safety and welfare at work of all employees. This includes creating a working environment free from stress, bullying, violence and harassment. Please refer to the union's Health and Safety News, Winter 2006. For more information visit www.hse.gov.uk

Law in Republic of Ireland

The Employment Equality Act 1998 in Ireland defines sexual harassment as including “all unwelcome and sexually offensive, humiliating or intimidating actions involving acts of physical intimacy, spoken words, gestures, or the production, display or circulation of written material or pictures, or requests for sexual favours”.

The Act states that employers are obliged to take “all reasonable steps” to provide a working environment which is free from sexual harassment or discrimination, and to ensure a **harassment-free environment** on 9 distinct grounds: gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the traveller community.

What about taking legal action?

Taking a legal case is generally considered to be the **last resort**, when all other avenues have proved ineffective, but because of time limits it is important to be aware of the legal position. Also, the Government has introduced a standard internal ‘three-step’ procedure for dealing with dismissal, discipline and grievance issues which must be followed before a legal case can be taken. These steps involve a statement (setting out in writing the grounds for action or grievance), a meeting between the parties and the right to appeal. For further information see the *Acas Code of Practice – Disciplinary and grievance procedures* Note : Increasingly, government reports are suggesting that early mediation needs to be adopted as the approach.

If the situation is not resolved after following the grievance and disciplinary procedures then you can make a claim to an employment tribunal. You must make sure to keep a record of all incidents and meetings, and be aware of legal time limits if the internal procedures are taking a long time. **In Britain and N. Ireland, the legal application must be made within 3 months less one day of the latest act of discrimination. In Republic of Ireland the deadline is within 6 months.** Our union and others are campaigning for a 6 months deadline overall.

The three-month time limit can be extended by a further three months if:

- you have been dismissed (not including constructive dismissal)
- where the statutory dismissal procedure applies
- you had reasonable grounds for believing, when the normal time limit expired, that a dismissal or disciplinary procedure was being followed that covered these issues

In Britain and N. Ireland, the **Questionnaire procedure** can be usefully employed to build up a case of harassment, and sometimes assists in avoiding the need to go to a full legal hearing. The Questionnaire can be obtained from Job Centres and the Equality & Human Rights Commission www.equalityhumanrights.com. It has a legal basis and can be used in evidence. If the employer does not fully respond to the questions, this is also evidence.

For advice and information you need to talk to your shop steward, your UNITE officer and/or the Regional Organiser for Women, Race & Equalities, who can ensure legal advice is obtained.

Case D

A comment about a woman’s breast was ruled as unlawfully discriminatory in a 1994 Employment Appeal Tribunal case. A contract cleaning supervisor was offended by an employee, half her age, who was the son of the company director. Despite her complaint, the company failed to pursue disciplinary action against the employee and the woman resigned. The case showed that a single sexual remark can result in very serious detriment. This principle applies to all forms of harassment.

Further guidance on the law is also available from the Equality and Human Rights Commission (Manchester & London), the Equality Commission (Belfast) and the Equality Authority (Dublin).

European Law

European Directives outlaw harassment on grounds of gender, race, disability, sexual orientation, religion/belief and age.

In April 2007, European TUC signed a framework agreement on harassment and violence at work. With this agreement European social partners firmly condemn harassment and violence in all their forms. The agreement aims to prevent, and where necessary, manage problems of bullying and physical violence in the workplace. Companies in Europe are now required to adopt a policy of zero-tolerance towards such behaviour and draw up appropriate procedures. The signatories have given a commitment to implement the provisions of this autonomous agreement before April 2010 and have invited their member organisations in other European countries to implement this agreement.

International Standards

International Labour Organisation core labour standards include non-discrimination alongside no child or forced labour, and the right to union organisation, collective bargaining and equal pay. In November 2006, the founding principles of the International TUC include clear commitments to oppose all forms of discrimination and harassment. Global Union Federations bring together unions from different industries and sectors internationally, and they too have clear commitments to oppose all harassment and discrimination.

Section 4

Getting UNITE Representation Right

What if the harasser is a member of UNITE?

The union is opposed to harassment and bullying and it will give its support to and represent all members complaining of harassment and bullying. But if a harasser is a member of the union, that member is also entitled to representation.

It is important that whilst representing an alleged harasser, shop stewards should stick to the facts of the case. Representatives should not make any personal attacks, slanderous accusations about the complainant or irrelevant comments about the complainant's personal life or personal relationships.

What if the complainant and the harasser are both members of UNITE?

The guidelines for the informal union action should be followed as outlined in section 2. If the complainant wants to pursue the case to formal grievance procedure, then two different union representatives should become involved: one representing the complainant and one representing the harasser.

The complainant should not be represented by a union representative of lower rank than the person representing the harasser.

In the past, T&G (now UNITE) established a precedent for dealing with a harasser who was also a member of the union. In this case, the evidence of harassment was overwhelming. The union advised the harasser of his rights and how to make a Tribunal application, but representation was only on the basis of ensuring the procedures were correctly followed.

What if the harasser is a UNITE member and the complainant is a member of another union?

If there is more than one union in your workplace, you should establish an informal joint union procedure for dealing with an inter-union case of harassment and bullying.

What if the harasser is a UNITE officer or representative?

The union will not tolerate harassment or bullying by one of its representatives. It is against the Rules of the union. The matter should be referred to a more senior officer such as the Regional Secretary, (who will involve the Regional Organiser for Women, Race & Equalities as appropriate), the National Organiser for Women, Race & Equalities, the National Secretary for Equalities, the General Secretary or other national or executive officer.

What if the harasser is a member of the public?

Many UNITE members work in the service industries, which brings them into close contact with members of the public and clients. A large number of those members are vulnerable to harassment, especially in the caring professions and other "front line" occupations such as cabin crew, bar staff, bus drivers, bank staff and advice workers.

Employers have legal responsibilities under Equality law to ensure that there is no less favourable treatment at work. In addition, their "duty of care" under Health and Safety law is to ensure that their employees are working in a healthy and safe environment.

If a member is experiencing harassment from a member of the public, an employer may be failing in their legal duties.

Remind the employer of their legal responsibilities and incorporate an agreed statement in the Equal Opportunities Policy which makes it clear that the employer will not tolerate harassment against any employee during the course of their duties by a member of the public.

Negotiate with the employer to distribute leaflets or display posters with this information in the public areas of your workplace.

It should also be possible to obtain a court injunction and to trace abusive phone calls.

UNITE membership

If the harasser is a UNITE member, the union may also have a responsibility to take action against the member if the harassment is proven and the member is in breach of the union's rules (See beginning of these guidelines).

Section 5

The UNITE Listening Support Network and HDB(1) Report Form

The Listening Support Network provides personal support through active listening to members suffering harassment and bullying. The support is provided, mainly on the telephone, by UNITE members who are trained volunteers called Listening Support Network members.

The establishment of UNITE's Listening Support Network has three key aims:

1. **UNITE Women members providing other women members with support is a principle now extended to black, Asian & ethnic minority members, disabled members, younger, older and LGBT members, and men who have suffered sexual harassment**

A survey of women's experiences of taking up cases of sexual harassment showed that over 90% of women union members experiencing sexual harassment would have liked to talk to a woman about it and that over 90% had only been given the option of talking to a man. This can be a barrier for members approaching the union at all for help. By extending the Network to all harassment and bullying, UNITE can now ensure this principle is extended to all members who need support.

2. **A formal network available throughout the union**

Many UNITE women and men members support each other all the time through difficult times. But setting up a formal network allows the union to ensure that the support network members have proper training for their role and get the assistance necessary from the union. It also allows a proper referral system so that every member can receive assistance if they require it, helping members who feel isolated.

3. **Clear distinction between providing support and providing representation**

The Listening Support Network also allows UNITE to create clear distinctions between the roles and responsibilities of providing personal support and providing representation. UNITE – the Union recognises that different skills, approaches and training are needed for each role. Both are crucial, and the union must ensure that it provides both effectively.

The HDB(1) Report Form

The union has a Report Form for recording every incident of harassment, discrimination and bullying. A copy of the form is at the back of this handbook. It includes a Checklist for interviewing a member about harassment or bullying.

Every representative of the union must ensure that they are familiar with this report form, and that they use it and send copies as requested, to their UNITE officer, Regional Organiser for Women, Race & Equalities and National Organiser for Women, Race & Equalities, as set out on the form.

Section 6

The UNITE Negotiating Agenda for Zero Tolerance and Dignity at Work

Prevention is always better than cure. In the case of workplace harassment and bullying there are many policies that the union can pursue in negotiations with the employer.

The employer's legal liability for harassment provides good ammunition for negotiators in arguing for an effective harassment policy.

The key principle is to create a working environment which does not encourage harassment or bullying.

A clear policy agreement

- Make sure that the equal opportunities policy includes a clear statement that harassment will not be tolerated and is a disciplinary offence and/or negotiate a separate workplace harassment and bullying agreement, often called a Dignity at Work Policy (see section 7)
- Publicise this agreement using UNITE Zero Tolerance posters, leaflets etc around the workplace
- Workers should be given clear guidelines on what to do if they are harassed or bullied
- The potential for harassment and bullying should be considered in the health and safety risk assessment for staff who work in a variety of workplaces
- Precautions must be considered to eliminate or reduce the risk of violence or harassment e.g. throughout pairing of employees or supplying personal alarms

Training

- Equal opportunities training, including the policy on harassment should be included on all training courses
- Stress the need for all managers and supervisors to go on training courses to make them more effective in dealing with cases of harassment and bullying and more aware of their responsibilities
- Encourage all UNITE workplace and branch representatives to go on a UNITE education course that includes training on harassment and bullying cases. You should negotiate paid release for such training with management
- Raise the issue of harassment and bullying at your branch meetings. Suggest a speaker on the subject and promote discussion about the removal of racist graffiti, pin ups or pornographic materials: the most effective way of dealing with harassment is to create a working environment in which it is not acceptable

Union representation

- Make sure that the union's commitment to preventing all harassment and bullying is promoted through agreed procedures and through eg UNITE posters, newsletters
- Negotiate facilities for union equality representatives at the workplace (The UNITE Union Equality Reps Toolkit is available to assist)
- Establish trained Specialist union equality reps to assist in cases of harassment at the workplace who will also need facilities

UNITE listening support network

- This listening support network is a back up for all UNITE members suffering harassment, discrimination or bullying. It has been identified from our experience over many years, that additional listening support can make a vital difference. See section 5 for more information on the network.

Monitoring Harassment, Discrimination & Bullying – HDB(1) Report Form

- In order for UNITE to monitor the problem of harassment and bullying faced by our members, and to ensure we get the representation right, a recording and monitoring procedure has been established. Any case should be reported on the Harassment Report Form HDB(1) for monitoring at regional and national levels. The Report Form should be sent to your regional Organiser for Women, Race & Equalities. See Section 5 for more information, and Section 8 for a copy of the HDB(1) Report Form.

Section 7

Guidelines for a Harassment and Bullying, Dignity at Work Policy Agreement

A policy agreement is necessary to:

- Reassure members who are being harassed that action will be taken
- Gain the confidence of those who might be afraid to seek a solution due to fear of recrimination or ridicule
- Provide a clear commitment by the employer to deal with harassment – acting as a warning to all employees
- Show that the union takes harassment and bullying seriously

The policy agreement must be widely available to all workers and staff, including agency workers, and publicised to ensure these aims are fulfilled.

A policy agreement should contain:

- A clear definition of different forms of harassment and bullying including examples of behaviour
- A statement of the employer's commitment to tackling and preventing harassment
- Recognition of the union's commitment to tackling and preventing harassment
- How harassment will be dealt with – an outline of the procedures, including trade union representation

Section 8 contains a **Workplace Harassment, Bullying & Dignity at Work Policy Agreement** which can be used as a Model Agreement for negotiations in your workplace.

Further information

For any harassment and bullying at work, contact your shop steward, UNITE officer and/or Regional Organiser for Women, Race & Equalities. Further information is available on the union's web-site www.tgwu.org.uk which will become www.unitetheunion.org.uk during 2008.

See UNITE Contact List inside the back cover for details of your Regional Organiser for Women, Race & Equalities

Equality & Human Rights Commission – 020 3117 0235 www.equalityhumanrights.com

ACAS – 020 7210 3613 www.acas.org.uk

Acas Helpline can be contacted :

08457 47 47 47 Monday – Friday 08:00 – 18:00

08456 06 16 00 for Minicom users Monday – Friday 08:00 – 18:00

Bullying – Dignity at Work. UNITE Amicus section runs a project on bullying at work.

For more information, see www.dignityatwork.org.uk

DIGNITY AT WORK

UNITE – the Union

MODEL WORKPLACE HARASSMENT, DISCRIMINATION AND BULLYING POLICY

STATEMENT

The Employer and UNITE – the Union fully support the rights and opportunities of all people to seek, obtain and hold employment without, harassment, discrimination or bullying.

The Employers' policy is to provide a productive working environment free from harassment, discrimination, intimidation, bullying and victimisation. The employer is committed to ensuring that employees and workers are treated with dignity and respect.

Harassment of an individual, by any employee or worker, whether a colleague or a representative of management, whether employed directly or through an agency or sub-contractor can constitute unlawful discrimination

The Employer recognises their legal responsibilities to prevent harassment on the grounds of sex, caring responsibilities, marital status, race, colour, ethnic or national origins, disability, sexual orientation, age, trans status, religion or belief and trade union membership at the workplace, and to deal effectively and quickly with any complaints that arise.

Furthermore, the Employer is committed to preventing any form of harassment that undermines equality at work, including harassment and bullying on the grounds of class, physical characteristics, employment status and harassment of ex-offenders.

A DISCIPLINARY OFFENCE

Conduct which leads to the harassment of another employee, is not acceptable. Such conduct will render the individual responsible liable to disciplinary action.

Depending on the level of harassment, disciplinary action will include formal verbal/written warnings, suspension, relocation and where necessary in the event of gross misconduct, may include dismissal.

DEFINITIONS

Workplace harassment is “unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.”

It is regarded as any conduct related to sex, race, colour, ethnic or national origins, disability, age, sexual orientation, transgender status, religion or belief, trade union membership, class, employment status, ex-offenders or any other personal characteristic that is **unwanted by the recipient**.

Harassment may be persistent or an isolated incident and may be directed towards one or more individuals. The source of harassment may be a single work colleague or several colleagues, a supervisor or manager, a contractor or a client/member of the public.

Harassment is detrimental to an effective working environment. It can lead to:

- anger and hostility
- intimidation
- victimisation and isolation

- stress which may result in increased sickness or absenteeism
- prevention of job satisfaction and decline in work performance

Sexual harassment Sexual harassment includes unwelcome behaviour which can range from leering looks and verbal abuse of a sexual nature, displaying pin ups and other sexually suggestive pictures, objects or written materials, unwelcome touching and, in extreme cases, assault and even rape. It is defined as conduct of a sexual nature, or based on sex, towards an individual, which is unwanted by the recipient. This is unlawful under sex discrimination law.

All forms of race discrimination are unlawful under race discrimination law. **Racial harassment** is an act designed to intimidate, ridicule or undermine a person by reason of their race, colour, ethnic origin or nationality. Racial harassment can range from racial jokes, graffiti, ridiculing or insulting and name calling because of someone's race or nationality, cartoons or pictures that degrade people of a particular racial or ethnic group, deliberate exclusion from normal workplace conversation or social events and even physical assault.

Harassment of disabled workers can take the form of attempts to undermine or intimidate people because of their mental or physical impairment and includes health issues such as actual or suspected conditions including HIV/AIDS. This is governed by disability discrimination law. It can be patronising or offensive comments, inappropriate reference to a person's disability, unwelcome discussion of the impact of disability, communicating with a disabled person via a third party, prejudging a disabled person's capabilities, unwelcome interference with personal aids or equipment, uninvited physical contact, staring, or refusing to work with or exclusion of people with disabilities from social events or meetings.

Harassment because of age can undermine both younger and older workers and is unlawful under age discrimination law. This can take the form of ageist jokes, derogatory remarks, bullying, name calling, assumptions regarding the person's ability to learn, offensive remarks, overbearing supervision or unjust criticism, inappropriate initiations for new workers, ignoring views and opinions, exclusion or isolation and setting a person up to fail.

Homophobic bullying and harassment of lesbian, gay and bisexual workers is discrimination on grounds of **sexual orientation** (actual or perceived). It can include offensive "banter", unwanted sexual references, spreading malicious rumours, verbal abuse, name calling, stereotyping, false allegations of misconduct, actual or threatened unwanted disclosure of sexuality, derogatory comments, lack of recognition and excluding same-sex partners from social events, intrusive questioning about a person's domestic circumstances and threatened or actual physical or sexual assault.

Harassment on grounds of religion or belief and non-religion or non-belief is unlawful under law governing religion and belief. It can take the form of offensive comments or jokes, refusal to work with a person because of their religion/belief or non religion/belief, excluding a person from social events or meetings, making assumptions about a person's religion/belief or non religion/belief, mocking practices associated with particular religions or beliefs, unfair allocation of work and intimidation.

Harassment or discrimination against someone due to their transgender status is also unlawful, under gender reassignment sex discrimination law. It is unwanted behaviour on grounds of **gender identity**. It can happen when a person intends to undergo, is undergoing or has undergone gender reassignment. It can include hostile and intimidating behaviour, demeaning treatment relating to the person's sex and sexual orientation, exclusion from workplace activities, refusal to share toilet and other workplace facilities, taunts, verbal and physical abuse.

EXAMPLES OF HARASSMENT

Physical:

- unnecessary touching, gestures or assault

Verbal:

- unwelcome remarks
- intimate/personal questions, suggestions and propositions
- threats
- abuse or name-calling
- malicious gossip
- jokes or ridicule base on person characteristics

Non-Verbal:

- offensive literature or pictures
- flags or emblems
- graffiti
- letters and notes
- being ignored or excluded
- differential treatment e.g. unfair allocation of work or enforcement of company rules

No form of harassment is acceptable under any circumstances in the workplace.

BULLYING

Bullying often includes threats, abuse, teasing and practical 'jokes'. It can be defined as persistent, offensive, abusive, intimidating, malicious or insulting behaviour or unfair penal sanctions which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines self confidence and which may cause suffering and stress.

Bullying on the grounds of sex, race, disability, age, sexual orientation, transgender status, religion or belief may constitute unlawful discrimination. However, bullying in any circumstances will not be tolerated – for example of new or lower grade employees. Bullying is a form of harassment and will be treated as such under these procedures. The employer recognises that its civil law duties of care extend to preventing any behaviour which results in physical or psychological injury. The employer will carry out risk assessment which includes employees' exposure to violence and make arrangements including preventive measures. The employer will also provide information and training about tackling violence at work.

ORGANISATIONAL PROBLEMS AT WORK

The Employer and the Union recognise that organisational problems in the workplace can provide a workplace environment in which harassment problems can start more easily or worsen a harassment problem.

The Employer therefore undertakes to examine working conditions and review management practices if complaints of harassment and bullying are raised, with the aim to ensure that the best possible working environment is provided for all.

DUTIES OF SUPERVISORS AND MANAGERS

All supervisors and managers are responsible for eliminating harassment or intimidation of which they become aware, whether or not is brought formally to their attention. Failure to do so will be considered a failure to fulfil all of their responsibilities.

All supervisors and managers will be advised of their duty and trained on how to comply with this policy.

A minimum of one senior officer of the Employer will receive comprehensive training on the legal responsibilities of the Employer and how to deal with harassment cases to provide guidance if such cases arise.

DUTY OF EMPLOYEES AND ALL WORKERS

All workers have a duty to comply with this policy and ensure that they treat their colleagues with dignity and respect.

In all induction training for new workers, including agency and migrant workers and work experience/training placements, the joint Equal Opportunities Agreement will be explained, including this agreement on harassment, bullying and dignity at work.

UNION REPRESENTATIVES

All union representatives shall be given sufficient paid time off to provide support and representation to members facing harassment or bullying, and to undertake training on dealing with harassment and bullying cases.

Union Equality Representatives

The employer and the union agree that union equality representatives have an important role to play in preventing harassment and bullying and creating a working environment free from harassment and bullying. It is agreed that a network* of union equality representatives will be established with paid time off and facilities to carry out their role and for training purposes. Such a role may be added to an existing union representatives' role, or provide the opportunity to involve a greater diversity of union representatives. This is particularly important, for example where there are currently no women representatives or other lack of diversity. The union shall provide the names of such elected union equality representatives on their election.

*in smaller workplaces, this may be a single union equality representative

HARASSMENT AND BULLYING COMPLAINT PROCEDURE

Informal action

An employee or worker who believes that he or she has been the subject of harassment or bullying should take steps (either verbally, in writing or through a third party) to inform the harasser that their behaviour is unwelcome and ask them to stop.

A worker can gain advice and assistance regarding the harassment or bullying from:

- the Employer's officer responsible for dealing with harassment cases
- their UNITE workplace representative and/or full-time officer
- their UNITE union equality representative and/or UNITE Regional Organisers for Women, Race & Equalities

Formal action

Any employee or worker who is being harassed or bullied has the right to complain and pursue the matter in accordance with **the agreed grievance procedure**, using the 'three-step' procedures – involving a statement (setting out in writing the grounds for action or grievance), a meeting between the parties and the right to appeal. If the harassment or bullying is a single incident and is considered serious by the employee or worker, or if the harassment is persistent, it is advised that the matter is pursued formally. The process is outlined below.

- (i) A worker who believes that he or she has been subjected to harassment or bullying should report the alleged act to his or her line manager or personnel manager
- (ii) All complaints will be dealt with quickly and in confidence. Strict time limits for the procedure shall be enforced. Employees shall be guaranteed a fair and impartial hearing

Both the complainant and the alleged harasser shall be entitled to trade union representation throughout grievance and disciplinary procedures

Depending on the nature of the alleged harassment or bullying, consideration will be given to suspending or relocating the alleged harasser for the period of the investigation and procedure

- (iii) If the investigation upholds the complaint, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. If relocation proves necessary, it will normally be the case that the harasser is relocated and not the complainant

Counselling

In addition to supporting union equality representatives providing listening support, where appropriate, all workers subjected to harassment shall be entitled to paid time off for confidential professional counselling. This should be arranged either through the employer or by the individual worker. The employer agrees to meet all reasonable costs as well as paid time off from work.

Protection from victimisation

All workers shall be protected from intimidation, victimisation or discrimination for making a complaint or assisting in an investigation into a complaint. Retaliating against an employee for complaining about harassment is a disciplinary offence.

HDB(1)

Strictly Private & Confidential



UNITE HDB(1) REPORT FORM FOR SHOP STEWARDS, UNION REPS AND OFFICERS TO REPORT CASES OF HARASSMENT, DISCRIMINATION AND BULLYING IMMEDIATELY

Please use the attached checklist and Unite support form when you interview the member

1. This is to report that I have been approached about a case of :

Harassment Discrimination Bullying

Employer _____

Branch _____

2. The case is on grounds of:

Sex Race Disability Sexuality Religion/Belief Age Trans

Other (please give details) _____

3. I have been approached by:

The complainant The alleged harasser/bully

Other (please give details) _____

4. The complainant involved is: a Member Non-member

The alleged harasser/bully is: a Member Non-member

5. The date of the alleged harassment, discrimination or bullying was:

6. Action taken including details of grievance taken through employer's grievance procedure

7. Have you advised the member of the Unite Listening Support Network

Yes No

8. Proposed future action:

MEMBER'S DECLARATION

*I confirm that I have been advised that a 3-month time limit (less one day) applies in a claim to the tribunal and that it is my responsibility to ensure the tribunal time limits are respected (6 months in the Irish Republic). **I have also been advised that in the United Kingdom it is necessary to raise a grievance through the employer's grievance procedure before entering a claim to a Tribunal.***

Signed: _____ (member) Date: _____

SIGNED: _____ (shop steward/officer)

NAME: _____

TELEPHONE/MOBILE: _____

EMAIL: _____

ADDRESS: _____

Please now send a copy of this form to:

1. Your local Unite officer
2. National Organiser for Women, Race & Equalities dholland@tgwu.org.uk
Diana Holland, 128 Theobalds Road, London WC1X 8TN. Fax 020 7611 2810
3. Your Regional Organiser for Women, Race & Equalities:

North West

Muriel Mayor 0161 848 0909 mmayor@tgwu.org.uk

North East/Yorkshire & Humberside

Sue Pollard 0113 236 4830 supollard@tgwu.org.uk

Midlands West

Midlands East

Lindy Whiston 0121 553 6051 lwhiston@tgwu.org.uk

South West

Pam Jennings 0117 923 0555 pjennings@tgwu.org.uk

London & Eastern

South East

Teresa Mackay 0208 800 4281 tmackay@tgwu.org.uk

Ireland

Taryn Trainor 0289 023 2381 ttrainor@tgwu.org.uk

Scotland

Elaine Dougall 0845 345 0141 edougall@tgwu.org.uk

Wales

Liz Lewis 0292 039 4521 elewis@tgwu.org.uk

Please see also

“Unite Guidelines for Dealing with Harassment, Discrimination and Bullying”

UNITE HDB(1) Checklist for interviewing member complaining of harassment and bullying		
		✓
1	Ensure a sympathetic approach.	
2	Recognise the importance of listening support, through providing the opportunity to speak to a UNITE Listening Support Network member (contact your Regional Women's Organiser/Race & Equalities Officer).	
3	Confirm the confidentiality of the interview.	
4	Confirm no action will be taken without the member's consent.	
5	Make notes of the incidents and dates for your own records.	
6	<p>Explain there are legal procedures to harassment, <u>including the need to first raise a grievance</u>, and a three month time limit from the date of the incident to lodge a case in Britain & N. Ireland, (6 months in Irish Republic).</p> <p>Ask member to sign the UNITE HDB(1) Form declaration.</p> <p>Send HDB(1) to your Officer, Regional Women's Organiser/Race & Equalities Officer and National Organiser for Women, Race & Equalities.</p>	
7	<p>Agree the way forward one or more of the following:</p> <ul style="list-style-type: none"> ● No action to be taken ● Informal approach by the union ● Formal grievance to be raised ● Legal application to be lodged <p>Member to report incident to police.</p>	
8	Confirm the union's support for members taking up cases of harassment and that they should be accompanied by a UNITE representative in any investigation or hearings set up.	
9	<p>Explain the union may be requested to provide representation for the alleged harasser (if a UNITE member) in a disciplinary hearing.</p> <p>Confirm the absolute confidentiality which applies and that the complainant will not be accompanied by a union representative of lower rank.</p> <p>Explain the union will not defend harassment, but will ensure fair treatment in disciplinary procedures.</p>	
10	Remind members to keep full notes of dates, time and places of any incidents relating to the harassment, discrimination or bullying.	
11	Reassure the member UNITE recognises the distress that can be caused by harassment, and you will ensure next steps cause least additional stress.	
12	<p>Check you have :</p> <ul style="list-style-type: none"> ● agreed the next steps with the member ● completed UNITE Report Form HDB(1) and sent off the copies <p>put the member in contact with the Listening Support Network through the Regional Women's Organiser/Race & Equalities Officer</p>	

UNITE SUPPORT FORM

Member's name	Details of Harassment & Bullying
Date	
HDB(1) Form Completed	Assistance & Support Offered to Member
Yes/No	
Copies of HDB(1) form sent off	
Yes/No	
Name of alleged harasser/bully	
Effects felt by member	Action taken if any
	<p>Listening Support Network offered to member? Yes/No</p>
Result	



and Family Rights

YOUR GUIDE

- Reps' Rights
- Pay and Audits
- Harassment
- Family Rights
- Women
- Race Equality
- Disability
- Young Workers
- LGBT

This Guide contains information on:

1. Introduction

2. Rights for new parents:

a. New mothers

- maternity leave
- maternity pay
- rights during maternity leave
- returning to work
- health & safety

b. New fathers & partners of new mothers

- paternity leave / maternity support leave

c. New adoptive parents

- adoption leave

3. Rights for all parents and carers and tips on negotiating

- a. Parental leave
- b. Time off for dependents (emergency leave)
- c. Flexible working for parents and carers
- d. Rights for carers
- e. Tax credits
- f. Rights for part-time, temporary, agency and contract workers

4. Arguments for family rights and examples of good practice

5. Family rights – where next?

6. Further information

7. Appendix

- European comparisons

1. Introduction

Since 1997, the Labour government has introduced many important new rights for working parents and carers. The latest improvements came into force in April 2007:

- rights to maternity leave and pay were improved
- paid maternity and adoption leave was extended to 9 months
- for the first time there is a legal right to paid time off for fathers and adoptive parents
- improvements to the right for parents and carers to request flexible working arrangements, including part-time working
- an extension of the rights to unpaid parental leave
- optional keeping in touch days (KIT) was introduced
- additional financial help for families through the tax credit system

This guide is for UNITE members and shop stewards/representatives. It outlines key rights at work, and suggests how UNITE can help workers get their full rights. You should remember that these rights are the legal **minimum**, and check if UNITE representatives have negotiated better provisions in your workplace than the minimum legal requirements that are stated here. To find out more about family rights, confidential advice and representation, please contact your shop steward, local UNITE Officer and/or Regional Organiser for Women, Race and Equalities.

The details on benefit payments, tax credits, and qualifying earnings are normally changed every April. The information given here is correct to April 2008.

2. Rights for new parents

a. New mothers

Maternity leave

All pregnant employees (and those who have just adopted) are entitled to 26 weeks (6 months) **ordinary maternity leave** (OML), regardless of length of service or number of hours worked and regardless of the size of the employer. Whether this is paid or not depends on your level of earnings and National Insurance contributions (see below). To get OML you must still be in work into the 15th week before the baby is due. Women who qualify for OML also qualify for a further 26 weeks **additional maternity leave** (AML), bringing entitlement to one full year.

Notice and timing of leave

You must give your employer notice of your intention to go on maternity leave no later than 15 weeks before the baby is due. You can change the date by giving at least 28 days notice, unless this is not reasonably practicable (for example if the baby is born early).

You can start maternity leave at any time after the 11th week before the baby is due, up to the day it is born. You must take at least 2 weeks of the leave (4 weeks for factory workers) after the baby is born.

Ante-natal care

Pregnant women are entitled to paid time off (at the normal hourly rate) for ante natal care, including any ante-natal, parent craft or relaxation classes that a health professional has recommended you attend. You may need to show proof of appointment to your employer.

Sickness during pregnancy

If you are off work sick for pregnancy-related reasons at any time in the 4 weeks before the baby is due, then the employer can count that as the start of maternity leave, although they do not have to do this.

Stillbirth/miscarriage/termination

If this occurs after the 24th week of pregnancy, rights to leave and SMP are the same as if the baby had been born alive. If it occurs before this date, the absence will be treated in the same way as sickness (although this should not lead to sex discrimination in sickness monitoring policies).

Union membership

If you are on unpaid maternity leave, or on reduced pay (up to 50% of normal wages) you are entitled to pay reduced subs at the same levels as workers on sick leave (unless you are a CareExtra member and are receiving union maternity benefits). Contact your union official or branch to arrange this.

Key negotiating aims on maternity leave

- All women employees to be entitled to one year maternity leave on full pay from day one. It may be necessary to negotiate towards this in gradual stages, for example, initially negotiating for all women to get 39 weeks leave on full pay from day one (see examples of good practice in section 4)
- Workers on temporary and fixed term contracts to be entitled to all the benefits negotiated
- The employer should undertake to provide adequate cover during leave.

Maternity pay

You can claim Statutory Maternity Pay (SMP) any time from the beginning of maternity leave, for a maximum of 39 weeks. It is paid by the employer through the normal pay procedures. The amounts (as at April 2007) are as follows:

- For the first 6 weeks – 90% of average pay (calculated on gross earnings in the 8 weeks or two months before the end of the 15th week before the baby is due, reflecting any increases)
- After 6 weeks – basic rate of £112.75 per week for a further 33 weeks (or 90% of salary if that is less)

To be **eligible**, you must:

- have worked for the same employer continuously for 26 weeks by the 15th week before the week the baby is due
- earn on average at least £87pw, before tax, which is the current (April 2007) lower earnings limit for National Insurance payments in the 8 weeks prior to the 15th week before the baby is due; and
- have given your employer the correct evidence and notice

Extra maternity benefits from the union

If you have been a member of Care Extra (paying the slightly higher level of subs – currently £2.45pw for 2007) for at least 9 months, then you are entitled to receive maternity benefit of £11.25pw from the union for up to 10 weeks of your maternity leave.

Maternity allowance

Women who do not qualify for SMP may be able to claim Maternity Allowance from the local Jobcentre Plus or your employer. Maternity Allowance (MA) is currently £112.75 per week (or 90% of previous earnings if that is lower), for 39 weeks. To be eligible, you must have been employed or self-employed for 26 weeks out of the 66 weeks before the baby is due, and earned on average at least £30pw (averaged over a 13 week period). The 26 weeks do not have to be continuous or with the same employer.

Means tested benefits

If you have not paid enough NI contributions or earned enough to be eligible for either SMP or Maternity Allowance, you may be able to claim means tested benefits from the local Jobcentre Plus or Social Security Office.

Key negotiating aims on maternity pay

- Increase the amount of maternity pay towards 100% of pay. For the first 6 weeks this only means an additional cost to the employer of 10% of salary, as 90% is reimbursed by the government. For the next weeks, the government reimburses SMP
- Increase the amount of weeks' leave covered by maternity pay – start by arguing for a percentage of average pay or flat rate
- No obligation to pay back contractual maternity pay if the employee does not return to work. If this is currently not the case, check the sick pay policy, and if it is more generous this could be used to argue for a change in rules on maternity pay
- If the employer tops up Statutory Sick Pay more than they top up maternity pay, negotiators could argue that maternity pay ought to be at least as much as SSP
- Ensure that pay reaches the threshold at which national insurance starts, or members' benefit and pension positions may suffer

Rights during maternity leave

Whilst a woman is pregnant or on maternity leave she is **protected from dismissal or other unfavourable treatment**, regardless of hours worked or length of service, and whether she is on a permanent or a temporary contract. If you are dismissed, or selected for redundancy, (or also if you are turned down for a job you have applied for) for a pregnancy-related reason (even if there are other reasons) this will automatically count as unfair and as sex discrimination.

During **Ordinary Maternity Leave**, all contractual rights (except pay) must be maintained and accrued, for example pension rights, holiday entitlement, job opportunities that become available, company car, travel passes, mobile phone (unless these are solely for business use) and any other perks such as gym membership etc. When calculating the SMP, employers should take into account any pay increase between the beginning of the 15th week before the woman's due date and the end of the maternity leave period.

For women on **Additional Maternity Leave**, your contract also continues during this additional period, but you have no automatic rights to most contractual benefits (aside from statutory rights eg redundancy) in this time.

If a **redundancy** situation arises whilst you are on ordinary or additional maternity leave, you are entitled to be offered a suitable alternative vacancy, on terms and conditions that are at least as favourable as before.

If the employer goes out of business whilst you are on maternity leave, you can claim SMP and redundancy from the government (and should contact your union official regarding this). If the employer changes whilst you are on leave, SMP remains the responsibility of the original employer.

Key negotiating aims on rights during maternity leave

- All women taking their maternity leave entitlement (OML or AML) to have the right to return to the same job, at the same hours if they wish
- The employer should ensure that clear and accessible information is made available to parents regarding their rights and obligations. They should also ensure that they keep parents on leave informed as to any important developments in the workplace including any vacancies that arise (which they should be allowed to take up on their return, if successful in applying)
- In special circumstances, for example multiple births or problems concerning the health of the child (including fertility treatment, miscarriages and terminations), disabled child and postnatal depression an extension to the leave period may be granted, without the employee needing to use up their sick leave. Of course all such situations must be treated confidentially by the employer
- All contractual benefits, particularly holiday and pension accrual, to be maintained and accrued during Additional Maternity Leave as well

Returning to work

Women on **ordinary maternity leave** have the right to return to the same job, on the same terms and conditions, after the 26 weeks leave regardless of the size of the employer.

Women on **additional maternity leave** have the right to return to the same job, unless it is not reasonably practicable, in which case you have the right to return to a similar job on terms and conditions that are at least as favourable as if you had been at work.

If you decide **not to go back to work** after the birth of the baby, this does not affect your right to SMP or MA, since you qualified for this before you went on leave. If you are undecided you should keep your options open. If you decide not to return at the end of maternity leave, you only need to give the notice as required in your contract as if you were resigning.

If you want to return to work on a part-time basis or with **different hours** or working arrangements, your employer now has a legal duty to consider your request seriously – see 'Flexible Working', below.

If you are off sick at the end of your maternity leave you can take up to 4 weeks' sick leave at this point, providing you have a medical certificate.

All the leave period including sickness should be included when calculating your length of service. Any period of sickness absence starts from the date you would have returned to work.

You also have the right to **optional** keeping in touch days (KIT). These are designed to ease women back into work if they wish. It enables a woman to work for up to 10 days by mutual agreement during her maternity/adoption leave period without losing a week's Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP). KIT days can be worked at any time during the leave period, except the first two weeks after childbirth. You and your employer can agree on the days you wish to work.

You must be paid for KIT days, but the level of pay needs to be agreed by you and your employer. This pay should not be less than the SMP/SAP rate.

Notice

The employer is responsible for notifying you of your expected return date, rather than the other way round. You only have to notify your employer if you intend to return to work **before the end of your full maternity leave entitlement**, whether that is 26 or 52 weeks. In this situation you must give 56 days notice.

Key negotiation aims on returning to work

- Rights to flexible working if women want to return on reduced hours, part-time or job share basis. Also a right to return to the original contract after an agreed period of flexible working
- Commitment to refresher training where necessary (particularly after extended leave). This should not be assessed and should be in agreement with the worker
- Paid time off for post-natal clinics or parenting classes
- Some larger companies allow unpaid childcare career breaks of up to 5 years
- A guarantee that Keeping in Touch (KIT) days will be paid – a full day's pay for working a full KIT day
- A guarantee that no pressure will be placed on the women to come in for KIT days
- Agree with the employer the nature of the work that can be undertaken during KIT days

Health & safety

Regulations state that employers must carry out risk assessments and keep employees informed of the outcome. If any women of childbearing age are employed, this must specifically aim to eliminate hazards to pregnant women and their unborn child, women who have recently given birth (within the last 6 months, and including situations where the woman has miscarried or had a stillborn baby after the 24th week) and breastfeeding mothers (regardless of whether any employees are in this situation at the time). Examples of hazards may include:

- Lifting heavy loads
- Working in confined spaces
- Working at unsuitable workstations
- Working in extreme temperatures
- Exposure to shocks or vibration
- Working in stressful or violent conditions
- Working with lead and other toxic substances including radioactivity

If the hazards are unavoidable in your current job, your employer must offer you suitable temporary alternative work/shift on terms and conditions no less favourable than your current one. If there is no suitable alternative work, you must receive full pay and contractual rights, while suspended on medical grounds. Employers also have a duty to provide suitable rest facilities for pregnant women and nursing mothers, ideally including a place to lie down and near toilet facilities.

See also UNITE factsheet on pregnancy and health and safety.

Key negotiating aims on pregnancy and health and safety

- Policy to make explicit that pregnancy is not to be equated with sickness
- Facilities for breastfeeding mothers to safely express milk

b. New fathers or partners

Paternity leave or maternity support leave

New fathers are entitled to up to 2 weeks (consecutive or one week at a time) paternity leave during the 8 weeks following the birth. This also applies to couples who adopt – whichever parent has taken maternity leave, the other will be entitled to paternity leave, regardless of gender. (If the baby is born early, the leave is still allowed to be taken up to 8 weeks after the expected due date). This leave will be **paid at a rate of £112.75pw** (or 90% of average weekly earnings if that is less) providing they earn at least £87pw (from April 2007).

The same protections from dismissal or unfavourable treatment apply to paternity leave as to maternity leave.

To be **eligible**, you must:

- expect to share responsibility for the child's upbringing with the mother – ie be the **mother's partner (male or female)**, not necessarily the biological father
- have worked for your employer under a contract of employment for at least 26 weeks by the 15th week before the baby is born
- given notice by the 15th week before the due date, including the dates you wish to take leave. (The dates can be varied by giving 28 days notice, where reasonably practicable to do so)
- give your employer a completed self-certificate. (See the BERR website for a model SC3 certificate)

Key negotiating aims on paternity/maternity support leave

- **All** employees to be entitled to 2 weeks paternity/maternity support leave on full pay. Start by arguing for a percentage of average pay or a flat rate. This provision should apply to employees regardless of gender or sexual orientation. It can also apply to a grandparent who is a nominated carer.
- Maximum flexibility around when paternity leave can be taken – aim for any time within 1st year of birth with shorter notice periods
- Some employers allow a transfer of maternity leave entitlement to the partner, where both employees work together
- Fathers or nominated carers should also be entitled to attend antenatal care with their partner or relative
- A longer paternity leave with no service requirement
- The introduction of Additional Paternity Leave (APL) as soon as possible, rather than when it becomes a legal right
- All employees should be entitled to APL-style leave regardless of the employment status of their partner
- Flexibility in APL-style leave, to allow parents to have time off together at any time in the child's first 12 months
- Entitlement to special extended leave in cases of premature, disabled or multiple-births, partners with postnatal depression, or partners who die or are seriously incapacitated within the first year of the child's life
- The introduction of KIT days for fathers, but with no pressure for them to come in for those days.

c. Adoptive parents

Adoption leave

The new rights extend to employees who adopt a child (under the age of 18). One adoptive parent is entitled to adoptive leave. If you have a partner, he/she is entitled to paternity leave and pay (if they meet the criteria as outlined above). You are entitled to leave from the date your child starts living with you or up to 14 days before this date.

All employees are entitled to 26 weeks (6 months) **ordinary adoption leave**, regardless of length of service or number of hours worked. Whether this is paid or not depends on your level of earnings and National Insurance contributions. Those who qualify are entitled to take a further 26 weeks **additional adoption leave**, bringing entitlement to one full year.

Adoptive leave is paid for 39 weeks at a rate of £112.75 per week, (or 90% of average weekly earnings if that is less) provided they have average earnings above the Lower Earnings Limit for National Insurance contributions (£87pw from April 2007). An additional 26 weeks (unpaid) may also be taken. The same protections against dismissal and detriment apply as with ordinary and additional maternity leave, above.

To be **eligible** employees must:

- have adopted a newly placed child (for example, not a step-child) through an approved adoption agency in the UK or overseas
- have worked continuously for their employer for 26 weeks prior to the notification of the child being placed
- notify their employers of their intention to take leave, and proposed dates, within seven days of being notified of the placement by the adoption agency. (The dates can be varied if the employee gives 28 days notice)
- provide a copy of the 'matching certificate' from the adoption agency

If the employee wishes to return to work before the end of the adoptive leave period, they must give 28 days notice.

Key negotiating aims on adoption leave

- Flexibility to be allowed for adoptive parents to be able to use their pay and leave entitlement to cover pre-adoption meetings, appointments etc
- Full rights from day one of employment
- Rights for foster parents
- Where maternity terms are better than adoption terms, aim for the policy to state that it will follow the maternity policy.

3. Rights for all working parents and carers

a. Parental leave

Parents of children under 5 are entitled to 13 weeks (unpaid) parental leave, per child, during the first 5 years of the child's life.

Parents of a child with a disability who is entitled to Disability Living Allowance (DLA) may take 18 weeks parental leave, up to the child's 18th birthday. Parents who have just adopted may take the leave during the first 5 years following adoption or before the child is 18, whichever is sooner.

Employees taking parental leave have the right to return to the same job if the leave is for 4 weeks or less, or otherwise to the same or similar job.

To be **eligible**, you:

- must have completed 1 years' continuous employment with their employer to qualify
- may need to provide evidence eg birth or adoption certificate
- may need to give 21 days notice, though this may be varied

How to take the leave

Employers should agree with the workforce how the leave will be taken. It is preferable for leave to be flexible especially regarding how much leave has to be taken at once. See negotiating tips for advice on best practice in how to operate parental leave.

Where there is no agreement in place, the **'default'** scheme allows for parental leave in blocks of at least one week (except where the child is getting DLA in which case blocks of 1 day are allowed) and no more than 4 weeks leave in one year for any one child.

The employer may postpone the requested leave for up to 6 months if the business would be 'particularly disrupted' by the leave at that time. But they cannot postpone the leave if the employee applies to take parental leave immediately after maternity/paternity/adoptive leave.

Key negotiating aims on parental leave

- Rights to parental leave to be awarded **from day one** of employment
- Parental leave to be allowed within 8 years of child's birth, or older
- Aim for full pay for parental leave, building up from a reduced rate (flat rate or percentage) – this should be as favourable as the maternity pay policy
- Parental leave to be available in blocks from a minimum of half a day (not one whole week), up to the full 13 weeks in one year
- It may be taken on a part-time basis, so working hours are reduced for a specific length of time, or start/finish times changed
- Parental leave to be available with no, or minimum notice
- Parental leave to be made available to all those with caring responsibilities including adult relatives and friends
- Contribution towards childcare costs through facilities, subsidised places or allowances. Where childcare vouchers are offered, this should be in addition to pay rather than as "salary sacrifice". If vouchers are taken in place of salary, at least aim to have them treated as notional salary for the purpose of pension contributions
- Employers should only postpone parental leave in exceptional circumstances – aim for a maximum postponement of 3 months

b. Time off for dependants

All employees have the right to 'reasonable' (unpaid) time off work at short notice to help dependents in an emergency. You should give your employer as much notice as is possible of their leaving and return dates. A **dependant** could be a spouse, partner, child, parent, parent-in-law, siblings, uncles, aunts, grandparents and step relatives or someone living with you as part of the family. It could also be anyone who relies on you for assistance in an emergency. Types of **emergencies** include illness, injury (including mental distress), accident, childbirth, death, incidents at school, and breakdown in care arrangements. The amount of time that can be taken should only be enough to sort out the immediate problem.

Key negotiating aims on time off for dependants

- A minimum of 10+ days paid family leave with wide scope and definition of caring responsibilities.
- Existing rights to paid bereavement, compassionate and/or paternity leave must not be undermined so keep time off arrangements separate unless the overall package of rights improves

c. Flexible working

A person with responsibility for raising a child under 6 (or under 18 if the child is disabled) and carers of adults have a right to request flexible working arrangements to enable them to care for the child – for example, a change to hours, times of work, to allow working from home, flexi-time or term time working. Your employer must consider this application seriously and give good reasons if they reject it. You are protected from victimisation for requesting flexible working.

To be **eligible** you must:

- have worked for your employer for at least 26 weeks on a permanent contract
- make the application no later than 2 weeks before the child's 6th birthday (or 18th birthday for disabled children) and
- not have made a previous application in the last 12 months

Procedure

Apply in writing. Your employer must then meet with you within 28 days to discuss. You may take a colleague to the meeting with you (we suggest your shop steward).

Your employer must then write to you within 14 days with their response. If your request is refused, you have the right to appeal to your employer within 14 days of the response. If it is still refused, you may go to an Employment Tribunal which has the power to award up to 8 weeks pay if it judges that the employer has acted unreasonably in refusing the request, plus up to 2 weeks if the employer has prevented you from being accompanied at the meeting to discuss your application or the appeal meeting. However, the Tribunal cannot order an employer to allow flexible working.

Some employees have also successfully used the Sex Discrimination Act to argue that refusal to allow part time or flexible working hours, for example, in the case of London Underground v Edwards (1995/1998) is indirect sex discrimination as it affects women much more than men. If you are thinking of using the SDA you should contact your local union representative or official for advice.

NOTE: If accepted, the change in hours becomes a permanent change to the employee's contract unless it is agreed otherwise with the employer (eg. temporary change or a trial period). Therefore, parents need to think carefully before making a request under the "right to request flexible working" regulations.

Key negotiating aims on flexible working

- The right to flexible working rather than the right to request it
- Right to request should extend to a broader definition of those with caring responsibilities, and ideally to all workers regardless of caring responsibilities
- A policy should make a commitment to consider the request positively, and only refuse in exceptional circumstances
- Employers to consider request for flexible working more than once a year
- When a request is accepted it should not become a permanent change unless it is specifically asked by the employee

d. Rights for carers

Caring for older relatives and dependents is increasingly part of many workers' lives. The first rights for carers have been introduced and the union is campaigning and negotiating to build on these. Under new legislation carers of adults have the right to request flexible working and to time off in emergencies.

- **Right to request Flexible working** – if you are an employee with 26 weeks continuous employment at the date you make an application, and you are:

caring for a spouse, partner (who you live with), civil partner or relative, or someone who lives with you. 'Relative' includes parents, parents-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

The law gives you the right to make one application per year for flexible working.

You are protected against dismissal or any other detriment because you have exercised your legal right to request flexible working or because you helped someone else to do so.

- **The right to time off in emergencies**, also known as time off for dependants.
 1. A dependant could be mother, father, son, daughter, parent or anyone who lives with you or someone who relies on you for assistance if they fall ill or are injured
 2. An emergency could be:
 - A disruption or breakdown in care arrangements
 - The death of a dependant
 - If a dependant falls ill or has been assaulted
 - To make longer term arrangements for a dependant who is ill or injured (but not to provide long term care yourself)

Key negotiating aims for carers

- Policy for carers to cover all employees with a broad definition of dependents. Currently those people who care for friends or neighbours or some relatives are not included. The legal definition can exclude vulnerable groups, including migrant workers who may have no relatives in the UK and the growing number of men estranged from their families after divorce. Gay and lesbian people may also lose out, as they are more likely than other communities to rely on friends rather than blood relatives for mutual support and care.
- Carers to be eligible for time off for dependents and parental/carers leave on terms which are as good as for parents of young children
- 13 weeks leave on full pay at short notice. Start with a minimum of 10 days paid leave
- Right to change your working hours eg. right to transfer off shift work and to refuse overtime

e. Tax credits

There are three main types of financial support available for working people with children. Both are claimed on a single form available from the Inland Revenue.

Child tax credit

To be eligible for child tax credit you must be responsible for a child under 16 (or under 19 and in full time education, left full-time education and does not work more than 24 hours a week or have a paid place on a training scheme) and have a total household income of less than £58,000 (£66,000 if you have a baby under one year old). It is payable directly to the main carer (usually the mother). In practice this means that 9 out of 10 families will be eligible for the credit.

Working tax credit

Working tax credit is paid to parents earning lower incomes (and also to some single people and disabled people). It tops up your income to a higher level, so long as you work more than 16 hours per week.

Working tax credit (childcare element)

This is worth 80% of actual childcare costs up to £175pw for one child or £300 for two or more children (ie up to £140 or £240 pw). Costs are available to families earning up to a maximum of £55220, and must be claimed as part of the working tax credit claim. To see if you are entitled please check with the Inland Revenue.

Sure Start maternity grant

This is a lump-sum payment to new or expectant parents, worth £500 for each new baby. You can claim any time up to 11 weeks before the due date or three months after giving birth or adopting a baby. You are entitled to the payment for a stillborn child if the pregnancy has lasted 24 weeks.

To qualify, you or your partner must have been awarded

- Working Tax Credit including a disability element or Pension Credit
- income-based Jobseeker's Allowance
- Child Tax Credit above the basic family element
- Income Support

or

- Been given advice on health and welfare matters relating to the child and/or expectant mother from a health professional

For a SF100 (Sure Start) form contact your Jobcentre Plus or social security.

f. Rights for part time, temporary, agency and contract workers

Part time workers are entitled to all the benefits paid to full time workers. They are eligible for full statutory maternity, paternity and adoption leave and pay providing they meet the other criteria.

Agency and temporary staff are entitled to SMP and other statutory payments from their agency if they have worked for their agency continuously for 26 weeks (not necessarily full time) before the 15th week before the baby is due. Entitlement to other family friendly rights depends on whether the worker has the status of “employee” or of “worker”. Usually, agency and temporary workers do not count as “employees” and therefore they have no automatic right of entitlement to maternity, paternity or adoption leave, parental leave, paid time off for ante-natal care, emergency time off for dependents, to be suspended on full pay or given alternative employment on health and safety grounds, or to request flexible working. It is worth checking the contract with the agency and the policies of the employer as these may give better rights or they may (more unusually) give the worker the status of “employee” of the agency.

Occasionally someone in this situation might be able to rely on the Sex Discrimination Act to get family friendly rights, particularly around the area of health and safety, as this law covers all workers.

In contract, workers on **fixed term contracts** generally do count as “employees” and are therefore entitled to all the rights in this guide – the only exception is if their contract is due to end during a period of maternity leave. In this case, to avoid a claim for unfair dismissal, the employer would still have to show that it was fair to end their contract (for example, that the job was redundant and no-one else was being taken on to fill it).

4. Arguments for family rights and examples of good practice

Whilst family rights have improved with the passing of new legislation in recent years, there are still areas that must be improved, particularly:

- To get workers the maximum benefits from their first day of employment
- To get paid leave, where the law allows for leave to be unpaid, to ensure that all parents can afford to take advantage of this provision. For example, in a recent survey less than half (46 per cent) of fathers said they would take paternity leave at the current rate of pay if they had another child.
- To cover as broad a possible range of family relationships/type of dependents (including care for other relatives or friends who do not live at the same address as you)
- To allow for more paid leave and/or flexibility in special circumstances such as disabled children or parents, stillbirths, miscarriages, terminations, fertility treatment and multiple births
- To have shorter notice requirements and fewer restrictions on the timing and “blocks” of leave in all circumstances

The introduction of new laws also gives a good opportunity for UNITE representatives to negotiate enhanced rights, whether or not the employer already provides for more than the minimum legal rights. Negotiators should first of all find out from members what their priorities are.

Even if there does not seem to be many problems at work relating to family friendly policies, they should still be on the bargaining agenda. It is a good idea to raise issues with employers before problems arise, as they may well be more willing to agree good policies when there is no immediate prospect of having to implement them (for example if there are currently few women of childbearing age in the workplace).

It is especially important to include family friendly policies as part of any negotiation where the employer is seeking to change working hours, perhaps because they are hoping to provide a more round-the-clock service. It is always important to include at least one family friendly aim each time there are negotiations on wages or conditions, and negotiate towards improvements in small steps if necessary.

The case for family friendly rights:

The benefits to employees are clear-

- More time and support for parents to bring up children, particularly whilst they are young/still breastfed
- Less stress and anxiety about childcare arrangements breaking down – particularly important, given that there is still a lack of adequate childcare provision in many areas
- More money to bring up children – which means better chances for those children
- Family friendly policies may be negotiated separately, or as part of wider work-life balance policies which can assist all workers, not just those with families – for example to balance working with the need for a flexible pre-retirement period or with pursuing further study

Employers are increasingly recognising the benefits to themselves from implementing family friendly policies, including:

- Improved loyalty and commitment from workers
- Improved motivation and productivity
- Improved staff retention / lower turnover – leading to cost savings. The CIPD estimates that recruiting new employees costs on average between £4333 and £7750
- Lower rates of absenteeism and easier to manage sickness policies
- Improved corporate image and recruitment and a workforce that is more reflective of our diverse society and its customer base
- More equality of opportunity so that staff can be retained and promoted according to merit, not caring responsibilities

According to a CIPD survey in 2005, the forward-looking businesses that used flexible working found that they had better recruitment, higher levels of staff retention, lower absence rates, better employee relations and morale which resulted in increased productivity. Also, employers have agreed with the majority of requests for flexible working and two-fifths of them have already extended the right to request further than it is required by law.

A 2005 DTI survey found that 80% of employees who had made a request for flexible working were satisfied or very satisfied. The employers agreed to 81% of the requests which shows a slight increase since the right to request flexible working was introduced. Also employers could see the benefits that greater flexibility can bring to the workplace.

Increasingly, employers recognise this and have agreed more family friendly policies with the union – examples of current best practice can be obtained from the UNITE Equalities Sector and also the Labour Research Department (see contacts section at the end of this guide).

Cost

Employers now get more money from the government – for example they will now be reimbursed at least 92% of the costs of Statutory Maternity and Paternity Pay. Small employers are also able to claim back all the SMP plus some compensation. If an employer has already provided for more than 26 weeks, they will be better off. It could be argued that this money should be put back in to further improving provisions for parents.

Actual costs of many measures (eg better paid paternity and adoption leave) will be low – for example the Labour Research Department has estimated that in a workplace of 500 people, only 12 men a year might take paternity leave.

Key negotiating aims

When negotiating enhanced family rights, negotiators should aim to get the employer to agree to at least some of the recommendations in the key negotiating aims boxes in each section of this guide. Points in each section are listed roughly in order of priority (the number one priority being to ensure that **all** employees are in a position to benefit from the rights, from day one of employment).

Examples of good practice

UNITE has been negotiating for maternity/paternity/parental rights for many years and every year we see improvements on the existing agreements. The following are some good practices and policies in our organised workplaces:

Maternity – winning for UNITE members

Ford, Visteon, Landrover there are 52 weeks maternity leave at full basic pay.

Arla Foods the first 2 weeks of maternity leave are paid at P60 earnings or basic rate, whichever is the greater.

Unichem workers receive 13 weeks maternity leave on full pay – (up from 6 weeks) and 13 weeks at 2/3 pay – (up from 20 weeks 1/2 pay).

Peugeot workers are entitled to 52 weeks paid maternity leave – (up from 40 weeks). 90% of average earnings for 40 weeks (up from 26 weeks) then 12 weeks at £200 (up from 14 weeks at £120).

Jaguar workers' entitlement is 52 weeks paid maternity leave – (up from 40 weeks). Weeks 1-6 are paid at 90% of earnings or 100% base pay and weeks 7-52 at 100% basic & entitlement to holiday pay.

Paternity – winning for UNITE members

Ford, Jaguar, Landrover employees receive 10 shifts at basic pay.

Peugeot workers' entitlement is at £200 for week 2 of paternity leave (up from £120) and week 1 remains at basic plus attendance allowance.

Arla Foods the first 2 weeks paternity leave is paid at P60 earnings or basic rate, whichever is the greater.

5. Family rights – where next?

In the coming years, 9 months maternity pay is a first step towards one full year paid maternity leave by the end of this parliament (2009-10). At that time, fathers will be entitled to 6 months unpaid Additional Paternity Leave, which can become eligible for payment if the mother chooses to transfer her final six months (or final part of the 6 months) paid maternity leave to him. They will not be able to both have leave at the same time. The Government is expected to introduce the new rights for fathers in 2008 at its earliest.

Additional help for working families is coming as part of the government's new 10 Year Childcare Strategy, including

- the government is currently consulting on extending the right to request flexible working to parents of older children. A recommendation to where the age cut-off for older children should be set is expected by spring of 2008
- All 3 and 4 year olds will get more free childcare, increasing in stages to 20 hours a week, 38 weeks a year
- By 2010, all children between 3 and 14 will be eligible for affordable before and after school care (8am-6pm)

Family rights have only advanced because of campaigning by trade unions and other organisations. Although family rights have been transformed by the Labour government further changes are essential and UNITE will continue to be part of this campaign.

6. Further information

Further advice can be obtained from your Regional Organiser for Women, Race and Equalities.

North West

0161 848 0909

Midlands West

0121 553 6051

South West

0117 923 0555

South East

020 8800 4281

Scotland

0845 345 0141

North East/Yorkshire and Humberside

0113 236 480

Midlands East

0121 553 6051

London/Eastern

020 8800 4281

Ireland

02890 232381

Wales

02920 394521

The following organisations can advise you further on your rights to family friendly working:

- UNITE Women, Race & Equalities Sector Office – 020 7611 2500 – can provide advice and also copies of the Model Agreement on Family Rights and the factsheet on domestic violence
- TUC Know your rights line, tel: 0870 600 4882 (www.tuc.org.uk)
- Equality and Human Rights Commission – tel: 020 3117 0235 (www.equalityhumanrights.com)
- Department for Business, Enterprise and Regulatory Reform (www.berr.gov.uk) (includes links to a useful interactive site to help you work out your rights and notice period)
- Arbitration, Conciliation and Advisory Service, tel 08457 474747 (www.acas.org.uk)
- Working Families, tel 020 7253 7243 (www.workingfamilies.org.uk)

The following organisations can also advise on specific issues:

- Tax Credit Helpline, tel 0845 300390 www.inlandrevenue.gov.uk/taxcredits)
- Health & Safety Executive, tel 01787 881165 (www.hse.gov.uk)
- Daycare Trust Helpline (for childcare issues), tel 020 7840 3350
- Labour Research Department, (help for negotiating) tel 020 7928 3649 (www.lrd.org.uk)
- Broken Rainbow – provides support and advice for LGBT people who experience domestic violence. Helpline 08452 60 44 60 www.broken-rainbow.org.uk
- Abortion Rights – tel: 020 7923 9792 www.abortionrights.org.uk

Legal advice on non work-related issues can also be obtained from CareXpress on 0800 709007. If you are not already a member of the UNITE and would like to join, please call 0207 611 2500 for more information.

7. Appendix

European comparisons

Despite major improvements since 1997, the UK still lags behind the rest of Europe in providing reasonable **and paid** family-related leave. It is also important to look beyond maternity leave and pay and consider the culture in different countries and how willing employers are to provide career opportunities to women both before and after they have children.

Maternity pay

Country	Weeks of income-related paid maternity leave	Payment
Sweden	69 weeks (480 days) 390 days 90 days at a lower rate each parent also entitled to 18 months unpaid leave	90% of full pay
Norway	18	100%
Slovakia	28	90%
Italy	20	80%
Denmark	18 can be extended up to 46	100%
Finland	18 26	80%
Greece	16	75%
Portugal	18	100%
France	16-26 leave can be extended if the woman already has 2 or more children	100%
Austria, Spain, Luxembourg, Netherlands	16	100%
Slovenia	15	100%
Belguim	15 10 days for fathers	100%
Germany	14	100%
UK*	6 weeks (52 weeks in total – see below)	90%

(*) The total amount of maternity leave in the UK is 52 weeks but, unlike other countries, only the first 6 weeks are income related, followed by 33 weeks at a flat rate. In other countries, a shorter (but better paid) period of maternity leave can be followed by a reasonable period of paid parental leave (see below). Denmark and Norway have the highest level of maternity benefits, more than twice as generous as those in Ireland or the UK. Among Eastern European countries, Hungary has the highest level of maternity benefits.

Parental leave

- All EU countries offer parental leave in addition to maternity and paternity leave, but Britain is one of the few countries in Europe where this can be unpaid.
- Most countries in Europe offer paid parental leave for time periods from 3 months (Belgium) up to 8 years (Finland) but the pay varies. Parental leave, if it is paid, has the advantage of flexibility for the parent to decide when their child needs them most.

Emergency/carers/compassionate leave

UK workers have the right to 'reasonable' time off to deal with childcare emergencies or similar, but there is no law requiring your employer to pay you. In contrast most EU countries have a set amount of paid emergency leave, eg in Germany up to 25 days at 70-90% of pay (children under 12), in Ireland, 3 days per child under 5 at full pay.



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WOMEN

Working women



Tackling sex discrimination

Men and women are different but equal, and sex discrimination is immoral and illegal. Over 30 years ago after hard campaigning, gender inequality was finally accepted as a form of discrimination when the Sex Discrimination Act came into force in 1975. For many years UNITE has been campaigning for women's rights in all areas of life and work and due to the hard work of men and women like you elimination of sex discrimination has been on the agenda. This however, leads many to believe that the battle has been won, which is far from the reality. For this reason, union equality reps need to ensure that tackling sex discrimination at work is kept on the agenda until women actually achieve equality.

What action?

Dealing with sex discrimination

- Union equality reps need to work together with shop stewards to represent members who make a complaint about sex discrimination. This could be anything from following the grievance procedure to taking a case to an Employment Tribunal.
- It is vital that union equality reps along with other union reps ensure a culture where sex discrimination is not acceptable in their workplaces.
- As union equality reps you need to create a climate which encourages members to come to you with their complaints. You can do this by making it clear that the union takes sex discrimination seriously and provides proper representation.

Sexual harassment

- Many women suffer from sexual harassment at work. It should be made very clear by the union and the employer that harassment is not tolerated. It is important to remember that men face sex discrimination as well. Although it is mainly women who suffer from harassment and bullying but young men and gay men can be particularly vulnerable to this degrading behaviour.
- You need to support your member by listening and gathering information and following an agreed course of action.

Bargaining agenda

- You need to review your workplace policies and practices to make sure all aspects of women's equality are covered. For example, flexible working, and new maternity and adoption rights. This will not only help with recruitment and retention of women but also with promotion.
- Make sure all women are included, for example, making sure disabled women's needs are met, double discrimination faced by black, Asian and ethnic minority women is tackled and lesbian, bisexual and transgender women enjoy equal rights.
- Make sure women receive the same pay and conditions. For example, equal pay and access to pensions. Also women often miss out on promotion either because of career breaks or stereotyping. You need to ensure there is equal opportunity for all regardless of gender through training and equal treatment.
- It is important to include women's health as part of your health and safety agreements. For example menstruation, menopause, pregnancy or cancer screening. (For more information refer to the Guide on Women's Health)

Union representation

- Union equality reps need to aim for women's representation at all levels in the union. For example how representative is the branch membership of the workforce? Or branch officers of the union membership? You may need to target organising at women or encourage women members to become more active in the union.

Finally and most importantly you need to talk to your members regularly, by different means of communication to ensure that you are aware of their needs and issues. This way you have the right information and backing from members to negotiate non-sex biased agreements and procedures.

As a union equality rep you need to ensure equality in:

- Recruitment and Retention
- Promotion
- Pay
- Pension
- Harassment prevention
- Health

Women's participation in the union

In seeking to improve women's participation in branch life, many branches will face one of two immediate problems.

- it may be that women have only been involved as workplace representatives in the union, with no experience in the committee structures of the union
- it may be that the branch has problems in identifying women who are active at all

In either case, action needs to be taken immediately and then sustained over the long term to increase the participation of women at branch and workplace level.

Targeting women

Where the branch cannot identify any active women members, the branch's main work must be to start a process of generating interest in the union combined with one to one approaches to individual members.

- Choose one or two target workplaces or sections of a workplace where women work
- Approach shop steward(s) and active women members for joint working
- Draw up a list of workplace issues important to the women members for example, equal pay or family friendly policies, health and safety, stress or working time
- Organise a lunchtime (end of shift etc) meeting at their workplace or nearby
- Organise a visit from the Regional Industrial Organiser, and/or the Regional Women, Race and Equalities Organiser
- Make sure that those workplaces start getting all union publications
- Invite any interested women to an induction session organised for them
- Personally invite individuals to a branch meeting (offering lifts etc) – make sure the agenda for the meeting is interesting!
- Promote education courses and try to get time-off negotiated for the individuals
- Consider creating the post of a (workplace) women's representative
- Give them a UNITE women's badge (available through your Region/Central Office)

Branch Union Equality Rep/Women's Equality Officer

One way to help ensure that women's participation and representation is maintained and reviewed is to create a post of Branch women's equality officer.

The Branch Women's Equality Officer can have specific responsibility to

- Monitor women's participation in the Branch
- Identify where women work and targets for Branch consideration
- Support newly active women and encourage their further involvement
- Suggest Branch activities to encourage participation
- keeping the branch up-to-date on women's policies and campaigns, and supporting branch activists and stewards in women's equality issues

Support, information and advice for branch equality officers are available from the Regional Women, Race and Equalities Organiser.

Workplace Union Equality Rep/Women's Rep

In addition to the branch post, the union also supports the creation of Women's Representatives at the workplace to provide support for women members at work.

Women's Reps can provide an excellent union service – as a contact point for women members on more personal issues such as health issues or sexual harassment and to provide advice and information to assist the work of shop stewards on matters that affect women. The post of women's representative should not replace the work of shop stewards, nor should it mean that active women members are always pushed into this role and not encouraged to stand for the shop stewards position.

Union facilities for Women's Workplace Representatives will need to be negotiated to ensure that the member can undertake the post properly, including attendance on education courses. They will also need to be fully involved in discussions with UNITE representatives.

Checklist for branch participation

- Can women members get to the meetings?
- Is it accessible by public transport?
- Could lifts be organised?
- Is the venue for meetings off-putting?
- Should it be held at a different time?
- Can the branch provide a childcare/caring allowance?
- Do women members know about Branch caring allowance?
- Do women members get notices of meetings and activities?
- Are branches conducted in an open, friendly style?
- Is jargon avoided or explained?
- Are debates organised around a variety of union issues? Is the meeting interesting?
- Does the branch have a social side e.g. a drink after the meeting, or an occasional fundraising social or disco? Is everyone included?

What next?

When members have confidence in the union and feel comfortable enough to come to you for advice or help, you as a union equality rep need to:

- Create a climate in which members will want to come to you with their sex discrimination complaint
- Listen to your member and do not pass judgement on how they should feel or understand the situation
- Find out about the procedures in your workplace. For example grievance procedures
- Talk to your shop steward(s) and with their agreement arrange to interview your member and ask the four W's (when, where, why, what). Also ask them to keep a written record
- Provide different courses of action available to your member, for example, an informal approach or a formal route and possibly the Employment Tribunal. Let your member choose her option and keep a record of the decision
- Monitor the results of agreed action carefully and if your member wishes and it is necessary, review the decision
- Use the HDB(1) Report Form

Checklist

Union equality reps need to ensure:

- Sex discrimination and harassment is not tolerated in the workplace
- Members know that the union takes sex discrimination seriously
- That it is about **all** women and their specific needs
- Women's representation in the union
- Organising Women
- Communication with members on a one-to-one basis, by organising meetings, emails, posters, etc
- To get advice from other reps and full-time officers

And with the shop steward(s) agreement ensure:

- That you listen to complaints carefully and take up cases of sex discrimination, following procedures and agreements
- Policies and procedures are reviewed and monitored regularly
- Equal access to pay and conditions including equal pay and pensions
- Equality and positive action at recruitment, retention and promotion
- Women's health is included in the health and safety policies and agreements

The Gender Equality Duty (GED)

GED came into force in April 2007 placing a duty on all public authorities and private or voluntary sector organisations carrying out public functions to show that they are promoting equality for women and men and are eliminating sexual discrimination and harassment.

Individuals have been able to complain of sex discrimination since 1975 but now it is the legal duty of public authorities to ensure fair treatment of men and women.

Currently GED covers transsexual people in relation to employment, vocational training and the provision of goods and services.

With this duty in place public authorities have to look at their employment policies to see how they affect women and men. They can look at recruitment, flexible working, maternity, and equal pay.

By the end of April 2007 many public authorities in England must have had GED in place (29 June in Scotland and April 2008 in Wales), and for a number of years in Northern Ireland.

Union reps need to ensure that

- They are fully consulted on gender equality objectives.
- The impacts of policies on gender equality are assessed.
- Action plans are implemented.
- They have access to the annual report and the consequent review of gender equality scheme.

For more information refer to:

- *Together Magazine*
- *Women's Health & Safety Guide*
- *Pregnancy and Health & Safety Guide*
- *Menopause Guide*
- *Domestic Violence Guide*
- *Dealing with Harassment, Discrimination & Bullying – Guidelines for members and representatives*
- *Pay-up! Organising for Fair Pay and Equality Audits*
- *Guide to Family Rights*



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RACE EQUALITY

Black, Asian and ethnic minority workers

Race discrimination

The Race Relations Act 1976 (The Employment Equality Act 1998 in the Irish Republic) made it unlawful for the first time, to discriminate on the grounds of a person's race, nationality or ethnic or national origin. It extends to the provision of jobs, training, housing, education, and the provision of goods and services.

- **The Race Relations (Amendment) Act 2000** extends the law and requires all public bodies to actively promote race equality and eradicate race discrimination.

Involving members

As part of a wider initiative to encourage full representation of black, Asian and ethnic minorities (BAEM), UNITE rules were amended to ensure minimum proportionality on all constitutional committees and conferences. The following are key steps for involving members:

- Ensure that at all meetings, training courses and other UNITE events, a clear statement of UNITE's commitment to race equality is made at the outset.
- Draw up a list of all active BAEM members and their current union duties and work
- When making approaches to individual BAEM members, consider who is best placed to do this.
- Also consider whether one to one approaches, group meetings, or a combination of the two, is the best. You could also consider running seminars, inductions or training, aimed at BAEM activists/members. Also sessions aimed at new members in general on how the union works, could be useful.
- Get active members (especially BAEM members) to personally invite BAEM colleagues to attend meetings, go on training courses, etc.
- Designate existing activists to meet with the members about their work in the union, explaining the branch's need to get BAEM members involved.
- Designate members to keep in touch with newly active members and keep them informed of meetings, courses, campaigns and publications, etc.
- Try to organise 'shadowing' so that members have the chance to shadow the work of a shop steward or branch secretary.
- Ensure the branch receives and distributes and discusses all relevant union publications including those on race and equalities.
- Develop a campaign to organise migrant workers, working with the union organising unit and organisations such as JCWI and Kalyaan
- Promote education courses to BAEM members and assist individuals with getting time off negotiated.
- Elect a branch or workplace equality or race equality representative.
- Consider establishing other networking opportunities, e-groups, etc.
- Give newly active members jobs to do, or some responsibilities, or consider creating a new post which would be useful for the branch. Also, be careful not to assume that BAEM members will only be interested in equalities positions.

Branch/Workplace Union Equality Reps

One way to help improve BAEM participation and representation is to elect a branch or workplace equality rep. The Equality rep can have specific responsibility to:

- Monitor BAEM participation
- Identify where BAEM members work and targets for branch consideration
- Support and encourage newly active BAEM members
- Suggest activities at branch/workplace level to encourage participation
- Keep activists up to date on equalities policies and campaigns, and support activists and stewards in equality issues.

Support, information and advice for Branch equality reps are available from the Regional Women, Race & Equalities Organisers.

Checklist for workplace/branch participation

- Has personal contact been made with existing and potential BAEM members and activists?
- Have surveys been carried out, to identify workplace issues of concern to BAEM members?
- Is this information used to target workplaces, or sections of workplaces, where BAEM members (and non-members) work, working with shop stewards to recruit and organise BAEM members?
- Are meetings interesting and relevant, open and friendly, with a variety of issues, debates, and speakers?
- Have links been made with local community groups, anti-racist organisations, churches/mosques etc?
- Are racist comments or attitudes challenged if ever expressed?
- Do BAEM members get notices of meetings and activities? Is it sent sufficiently in advance, is it available in other languages?
- Can BAEM members get to the meetings? Could lifts be organised? Can they be held close to the workplace?
- Are they accessible by public transport?
- Is the venue of meetings suitable for all cultures?
- Is the time suitable – for example, lunchtime, the end of a shift?
- Is the day suitable – try to avoid religious holy days eg Friday, Saturday, Sunday and religious festivals?
- Is there a social side and if so does it offer a variety of activities so that no group (eg non-drinkers) is excluded?

For more information refer to:

- **Negotiators Guide to Race Equality and Guide on Religion or Belief in SORB Toolkit**



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DISABILITY EQUALITY

Disabled workers

Disability discrimination

The DDA (Disability Discrimination Act 1995) **outlaws disability discrimination where:**

- A disabled person is treated less favourably because of their disability
- No reasonable adjustment is made for a disabled person
- No justification can be made (where it is allowed)

What is a “reasonable adjustment” under the DDA?

- making adjustments to premises
- allocating some of the disabled person’s duties to another person
- transferring to fill a vacancy, or to a different place of work or training
- altering the person’s hours of work or training
- time off for rehabilitation, assessment or treatment
- arranging training or mentoring
- modifying instructions or procedures for assessment
- providing a reader, interpreter, supervision or other support

The DDA code of practice adds further possible adjustments, including:

- permitting flexible working and allowing a period of disability leave
- participating in supported employment schemes such as Workstep
- employing a support worker to assist the disabled employee
- modifying grievance, disciplinary, redundancy selection & performance related pay procedures

Disabled members participation

In seeking to improve disabled member’s participation in branch and workplace life, many branches will face one of two immediate problems.

- it may be that disabled members have only been involved as members with no experience as workplace reps or in the committee structures of the union
- it may be that the branch has problems in identifying disabled members who are active at all
- In either case, action needs to be taken immediately and then sustained over the long term to increase the participation of disabled members.

Targeting disabled members

Where the branch cannot identify any active disabled members, the main work must be to start a process of generating interest in the union combined with one to one approaches to individual members.

- Speak with disabled members who are already active in other areas
- Choose one or two target workplaces or sections of a workplace where disabled people work
- Approach the shop steward(s) to start joint work with them
- Draw up a list of workplace issues which are of concern to the members/workers (which may or may not be concerns specific to disabled members)
- Organise a lunchtime (end of shift etc) meeting at the workplace or nearby
- Organise a visit from the Regional Industrial Organiser, the Regional Disability Officer or Regional Disabled Members' Committee
- Make sure that those workplaces start getting all T&G publications
- Invite any interested disabled members to an induction session organised for them
- Personally invite individuals to a branch meeting (offering lifts etc) – make sure the agenda for the meeting is interesting!
- Promote education courses and try to get time-off negotiated for the individuals
- Try to organise shadowing so that members have the chance to shadow the work of a shop steward or branch secretary. Or just do this partially so that the member is invited to a few meetings and time is taken to explain the background to discussions.
- Consider establishing other networking opportunities, e-groups, etc, to establish mutual support mechanisms.
- Designate members to keep in touch with newly active members and keep them informed of meetings, courses, activities, new campaigns and materials, etc, in a way that is accessible to them.
- Consider creating the post of a union disability champion at the workplace

Disabled members –

Checklist for workplace/branch participation

- Can disabled members get to the meetings?
- Is there sufficient disabled parking at the venue?
- Are sign-language interpreters or note takers made available when needed?
- Are the meetings held in rooms that are accessible?
- Is it accessible by public transport?
- Could lifts be organised?
- Is the venue for meetings off-putting?
- Should it be held at a different time, for example, avoiding rush hour?
- Can the committee or branch provide a caring /childcare/babysitter allowance?
- Do disabled members know about caring/childcare allowance?
- Do disabled members get notices of meetings and activities?
- Are notices available in different formats, including large print, Braille, different colours, or tape-recordings?
- Does the branch have a social side e.g. a buffet or drink after the meeting, or an occasional fundraising social or disco?
- Are branches conducted in an open, friendly style?
- Is jargon avoided or explained?
- Are discriminatory comments challenged when made?
- Are telephone services accessible through use of typetalk, textphones, or email?
- Are debates organised around a variety of union issues? Is the meeting interesting?

For more information refer to:

- ***Disability Rights at Work, Guide to Negotiators***



Reps' Rights

Pay and Audits

Harassment

Family Rights

Women

Race Equality

Disability

Young Workers

LGBT

**Represent
and involve**



**for all
members**

YOUNG WORKERS

Young workers

Age discrimination

Age discrimination is widespread, and affects both younger and older workers in many areas such as pay, redundancy & dismissal, retirement & pensions, recruitment, training & promotion. The recent **Employment Equality (Age) Discrimination Regulations 2006 (EEAR)** make it unlawful to discriminate on grounds of age unless it can be **objectively justified**. Harassment on grounds of age is also outlawed.

EEAR covers employees, agency and temporary workers, contract workers, job applicants and self-employed people engaged to do work and those on vocational training. Similar to other discrimination legislation, protection is offered from day one and even after the job has ended as long as discrimination is connected to that employment.

Targeting young members

The branch's main work must be to start a process of generating interest in the union combined with one-to-one approaches to individual members. Key steps to encourage involvement and participation are to:

- Encourage the branch to set up young members' organisation
- Encourage young members to put forward their issues
- Draw up a list of workplace issues important to the young members for example, pay and health and safety
- Elect a Branch Young Members Officer
- Consider creating the post of Young Members Contact so that members feel there is a young person they can talk to. He/She will also keep in touch with members especially those newly active keeping them informed of meetings, courses, activities, new campaigns and materials, etc
- Encourage young members to become shop stewards, Union Equality or Learning Representatives
- Develop such initiatives as shadowing observers on Shop Stewards Committees
- Elect young members for UNITE and external committees/conferences
- Regularly map young workers by job, pay and department, highlighting areas/workplaces with high concentration of young workers
- Use this information to target areas for organisation and recruitment
- Involve young members from targeted workplaces in the branch
- Make sure that those areas/workplaces start getting all union publications
- Approach shop steward(s) and active young members for joint working
- Organise a lunchtime (end of shift etc) meeting at their workplace or nearby
- Organise a visit from the Regional Industrial Organiser and/or the Regional Women, Race and Equalities Organiser
- Invite interested young workers to an induction session organised for them
- Personally invite or get active young members to invite individuals to a branch meeting (offering lifts etc)

- Promote education courses and try to get time-off negotiated for the individuals
- Consider establishing other networking opportunities such as e-groups to establish mutual support mechanisms.
- Develop links with local groups and also national organisations
- Consider setting up stalls at University/College Freshers weeks

Branch young members officer

One way to help ensure that young members' participation and representation is maintained and reviewed, would be to create a post of Branch Young Members officer. He/She can have specific responsibility to:

- Monitor participation of young members in the Branch
- Support and encourage newly active young members
- Suggest Branch activities to encourage participation
- Keeping the branch up-to-date on policies and campaigns relevant to young members and supporting branch activists and shop stewards in age equality issues

Checklist for branch participation

- Has personal contact (especially by young members) been made with existing and potential young members and activists informing them of meetings, training, campaigns and materials etc?
- Can young members get to the meetings?
- Is it accessible by public transport?
- Could lifts be organised?
- Is the venue for meetings off-putting?
- Should it be held at a different time?
- Can the branch provide a childcare /caring allowance?
- Do young members know about Branch caring allowance?
- Do young members get notices of meetings and activities?
- Are branches conducted in an open, friendly style?
- Is jargon avoided or explained?
- Are ageist comments or attitudes challenged if expressed?
- Have links been made with local and national organisations such as the Youth Parliament, National Union of Students
- Are debates organised around a variety of union issues, including age equality?
- Is the meeting interesting?
- Does the branch have a social side e.g. a drink after the meeting, or an occasional fundraising social or disco? If yes, are these inclusive?

Support, information and advice are available from the Regional Women, Race and Equalities Organiser.



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LGBT EQUALITY

Lesbian, Gay, Bisexual and Transgender (LGBT) workers

Discrimination of LGBT people

Employment Equality (Sexual Orientation) Regulations 2003, makes it **unlawful to discriminate against or harass people on the grounds of their sexual orientation**. The Regulations apply at work, in higher education and in vocational training,

Protections against discrimination on grounds of sexual orientation have been extended (April 2007) to providers of goods, facilities and services in education, in the use and disposal of premises, and in the exercise of public functions.

Involving members

In seeking to improve participation of LGBT members in branch life, many branches will face one of two immediate problems.

- it may be that LGBT members have only been involved as workplace reps in the union, with no experience in the committee structures of the union
- it may be that the LGBT members who are active have not “come out”

In either case, action needs to be taken immediately and then sustained over the long term to increase the branch/workplace participation of LGBT members.

Key steps to encourage involvement and participation

- Publicise that the union takes LGBT equality seriously and create a climate in which LGBT members feel they can discuss their issues
- Ensure **confidentiality** at all times
- Encourage LGBT members to be involved in all union committees, including lesbians sitting on the Women’s Committees
- Elect a workplace or branch LGBT Rep
- Put LGBT issues on the branch agenda
- Draw up a list of all active LGBT members and their current union duties and work
- Consider a one to one approach, group meetings, seminars, inductions or training, aimed at LGBT activists and members
- Designate existing activists to meet with the members about their work in the union, explaining the branch’s need to get LGBT members involved
- Try to organise ‘shadowing’ so that members have the chance to shadow the work of a shop steward or branch secretary
- Ensure the branch receives, distributes and discusses all relevant union publications including those on sexual orientation and equalities
- Promote education courses to LGBT members and assist individuals with getting time off negotiated
- Consider establishing other networking opportunities, e-groups, etc
- Get involved in LGBT events such as Pride and LGBT History Month
- Get the branch to develop links with local LGBT community groups

Branch LGBT equality officer

One way to help ensure that LGBT members' participation and representation is maintained and reviewed, is to create a post of Branch LGBT equality officer. The Branch LGBT Equality Officer can have specific responsibility to:

- Monitor participation of LGBT members in the Branch
- Support and encourage newly active LGBT members
- Suggest Branch activities to encourage participation
- Keeping the branch up-to-date on LGBT policies and campaigns and supporting branch activists and shop stewards in LGBT equality issues

Support, information and advice are available from the Regional Organiser for Women, Race and Equalities

Workplace LGBT Representative

In addition to the branch post, the union also supports the creation of LGBT Reps at the workplace to provide support for LGBT members at work.

LGBT Reps can provide an excellent union service – as a contact point for LGBT members on more personal issues such as bullying and harassment and to provide advice and information to assist the work of shop stewards on matters that affect LGBT members. The post should not replace the work of stewards, nor should it mean that active LGBT members are always pushed into this role and not encouraged to stand for other union positions.

Union facilities for LGBT Workplace Reps will need to be negotiated. They will also need to be fully involved in discussions with UNITE reps.

Checklist for workplace/branch participation

- Has personal contact (especially by LGBT members) been made with existing and potential LGBT members and activists informing them of meetings, training, campaigns and materials etc?
- Have surveys been carried out, to identify workplace issues of concern to LGBT members?
- Is this information used to target workplaces, or sections of workplaces, where LGBT members (and non-members) work, working with shop stewards to recruit and organise LGBT members?
- Are homophobic comments or attitudes challenged if expressed?
- Can LGBT members get to meetings? Could lifts be organised? Can they be held close to the workplace? Is it accessible by public transport?
- Is the venue of meetings suitable for all?
- Should it be held at a different time?
- Can the branch provide a childcare /caring allowance?
- Do LGBT members get notices of meetings and activities?
- Are meetings interesting and relevant, open and friendly, with a variety of issues, debates, and speakers?
- Is jargon avoided or explained?
- Is there a social side and does it include everyone?

For more information refer to:

- **Guide on Sexual Orientation and Transgender Factsheet in SORB Toolkit**

