

NEGOTIATING FOR EQUALITY


amicus
the union



Introduction

Amicus is committed to supporting our activists and workplace reps with the resources, information and training to update equal opportunities policies in the work place. With new legislation on equality, there is an opportunity for Amicus to develop proactive negotiations on equality and this guide is designed to support those negotiations. Amicus members can be confident that they will be treated with dignity and respect at work, and that where Amicus is organised, Amicus can deliver better terms and conditions for all members.



Derek Simpson
Amicus General Secretary

Amicus believes that improving the working lives of our members and negotiating for equality at work and tackling discrimination are key issues for the union. Every worker should be entitled to equality of opportunity and to make the best use of their skills and talents regardless of their age, gender, disability, sexual orientation, race, ethnic or national origin, marital status or religion.



The Labour Government has introduced a whole range of legislation to promote equality at work since coming to power in 1997. These include the minimum wage, new rights to flexible working for parents, parental and paternity leave, improved maternity leave and pay, with new legislation protecting workers who are discriminated against at work on the grounds of transgender, sexual orientation and religion. Additionally, existing legislation on race, gender and disability has been strengthened and the Age Discrimination Regulations will come into force in October 2006.

Equality legislation is currently being reviewed by the government following a sustained campaign by Amicus and other trade unions for the implementation of a Single Equality Act. A review is required because current equality legislation is complicated and lacks coherence. A Single Equality Act would simplify the legislation, bringing with it greater understanding by workers and employers of rights at work in the area of discrimination law.

Siobhan Endean
Head of Equalities

■ Equality at work

Negotiating for equality at work is about tackling the barriers that prevent workers achieving their full potential. The causes of inequality are complex and inter-related and differ between groups, but some of the major causes of inequality at work are:

- Occupational segregation where certain groups of workers, including women, black and ethnic minorities (BEM) and those with disabilities, find themselves confined to low paid occupations and lower graded jobs within an organisation
- Unequal access to education, training and the acquisition of new skills
- Discrimination, bullying and harassment
- Location and accessibility of workplaces
- Long working hours

There is a clear business case for employers to demonstrate their commitment to equality in employment as the organisation will present a positive image to employees, customers and the community. It will lead to the recruitment and retention of the best workers, improving the workforce motivation and morale.

There is also a corporate social responsibility on employers to treat their workers fairly with dignity and respect. An employer should not be paying poverty wages, inflicting long working hours or discriminating on any grounds. Employers should also ensure that they are not obtaining services, products or components from companies who pay poverty wages and are not complying with the minimum ILO standards, whether in the UK or abroad.

Amicus believes that if we are to bring about real change and work towards equality at work that it is vital that we negotiate collectively on equality issues, such as discrimination, work-life balance and access to skills. Equality needs to be at the centre of collective bargaining and Amicus negotiators, shop stewards and workplace representatives have a key role in ensuring better working lives for our members in this important area.

■ Negotiators' guide to implementing a mainstreamed equal opportunities policy

Mainstreaming equal opportunities in modern business is about developing best practice, the dignity of men and women at work and about improving productivity.

The best employment practices are fair employment practices. Ensuring that decisions are transparent and made solely on the basis of merit means ensuring that the best decisions are made.

People are an organisation's most valuable resource; we are all individuals who have different needs, experiences and skills. Equal opportunities means ensuring that people work together on a basis of mutual dignity and respect.

Companies that recognise and value the diversity of experience of people only benefit from equal opportunities practice if it is integrated in to the business goals.

In order to achieve equality of opportunity it is important to develop a policy that

can educate to prevent discrimination taking place and provide a remedy if it does, but also that enables positive action to be taken to develop better, fairer practices. It is important that Amicus works with the employer on the content, development, communication and monitoring of the policy.



■ Some immediate business benefits of equal opportunities practices

1. A good reputation and guarantee of fair selection will attract the best recruits.
2. Employees will be selected, trained and promoted on the basis of being the best for the job.
3. Employee relations will be improved.
4. The company will operate more efficiently with the best staff, and
5. It will demonstrate to public authorities and potential customers that the company satisfies equal opportunities requirements for entry to tender lists.



■ Stepping stones towards an equal opportunities policy

1. Be proactive

In order to open negotiations concerning an equal opportunities policy you can highlight the business benefits of equal opportunities, the benefits to employee motivation and the protection that equal opportunities gives to the organisation to prevent unlawful discrimination occurring. Most companies have an equal opportunities statement; Amicus aims to ensure that the statement is turned in to practice.

2. Go to the top

Implementing equal opportunities requires change throughout the company, and not just in HR or personnel, so the most senior managers should take the decision to adopt an equal opportunities policy, make the commitment to implement

new practice across the organisation and be involved in decisions about strategies and allocation of resources.

Similarly, the responsibility for developing the equal opportunities policy should be with a senior manager and all sections of the organisation need to be involved with the implementation of the policy.

3. Establish a working party

An equal opportunities working party should be established with a cross section of departments and trade union representatives and a wide diversity of experience of equal opportunities. It may be valuable to bring in external expertise for advice on equal opportunities such as the Commission for Racial Equality and the Equal Opportunities Commission.

4. Set the pace

A realistic timetable should be set which moves towards full adoption of policy and practice, with space to monitor and review the process.

5. Make the commitment

A statement and policy should be drawn up. A statement gives a commitment to equality and a policy states how this will be achieved. Your policy should be right for your organisation and its implementation should be practicable and possible for your organisation.

6. Consult

All employees should be given the opportunity to comment on the final draft of the policy and procedures, before final arrangements are made. It is worthwhile consulting those employees who experience discrimination to discover what needs to be done in your company. This can be done by setting up discussion forums, through questionnaires or email bulletins. It is important to find out what the problems really are before setting out how to tackle the issues.

7. Monitor your workforce

What is the percentage of ethnic minority workers? Of women? Of people with disabilities?

Are these percentages equally spread over all levels and in all sections of the organisation?

Are there, for example, more women and workers from ethnic minority backgrounds in the lower grades than in management grades? If so, what does this say about the organisation's internal training and promotion procedures?

Is the proportion of ethnic minority workers employed small in relation to the proportion of ethnic minority people in the area from which the organisation recruits?

The monitoring and review processes undertaken should take place at regular intervals (e.g. every year).

Reports from the monitoring process should be made and be highlighted in the organisation's annual report.

Careful consideration should be given before monitoring on the grounds of

sexual orientation. The Amicus negotiators' guide for combating homophobia and achieving equality for LGBT workers gives advice on this issue.

8. Review existing employment practices

Decide whether the organisation's procedures need changing to be compatible with your equal opportunities policy.

You may find that your existing employee arrangements fit well with equality of opportunity, but you may find that for example your recruitment and selection processes have to be completely revised.

The right procedures and practices make sure that your equal opportunities policy works and that your organisation really does offer equality of opportunity.

How and where the company advertises its jobs, how it recruits and selects staff, how it trains and promotes internally, access to buildings, how it deals with complaints of harassment, the pay system, hours of work, production techniques, how it handles grievance and disciplinary problems, including dismissals, health and safety issues, all terms and conditions of employment should all reflect its equal opportunities policy.

Consultation with employees, customers and experts in equality matters is the key to developing equal opportunities practices.

You should refer to the Equal Opportunities Commission and Commission for Racial Equality guides to equal opportunities. Contact local voluntary organisations that can support your review.



9. Contract compliance

Develop a system of ensuring trading partners and contractors comply with your equal opportunities policy. Equality of opportunity and respect are basic requirements for good business relationships.

10. Training

Before an equal opportunities policy can be formally adopted and implemented by your company, training in the aspects of the policy and procedures should be given to those most concerned with its implementation.

11. Communicate

The adoption of the equal opportunities policy should be communicated to all employees; all employees should have a copy and be aware of how to use the policy.

12. An equal opportunities employer?

Once an equal opportunities policy is in place and the procedures are operating it is important to tell the outside world that you are working toward becoming an equal opportunity employer, especially in advertisements for job vacancies, but you should not make claims for success where this has not yet been demonstrated.

Over a period of time monitoring and review will demonstrate that your organisation practices equal opportunities. At this stage it will be possible for the company to advertise as an equal opportunities employer. Until then, it is best to advertise the company as "Working towards Equal Opportunities", or "Promoting Equality of Opportunity."

13. Review

A policy and procedures are not enough: you need to monitor the effectiveness of your equal opportunities arrangements and make changes to policy and procedures when necessary. Build monitoring and review procedures into your equal



opportunities policy; they are essential to make sure that you are working towards and achieving equality of opportunity in your organisation.

Use the consultative arrangements you have already set up when you are monitoring your workforce, reviewing the operation of your equal opportunities policy and when you are introducing modifications to your policy or procedures.

The review that you carry out after monitoring may show that you need to make changes to policy or procedures to make them more effective.

14. Evaluate

Evaluate the effectiveness of your equal opportunities policy and ensure the results are published in the annual report.

15. Take Action

Set targets and adopt action plans to implement the changes you identify. You may need to take positive action to achieve equal opportunities. Develop new associated policies such as harassment and bullying, family friendly, flexible working and equal pay.

16. Share best practice

Amicus is developing a database on best practice on equality. If you negotiate an agreement or your workplace has taken action as a result of using this guide then please send the details to karen.cole@amicustheunion.org.

More information on equality is available from your Amicus Regional Office or the Amicus Equal Rights Website
<http://www.amicustheunion.org/Default.aspx?page=3247>

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