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1 Introduction

Since the last toolkit in 2005, trade unions and employers are dealing with an increasingly diverse workforce as the Scottish working population continues to change. The need for flexible and responsive workplaces that support workers has never been greater. Both women and men are increasingly aiming to balance work with care, and we have seen a rise in the number of older workers staying on in the workplace. While these trends can be seen as positive they create real questions around the nature of work and how our workplaces function, that as a society we are still trying to answer. Added to this insecure work is a growing problem with a significant equality dimension, with women workers and young workers often finding themselves in jobs, with low pay, low job security and irregular hours, making it difficult to support themselves and their families.

Unfortunately, discriminatory attitudes still exist in our society and our workplaces are not immune from these problems. The Black and Minority Ethnic (BME) population in Scotland is growing and, despite often high levels of educational attainment, labour market outcomes for BME people remain poor. Trade Unions have identified a significant and persistent problem of BME workers being confined to lower grades within workplaces, a worrying trend that needs to be addressed. Economic outcomes for disabled workers are arguably worse now than they were in 2005, with the employment rate for Scottish disabled people in Apr-June 2013 sitting at only 42.3% – a drop of more than 6% in the last 5 years. Out of 26,000 modern apprenticeships in Scotland, just 74 went to young disabled people. While the situation for LGBT workers is certainly improving, there are still issues of homophobia in workplaces, and many workers still struggle to be ‘out’ at work. Trans equality is still an elusive concept in the workplace, with many workers feeling unable to transition in their current role or even while working for their current employer and many employers are still unaware of their duties in this regard.
The legislative framework around equality is strong. The introduction of the Equality Act 2010 provided a coherent basis on which to build. However, recent changes with regard to employment law, including the introduction of tribunal fees, are making it more difficult for workers to claim their rights, with discrimination cases an area of marked decline. Union infrastructure around equality continues to grow and many more unions now have equality reps in place since the last toolkit was produced. Unfortunately equality reps still do not enjoy statutory recognition but unions and the STUC continue to campaign to give these reps the support they deserve.

There is much work still to do on equality in Scotland. Change will come, workplace by workplace, through hard working and dedicated reps. This toolkit is designed to support this work and to be a resource for reps fighting for equality.

Grahame Smith
General Secretary
Scottish Trades Union Congress
2 Discrimination and equality at work

Equality in the workplace should mean that people are treated with dignity and respect; that recruitment practices are fair, and that access to promotion and training and levels of pay are the same for everyone, regardless of any particular protected characteristic. Inequality is bad for individuals but it is also bad for the workplace as a whole, creating a negative environment and low morale.

As well as being morally wrong, discrimination or less favourable treatment can prevent the best people from being in the right job and can cost employers as well as individuals. Employers will be constrained if they are not making the best use of the skills, qualifications, training or experience of all their staff.

Union representatives play a unique role in promoting equality due to the trust and confidence attached to the position. Union reps are often the first point of contact when members want to make a complaint or simply to talk over an issue that is worrying them at work. Union representatives have a key role to play in:

- promoting equal rights for all members by seeking to negotiate with employers on policies and procedures that advance equality and do not lead to one group being disproportionately disadvantaged
- creating a supportive atmosphere at work and in the union where all members feel that they can participate and that their opinions are valued
- challenging harassment and discrimination and ensuring complaints are dealt with effectively
- acting as a role model in treating everyone fairly

It is important for union reps to both react properly and support their members in discrimination complaints and to proactively negotiate for equality in policies, procedures, working conditions and across all areas of work to prevent issues from arising.
2.1 Legislative Context – Equality Act 2010

Anti-discrimination laws in the workplace exist to promote fairness at work and apply to all employers.

In October 2010, all the previous equality laws, (for example, the Race Relations Act, the Disability Discrimination Act or the Sex Discrimination Act) were replaced by a new law called the Equality Act 2010. The Equality Act brings together for the first time all the legal requirements on equality that the private, public and voluntary sectors need to follow. It affects equality law at work and in the delivery of services.

Overall, the Equality Act means that employers must not recruit, promote, dismiss or pay workers less favourably on the basis of a protected characteristic. In addition, access to training and other work related benefits should not be denied to protected groups. All employers and service providers have a responsibility under the law to treat their employees and service users fairly.
2.1.1 Defining Discrimination

Section 7 of the Equality Act 2010 says that it is against the law to discriminate against anyone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, ethnic or national origin)
- religion or belief
- sex or gender
- sexual orientation

These are called ‘protected characteristics’. It is against the law to treat someone less favourably because of one of these characteristics.

There are different kinds of discrimination (https://www.gov.uk/discrimination-your-rights/types-of-discrimination) set out in the Equality Act 2010. It is important to note that discrimination does not have to be deliberate or intentional.
2.1.2 Further aspects of the Equality Act 2010

Some further key aspects of the Equality Act 2010 are outlined below:

Genuine Occupational Requirements

The Equality Act 2010 allows discrimination to take place in very limited circumstances, when it can be shown that holding a certain protected characteristic is a ‘proportionate means of achieving a legitimate aim.’ For example it is lawful for an employer to specify that a post holder must be female if the role includes working in a women’s refuge for victims of domestic violence. Equally when casting acting roles, it is possible to require a part to be played by someone of a specific sex or ethnicity. This is known as the ‘Genuine Occupational Requirement’ exception.

Pre-employment health related checks

Section 60 of the Equality Act makes it generally unlawful to ask questions about disability and health before you make a job offer. The purpose of this is to prevent disability and health information being used to sift out job applicants without first giving them an opportunity to show that they can do the job. Job offers can, however, still be conditional on medical checks, at which point the employer is permitted to ask health related questions.

Employers are still allowed to ask health or disability related questions before inviting someone to interview for very narrowly defined reasons:

- Where they directly relate to making reasonable adjustments to the recruitment or interview process
- Where they directly relate to a person’s ability to carry out essential job duties.
To ensure someone has a disability for the purposes of a Genuine Occupational Requirement

For employment monitoring (this information should be held separately to other recruitment information)

To take positive action in relation to disabled people

To comply with another piece of legislation (e.g., Merchant Shipping regulations require a valid medical certificate)

**Employment tribunal powers to make wider recommendations**

An employment tribunal can make recommendations that an organisation takes steps to eliminate or reduce the effect of discrimination on other workers, not only on the claimant. This power is highly beneficial when considering promoting equality in the workplace, and these recommendations can be made even if the claimant is no longer in post, and will not receive any direct benefit. For example, a tribunal might specify that an employer needs to train all staff about the organisation’s bullying and harassment policy, or provide disability awareness training to all senior managers.
Pay secrecy

The Act makes it unlawful to prevent or restrict workers from having a discussion around rates of pay, if these discussions are to establish if pay discrimination on the grounds of one or more protected characteristic exists within an organisation. It is still lawful for contracts to contain pay secrecy clauses, but it is unlawful for workers to suffer detriment for discussing pay with, for example, colleagues, former colleagues, trade union reps, or journalists, if the purpose of those conversations is to establish discriminatory pay differentials. This is the case, regardless of whether such differentials exist. Effectively secrecy clauses in contracts applied within an organisation are unenforceable because of these provisions.

Positive action

The Equality Act 2010 allows positive action but positive discrimination is illegal.

Since 2011, where an employer can show that there is an under-representation of people with a particular protected characteristic in their workforce, and where they have two ‘equally qualified’ candidates for a vacancy where one is from the under-represented group and the other is not, they are permitted to select a candidate from the under-represented group.

Employers can engage in other forms of positive action, under the Equality Act for example placing job adverts where they are most likely to be seen by under-represented groups or offering extra training to people from under-represented groups, where a need has been identified. Positive action must always be proportionate to need.
Pregnancy and maternity

There are strict regulations relating to pregnancy and maternity that should be applied in the workplace, reflecting the fact that pregnancy and maternity discrimination is so prevalent within our society.

It is unlawful for the employer to dismiss a worker because they are pregnant or for reasons related to pregnancy or maternity leave. It is unlawful for the employer to deny the worker access to holiday pay, sickness pay, training or any other contractual benefit other workers are entitled to. It is also unlawful to use pregnancy as grounds to refuse to recruit someone, either as a new employee or into a promoted post.

When returning to work after maternity leave a worker should be able to return to their own job unless this is genuinely not possible, for example if the post was made redundant. If this is the case a suitable alternative should be offered.
2.1.3 Public Sector Equality Duty (PSED)

A key measure included within the Act was the Public Sector Equality Duty (PSED). Like its predecessor duties, it requires public authorities to take a proactive approach to tackling inequality and public sector employers are responsible for ensuring that they not only tackle discrimination but actively promote equality in the workplace.

There are two elements to PSED relevant to employers and workers in Scotland. The General Equality Duty as set out by the Equality Act 2010 and the Scottish Specific Duties, set out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

The General Equality Duty applies to all public bodies listed in Schedule 19 (http://www.legislation.gov.uk/ukpga/2010/15/schedule/19) of the Equality Act and to any organisation carrying out a public function. The General Equality Duty requires public bodies to have due regard for the need to:

- Eliminate unlawful discrimination, harassment, victimisation;
- Advance equality of opportunity between different groups;
- Foster good relations between different groups.
2.1.4 Other Legislation

The right to request flexible working

From 30 June 2014 every employee has the statutory right to request flexible working after 26 weeks employment service. There are many forms of flexible working. It can describe a place of work, such as working from home, or a type of contract, such as a temporary contract. Other common variations include: part time working, flexitime, job sharing and shift work.

The legislation gives employees the ability to request flexible working and to receive a response to that request within three months. It does not create a right to flexible working, although employers do need to have a ‘sound business reason’ for rejecting any request. Employees can only make one request for flexible working in any 12 month period and the employer’s decision regarding flexible working can be appealed through the employer’s grievance system, or with reference to a tribunal.

Shared Parental Leave

The Children and Families Act 2014 creates a new employment right for shared parental leave and pay, extends the right to time off for ante-natal care to partners of pregnant women. From 5 April 2015 new provisions come into effect for shared parental leave which will enable eligible parents to share leave and pay in the first year after their child’s birth/adoption. The provisions will allow parents the flexibility to decide how they take maternity (now parental) leave, this includes taking turns to take time off to look after the child or to be off work at the same time.
Health and Safety Act

Under the Health and Safety at Work Act, employers must ‘ensure so far as is reasonably practicable the health, safety and welfare at work of all employees.’ All employers must carry out risk assessments of the activities carried out by workers. The risk assessment model considers the additional risks to certain groups of workers and may be particularly relevant for disabled workers or for pregnant workers. There a times when the Health and Safety Act can be a useful tool for advancing equality in the workplace and should be remembered in this context.

Data Protection Act

There are a number of areas where the Data Protection Act and Equality Legislation intersect. It is important to follow the guidance with regard to handling personal information when, for example, handling personal data with regard to earnings for equal pay claims, and to ensure that the employer is protecting individuals when publishing equality monitoring data.

It is important to note that, for the purposes of the Data Protection Act, Trans identity and gender reassignment constitute ‘sensitive data’. Information relating to a person’s Trans status cannot be recorded or passed to another person unless conditions under Schedule 3 of the Data Protection Act for processing sensitive personal data are met.

Disclosing someone’s Trans status without their permission is a criminal offence, whether you are an employer, employee, union member or union rep. You may also be ‘outing’ them which is unacceptable and can be seen as a form of harassment.
2.2 Key concepts for discrimination cases

This section sets out some basic principles associated with discrimination cases.

You should take further advice from your trade union equality officer or full time official if you believe that you have, or a member in your workplace has, a case that can be taken forward. More information on time limits for cases is available here (http://www.equalityhumanrights.com/legal-and-policy/our-legal-work стратегическая юрисдикция/term-limits-discrimination-claims).

Only a court or tribunal can give authoritative interpretations of the law, but it is useful to understand some of the below points.
2.2.1 Burden of proof

An employee must produce evidence from which a tribunal could conclude that there has been unlawful discrimination.

The burden of proof then passes to the employer to prove that there was no unlawful discrimination. Once a claimant establishes that there is a case to answer the complaint will be upheld in the absence of a satisfactory explanation from the employer. It is therefore necessary to help the member to collect evidence to back up their claim.

A feeling of discrimination and the presence of a protected characteristic are not enough to make a case, as the member must meet the burden of proof test, before the employer needs to defend the claim.
2.2.2 Codes of practice

It is not unlawful to contravene a non-statutory code of practice but a tribunal will take the provisions of any relevant code into account when deciding the outcome of a case.

ACAS and the Equality and Human Rights Commission both have several codes of practice in relation to discrimination at work.
2.2.3 Comparator

In order to prove discrimination, a claimant must show that they were treated less favourably than an actual or hypothetical ‘comparator’.

For example, to make a claim based on equal pay a person must show that there is someone of the opposite gender who is doing or has done the same work, or work of equal value, at their workplace who is being paid more.
2.2.4 Disability

The Equality Act 2010 defines a “disabled person” as a person with “a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”.

In order to make a claim of disability discrimination under the Equality Act, the claimant must meet the definition of ‘disability.’ What constitutes a disability is primarily decided through case law and it has already been decided that people diagnosed with HIV infections, cancer or multiple sclerosis are covered from the day of diagnosis. It has also been decided that certain conditions such as addiction to non-prescribed drugs or alcohol are not covered.
2.2.5 Employer Liability

An employer is usually liable for discrimination carried out by employees acting ‘in the course of their employment’.

This applies regardless of whether or not the acts of alleged discrimination were done with the employer’s knowledge or approval.

However, this may be mitigated if an employer can show they took all steps that were reasonably practicable to prevent discrimination happening.

For this reason it is in the employer’s interest to actively promote equality within their workplace, as this work can provide a defence against the employer’s liability.
2.2.6 **Objective justification**

Some types of discrimination can be objectively justified in some very specific circumstances.

The employer seeking to justify the discrimination is required to demonstrate that their action was a ‘proportionate means of achieving a legitimate aim’.
2.2.7 Post-termination discrimination

This refers to less favourable treatment after a person’s employment has ended.

It is unlawful for an employer to discriminate against, harass or victimise a former employee after they have left.
2.2.8 Reasonable adjustments

Where working arrangements or the physical features of the workplace cause substantial disadvantage for a person with a disability, employers have a duty to make adjustments where this is deemed reasonable and where they are aware of the person’s disability.

It is advisable for the employer to discuss with the disabled members what adjustments are required.
2.3 Case Studies


This guide is an authoritative source which gives advice on how to interpret equality law for each of the nine protected characteristics. This guide is available here (http://www.equalityhumanrights.com/sites/default/files/publication_pdf/employercode.pdf).

The case studies below are designed to give an overview of how different forms of discrimination law might work in practice.
2.3.1 Direct Discrimination

A female worker’s appraisal duties are withdrawn while her male colleagues at the same grade continue to carry out appraisals. Although she was not demoted and did not suffer any financial disadvantage, she feels demeaned in the eyes of those she managed and in the eyes of her colleagues. The removal of her appraisal duties may be treating her less favourably than her male colleagues. If the less favourable treatment is because of her sex, this would amount to direct discrimination.

A woman is offered a job subject to a satisfactory completion of a health questionnaire. When completing this questionnaire the woman reveals that she has HIV infection. The employer then decides to withdraw the offer of the job because of this. This would amount to direct discrimination because of disability.

A saleswoman informs her employer that she intends to spend the rest of her life living as a man. As a result of this, she is demoted to a role without client contact. The employer increases her salary to make up for the loss of job status. Despite the increase in pay, the demotion will constitute less favourable treatment because of gender reassignment, and therefore amounts to direct discrimination.

A Muslim businessman decides not to recruit a Muslim woman as his personal assistant, even though she is the best qualified candidate. Instead he recruits a woman who has no particular religious belief. He believes that this will create a better impression with clients and colleagues, who are mostly Christian or have no particular religious or non-religious belief. This could amount to direct discrimination because of religion or belief, even though the businessman shares the religion of the woman he has rejected.
A chemical company operates a voluntary redundancy scheme which provides enhanced terms to women aged 55 or older and men aged 60 or older. A woman of 56 is able to take advantage of the scheme and leave on enhanced terms but a man of 56 cannot do this. The company argues that their scheme is based on the original state pension age of 60 for women and 65 for men. The scheme discriminates because of sex against the male workers. The company cannot rely on an external policy which is itself discriminatory to excuse this discrimination, even though that external policy in this case may be lawful.
2.3.2 Direct Discrimination – Age

A building company has a policy of not employing under-18s on its more hazardous building sites. The aim behind this policy is to protect young people from health and safety risks associated with their lack of experience and less developed physical strength. This aim is supported by accident statistics for younger workers on building sites and is likely to be a legitimate one. Imposing an age threshold of 18 would probably be a proportionate means of achieving the aim if this is supported by the evidence. Had the threshold been set at 25, the proportionality test would not necessarily have been met.

A haulage company introduces a blanket policy forcing its drivers to stop driving articulated lorries at 55, because statistical evidence suggests an increased risk of heart attacks over this age. The aim of public safety would be a legitimate one which is supported by evidence of risk. However, the company would have to show that its blanket ban was a proportionate means of achieving this objective. This might be difficult, as medical checks for individual drivers could offer a less discriminatory means of achieving the same aim.
2.3.3 Direct Discrimination by Association

A lone father caring for a disabled son has to take time off work whenever his son is sick or has medical appointments. The employer appears to resent the fact that the worker needs to care for his son and eventually dismisses him. The dismissal may amount to direct disability discrimination against the worker by association with his son.
2.3.4 Direct Discrimination by Perception

An employer rejects a job application form from a white woman whom he wrongly thinks is black, because the applicant has an African-sounding name. This would constitute direct race discrimination based on the employer’s mistaken perception.

A masculine-looking woman applies for a job as a sales representative. The sales manager thinks that she is transsexual because of her appearance and does not offer her the job, even though she performed the best at interview. The woman would have a claim for direct discrimination because of perceived gender reassignment, even though she is not in fact transsexual.
2.3.5 **Indirect Discrimination**

A hairdresser refuses to employ stylists who cover their hair, believing it is important for them to exhibit their flamboyant haircuts. It is clear that this criterion puts at a particular disadvantage both Muslim women and Sikh men who cover their hair. This may amount to indirect discrimination unless the criterion can be objectively justified.

A marketing company employs 45 women, 10 of whom are part-time, and 55 men who all work full-time. One female receptionist works Mondays, Wednesdays and Thursdays. The annual leave policy requires that all workers take time off on public holidays, at least half of which fall on a Monday every year. The receptionist argues that the policy is indirectly discriminatory against women and that it puts her at a personal disadvantage because she has proportionately less control over when she can take her annual leave.

An employer starts an induction session for new staff with an ice-breaker designed to introduce everyone in the room to the others. Each worker is required to provide a picture of themselves as a toddler. One worker is a transsexual woman who does not wish her colleagues to know that she was brought up as a boy. When she does not bring in her photo, the employer criticises her in front of the group for not joining in. It would be no defence that it did not occur to the employer that this worker may feel disadvantaged by the requirement to disclose such information.

**Indirect Discrimination – Employer’s defence**

Solely as a cost-saving measure, an employer requires all staff to work a full day on Fridays, so that customer orders can all be processed on the same day of the week. The policy puts observant Jewish workers at a particular disadvantage in the winter months by preventing them from going home early to observe the Sabbath, and could amount to indirect discrimination unless it can be objectively justified. The single aim of reducing costs is not a legitimate one; the employer cannot just argue that to discriminate is cheaper than avoiding discrimination.
2.3.6 Reasonable adjustments

An employer has a policy that designated car parking spaces are only offered to senior managers. A worker who is not a manager, but has a mobility impairment and needs to park very close to the office, is given a designated car parking space. This is likely to be a reasonable adjustment to the employer’s car parking policy.

Clear glass doors at the end of a corridor in a particular workplace present a hazard for a visually impaired worker. This is a substantial disadvantage caused by the physical features of the workplace and should be adapted.

An employer should consider whether a suitable alternative post is available for a worker who becomes disabled (or whose disability worsens), where no reasonable adjustment would enable the worker to continue doing the current job. Such a post might also involve retraining or other reasonable adjustments such as equipment for the new post or transfer to a position on a higher grade.
2.3.7 Victimisation

A grocery shop worker resigns after making a sexual harassment complaint against the owner. Several weeks later, she tries to make a purchase at the shop but is refused service by the owner because of her complaint. This could amount to victimisation.

A senior manager hears a worker’s grievance about harassment. He finds that the worker has been harassed and offers a formal apology and directs that the perpetrators of the harassment be disciplined and required to undertake diversity training. As a result, the senior manager is not put forward by his director to attend an important conference on behalf of the company. This is likely to amount to victimisation.

In 2006, a trade union rep acted on behalf of a colleague in a claim of age discrimination. In 2009, she applies for a promotion but is rejected. She asks for her interview notes which make a reference to her loyalty to the company and in brackets were written the words ‘tribunal case’. This could amount to victimisation despite the three-year gap between the protected act and the detriment.
2.3.8 Harassment

In front of her male colleagues, a female electrician is told by her supervisor that her work is below standard and that, as a woman, she will never be competent to carry it out. The supervisor goes on to suggest that she should instead stay at home to cook and clean for her husband. This could amount to harassment related to sex as such a statement would be self-evidently unwanted and the electrician would not have to object to it before it was deemed to be unlawful harassment.

A worker is subjected to homophobic banter and name calling, even though his colleagues know he is not gay. Because the form of the abuse relates to sexual orientation, this could amount to harassment related to sexual orientation.

A manager racially abuses a black worker. As a result of the racial abuse, the black worker’s white colleague is offended and could bring a claim of racial harassment.

Male members of staff download pornographic images on to their computers in an office where a woman works. She may make a claim for harassment if she is aware that the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant that the male members of staff did not have the purpose of upsetting the woman, and that they merely considered the downloading of images as ‘having a laugh’.
2.3.9 Pregnancy and Maternity

An employer dismisses an employee on maternity leave shortly before she is due to return to work because the locum covering her absence is regarded as a better performer. Had the employee not been absent on maternity leave she would not have been sacked. Her dismissal is therefore unlawful, even if performance was a factor in the employer’s decision-making.

If an employer fails to consult a woman about threatened redundancy because she is absent on maternity leave, this will be unlawful discrimination.

A man who is given a warning for being repeatedly late to work in the mornings alleges that he has been treated less favourably than a pregnant woman who has also been repeatedly late for work, but who was not given a warning. The man cannot compare himself to the pregnant woman, because her lateness is related to her morning sickness. The correct comparator in his case would be a non-pregnant woman who was also late for work.
2.3.10 ‘One For All?’ Scenarios

The One Workplace Equal Rights Project produced a DVD to illustrate scenarios where discrimination has taken place.

These can be seen here.

Omar’s story

Nina’s story

James’s story
3 Representing Members

Trade Union reps and shop stewards play an invaluable role in the workplace. All rep needs some understanding of the basic principles around employment law, including equality law, and it is essential that you are familiar with and understand your employer’s policies, for example the dignity at work policy or the grievance procedure.

It is important to undertake any training for reps that is offered by your union and, if possible, specific training on equality law as this will be invaluable when carrying out your role.
3.1 Equality Reps

Many unions have now trained specific workplace equality reps. Such representatives help to raise awareness of equality issues in collective bargaining and can be a reassuring presence for colleagues who face discrimination or harassment.

Although equality reps currently lack the specific statutory rights for paid time off that other specialist representatives, such as health and safety reps, are entitled to many reps find that equality and diversity is included within bargaining activities.
3.2 Role of Equality Rep

Although responsibilities vary between different workplaces or unions, the role of the equality rep is generally to:

- Provide information and advice about equality matters to individual members
- Represent members on equality issues
- Help promote the value of equality in the workplace
- Assist in monitoring and accessing the impact of policies on different groups to ensure that no discrimination arises
- Work in partnership with employers to develop policies and practices that will reduce the risk of discrimination arising and ensure that the workplace is fair and inclusive
- Facilitate consultation and employee involvement on equality matters, helping build consensus
- Support other union representatives and advise on any equality matters that arise in collective bargaining with the employer
- Build involvement of under-represented members and encourage a diversity of union reps, so that all workers are involved and represented
- Support the union to ensure regular review of policies with considerations for equality

Equality reps are uniquely placed to promote fairness in the workplace in several ways.

Firstly by raising equality issues as a priority within their own unions and by encouraging other trade union reps and employers to make equality and diversity part of the mainstream bargaining agenda discussions and agreements.
Equality reps are neither a substitute for shop stewards nor an alternative to a union’s existing equality structures for members. Their work will aim to assist and add value to the work done by other reps and, therefore, the relationship that equality reps have with other union reps and local union branches is very important for them to be able to carry out their role effectively. Equality reps are in place to enhance the work of the union in workplaces by concentrating their efforts on equality issues across all areas of the union’s work such as terms and conditions, policies, agreements and discrimination cases.

Many individual unions and TUC education (https://www.tuc.org.uk/equality-issues/equality-courses) provide full training for equality reps and ongoing support for equality reps.
3.3 Negotiating for Individuals

When negotiating on behalf of an individual member within your workforce, bear in mind that any resulting benefit can be introduced into best practice, policies and procedures for the benefit of all employees.

Much of the work in representing or negotiating on behalf of an individual member may involve grievance, disciplinary or even employment tribunal procedures. While it is always best to try and resolve issues or negotiate the ideal to avoid getting to an adversarial situation, the rep must be well versed in the details of these proceedings. It is also beneficial to revise current processes and policies to establish the best way to deal with issues as they arise.

At the outset, in relation to potential discrimination cases ask yourself:

- Has this person suffered a disadvantage?
- Is the discrimination “because” of a protected characteristic?
- Does any discrimination fall under an exception?
- Is there a justification application?
- What Court or Tribunal will it be raised in and what remedies (outcomes) are available?
- What is the time limit and when did it commence running?

*Source: EHRC*
3.4 Processes – grievance, disciplinary and tribunals

It is best to try to negotiate fairplay in the workplace to avoid dispute and adopt a preventative approach. This is where effective organising comes into play, using techniques such as mapping, negotiating best practice and introducing comprehensive policies and procedures covering all aspects of equality at work. This is dealt with in later sections.

However, if a concern is not being addressed, it’s time go through more formal channels to resolve issues.

Grievance: A grievance is a work-related problem affecting one employee, or a group of employees.

Get yourself familiar with the grievance procedure in your workplace.

All grievance procedures should have stages and time limits written into them—usually up to four. If the member’s complaint cannot be settled at the first stage, it will be referred to the next level of management, starting with the supervisor or line manager up to senior manager. This continues until either the procedure is exhausted or the member withdraws the grievance. If, however, the matter is not satisfactorily resolved on collective issues which affect a group of members, an external body such as ACAS may broker a satisfactory outcome (see early conciliation below).

Make sure the manager or supervisor dealing with a particular stage of the procedure is authorised to take appropriate action to resolve problems raised with them. If it proves difficult to resolve the grievance, you should call upon you full-time officer for assistance.
A Status Quo Clause

The grievance procedure should allow no change in working practice or conditions until a grievance has been resolved. This is called the status quo, meaning things stay as they are currently until further discussion between the union and management.

**Disciplinary** deals with alleged ‘problems’ that the employer has with one or more of their employees, whereby management believes there has been a breach of agreed standards of conduct or the work rules have been broken.

Disciplinary action by employers should not be used as a mechanism for punishing staff. The key objective should be to advise, support and encourage workers in order to improve their conduct or to assist them in improving their standards of work (See ACAS Code 1).

**Representation** The Employment Relations Act 1999 provides the legal right to be accompanied at a disciplinary or grievance.

The right to appeal Appeals should not be heard by those managers who dealt with the original case.

**Authority to dismiss:** A member of staff’s immediate supervisor should not have the authority to dismiss them.

**Employment Tribunal (ET):** An ET will usually be conducted by your fulltime official. However, it doesn’t do any harm to have some info up your sleeve when negotiating with management or representing a member.

The Employment Tribunal has to deal with cases with “the overriding objective” in mind. The overriding objective requires Employment Tribunals to deal with cases fairly and justly.

Dealing with a case fairly and justly includes, so far as practicable, dealing with the case in ways that:

- seek to ensure that parties are on a equal footing;
- are proportionate to the complexity and importance of the issues;
- avoid delay so far as compatible with proper consideration of the issues;
- avoid unnecessary formality;
- seek flexibility in the proceedings; and
- save expense.

**Early Conciliation**

From May 6 2014 almost every member considering making an Employment Tribunal claim has required to contact ACAS before they are permitted to make any compliant to an ET. ACAS will offer Early Conciliation to try and resolve disputes for individuals before a Tribunal and have up to try to resolve issues.

**Fees in the Employment Tribunal**

As mentioned above the introduction of a fees system occurred in 2013. The level of fees payable will depend on whether the claim is for a Type A claim or a Type B claim. Type B claims cover most of what are considered to be the more complicated kinds of claims which can be brought in the Employment Tribunal such as unfair dismissal claims, discrimination claims, and claims based on whistleblowing. A £250 issue fee is payable to start the claim and £950 for the hearing fee.

*A worker who wins their case at a tribunal can be awarded:*

- Loss of earnings, less any earnings from a new job until the date of the hearing
- Loss of **future** earnings
- Loss of benefits such as pensions, company car or health insurance
- Compensation for personal injury
- Damages for injury to feelings
- Interest
In addition, a tribunal can make a recommendation that will reduce or avoid the impact of discrimination on employees who are still working for the company. They can also recommend reinstatement. However different types of claims have different elements of award.

In the case of equal pay, a successful claimant is entitled to equal pay with his or her comparator from the date of the tribunal application. They can also claim back pay for up to six years in England, Wales and Northern Ireland – five years in Scotland.

In relation to the majority of possible claims which can be submitted to the Employment Tribunal it may assist in maximising the compensation payable to you, if you win your case, if you lodged a detailed written grievance prior to the submission to the Tribunal claim. Where a grievance is not submitted this can, in some circumstances, reduce the amount of compensation you can receive in the event of a successful claim.

**Time limit**

The time limit for bringing a complaint before an employment tribunal is usually three months less one day from the date of the act complained of but an employment tribunal may, in extreme circumstances, extend the time limit if it considers it ‘just and equitable’.

If negotiation fails and your case goes to a grievance or disciplinary hearing, this is a handy checklist to help you make sure you have enough information and that your case is well prepared. It also helps you to remember what to do after the hearing and how to follow the case through to appeal.
3.5 Case Checklists

Here you’ll find some checklists that may be useful when representing, or preparing to represent, members in the workplace on issues relating to equality and diversity.
3.5.1 Good Interviewing skills

This checklist will help you at the first stage of dealing with an issue raised by a member, ensuring you have as much information as possible to allow you to prepare a case for negotiating and, if necessary, for representing a member at a hearing.

Basic Principles

- Make the member feel at ease
- Be sympathetic and approachable
- Be aware of your body language
- Check on their union membership
- Make notes
- Explain the purpose of the interview and how it will be conducted
- Ask open-ended questions which encourage the other person to speak
- Listen carefully to what’s being said; don’t interrupt
- Check the main points before you end the meeting
- Make an assessment of the case and explain it to the member: be honest
- Review the member’s options in taking up the case
- Find out from the member what they want to do about their problem
- Propose action to the member — even if it’s just for a follow up meeting
- Make arrangements for the next meeting

Gather all the Facts: The main reason for carrying out the interview is to try to get to the full facts of the case.
Always remember to ask five key questions

1. **Who?** who was involved
2. **When?** date and time of incident(s)
3. **Where?** the place the incident(s) took place
4. **What?** what actually happened; what is the nature of the problem
5. **Why?** the member’s understanding of what happened

**Other Information:** Find out what procedures, rules, agreements, policies may apply or may need to be checked.

Find out what other information you might need such as advice from the union, custom and practice on an issue, any previous precedents that have been laid down, etc.

Make it clear to the member that you will treat any personal information as confidential unless they say otherwise.

Don’t feel you have to gather all the information at the first meeting. Sometimes, members will feel more confident about telling you the whole story once they begin to trust you at a second or a third meeting. This is especially true if you are seeing them straight after an incident and they are worried or upset.

Keep a diary right from the start and throughout every stage of the case.
3.5.2 **PIP: A systematic approach to handling problems**

To ensure that we don’t leave anything out, getting into the habit of keeping checklists or a progress sheet will help you keep on top of the situation.

The following is a standard system for dealing with problems and extracting all the relevant information to prepare your case.

**Problem**

What is the real problem?

- What are the most important facts of the case?
- Have you interviewed the people concerned?
- Is it a personal problem?
- Is it an individual problem or does it affect other members?
- Is the member entitled to be accompanied at any hearing to resolve the problem?
- Can you settle the problem locally?

**Information**

What information do you need to help you deal with the case? (from members, management or others)

- Is there an underlying issue, which is part of the problem that the member is experiencing?
- Is there anything in policies/procedures/agreements that may help?
- Do you need any information from the employer?
Is there any custom and practice that you can find?
Is there a precedent?
What are the member’s legal rights?
What other advice can you get and from whom?

Plan

How do you plan to deal with the case?

- What sort of problem is it?
- Is it an individual case or does it involve others?
- Can you deal with the problem informally?
- Can you deal with the problem locally?
- Is it urgent and do you need to raise it with management straight away?
- Which level of management do you need to go to?
- Who else do you need to involve, eg other stewards or a full-time officer?
- What are your aims and objectives in raising the issue with management?
- What is your fall-back position?
- What are the arguments supporting your claim that you can use in raising the issue with management?
- What are the weaknesses of the case?
- How can you involve your member or members?
3.5.3 Interview Checklist

Make sure that you have not forgotten anything during your preparation, go through your interview checklist.

Rehearse the member, so they understand what you expect of them during the hearing.

Prepare and write out your statement of case – don’t rely on memory.

Prepare the questions that, at this stage, you feel you need to ask the management side.

During the hearing, remember to:

- Take notes of important issues that are raised. Ask for a copy of any minutes taken by management so that you are able to challenge any inaccuracies.
- Be prepared to challenge any information introduced which you feel is irrelevant to the case.
- Use adjournments if you need to leave the hearing with the member to regroup or consider what management are saying.
- Be assertive, not aggressive, in your attitude and approach.

After the hearing

Discuss the implications of the decision with the member. If the member is unhappy about the outcome, refer to the Appeal Procedure and advise them how they are able to appeal the decision.

Advise the member about any time limits for an appeal.

Ensure the appeal is made in writing and that the letter is dated.
Have you done your homework?

**Remember**: a common reason that union officials successfully defend members who are faced with disciplinary sanctions is on the grounds of a management failure to follow the procedure correctly.

**Other questions to ask in preparing the member’s case are as follows:**

- Are there any mitigating circumstances?
- Is there an underlying problem that has contributed to the situation?
- What help was available to the person to enable them to improve? Was this help offered?
- Is there a training need to address?
- Has the individual a good previous record?
- Are there any precedents? Have they been followed?
- Is the proposed punishment suitable?
- Is there any element of scapegoating or victimisation?
- Does the person have any domestic difficulties which may have contributed to their conduct?
- Is there any evidence of discrimination across any of the 9 protected characteristics?
4 Bargaining for Equality

Why Bargain?

By taking a preventative approach, union reps can seek to promote equality in the workplace and to prevent discrimination from ever taking place. Where issues do arise reps should seek resolution as quickly and easily as possible. Early resolution can help to avoid employment tribunals or litigation, which is time intensive and costly for both parties.

Collective agreements, which do not explicitly promote equality, may be inadvertently discriminatory. As such reps should work to ensure that:

- Strategies and policies are free from discrimination
- When entering into negotiations, both parties comply with equality legislation
- Due regard is given to the equality impacts of decisions
- Opportunities for promoting equality are identified and taken

Equality reps should encourage members to raise their concerns sooner rather than later. This will allow for the employer to be made aware of any potential problem areas, affording them the opportunity to consider and address any such concerns in a timely fashion.

Trained equality reps can make an important contribution to providing specialist advice during collective bargaining. The support that equality reps can give to members is invaluable, as the detriment and hurt caused by facing discrimination in the workplace is high. Equality reps support trade unions in organising under-represented groups. Equality reps also have an important role to play in creating responsive trade unions that will meet their members’ needs, and in turn will create good quality working environments where individuals feel valued.
4.1 Considerations when bargaining

Remember the law is a minimum rather than a maximum and reps should seek to go beyond compliance to raise the bar in negotiating agreements, working conditions, procedures and best practice.

Firstly, reps should work with employers to review and revise policies to ensure that they are fair and up to date with current equality regulations or legislation. Rules and procedures should set standards of conduct for worker and managers alike and should be clear and unambiguous.

Secondly, the gap between policy and practice can be significant. Trade Union reps should seek to ensure that positive policies and procedures which have been successfully negotiated are put into place. Senior managers should be made aware of, and encouraged to act on, any areas where this is not happening.

There should be jointly agreed mechanisms for resolving problems at work and all workers should be made aware of these. This allows all workers to have confidence that issues or concerns that they have been raised through the appropriate departmental channels will be taken seriously.

Finally, reps should look at the language used in policies relating to equality and diversity. It is important that policies should explicitly mention each of the nine protected characteristics, as members can often feel forgotten or marginalised if not explictly mentioned. Reps should remember, however, that regardless of the wording of the policy, equality law stands and will apply for each of the protected characteristics.
4.2 Implementing good practice and policy

During negotiations, reps should ensure that all policies include agreements on implementation and monitoring. New and amended policies should be circulated to all workers – branches should also ensure they consult with members when developing policies and explain how decisions were reached.

Monitoring and evaluation

Reps can play a key role in monitoring how policies are impacting upon workers and whether they have been successful.

There are two types of monitoring which are important when it comes to the success, or otherwise, of equality policies in the workplace – data collection and evaluation.

Data Collection

The monitoring of the workforce, in relation to equality, is a large part of successful equality policies or practices.

Having accurate data collection records can result in:

- An overview of the number of workers from protected groups who are employed in the workplace
- Records of what percentage that makes of the whole workforce, and, importantly, at which levels of the organisation
- Information on the numbers of complaints of discrimination
Records of the outcomes of complaints, grievances and disciplinaries by protected characteristic

Records on access to training, promotions and employees leaving the organisation.

Number of applications received by the organisation during recruitment

Unfortunately, many employers do not collect comprehensive monitoring data from staff to truly understand if discrimination is taking place within their organisation. Union reps should encourage employers to collect, analyze and use equality monitoring data and can support the employer with this by encouraging members to provide this data, and ensuring that procedures around the collection and handling of data are robust and therefore there is trust in the system.

Evaluation

It is important to evaluate how successfully policies have been implemented and whether they are working in such a way that equality is genuinely being promoted.

It is important to listen to members experiences with regard to the implementation of policies and to be proactive in seeking views. Staff surveys can be a useful tool for receiving feedback from a large number of people. It can also be useful to discuss issues with equality networks if they exist within the workplace.

Having clear monitoring and evaluation schedules set up with management when policies are agreed gives a useful focus to this work. It is important to have a clear schedule for evaluation that both sides have agreed on.
4.2.1 Monitoring and evaluation

The whole workforce, including all levels of management, should be aware of the policies. Any amendments or new policies should be published and the workforce notified. It is also important to monitor behaviours and working practices to ensure equality is acted upon throughout the workplace.

There should be:

- A confidential complaints procedure, which must also be publicised;
- A calendar of regular reviews to monitor how policies are impacting on any individual or group of workers;
- A record keeping programme.

There should also be:

- An inventory of the number of workers from diverse groups who are employed in your workplace;
- Records of what percentage that makes of the whole workforce;
- Information on the numbers of complaints of discrimination or inequality;
- Records of the number of outcomes of complaints, grievances and disciplinaries;
- A provision for dealing with harassment, victimisation and bullying.

All workers should have a chance to voice their concerns and their needs; for example, with regard to:

- Dietary requirements where there is a works canteen
- Religious observance
- Flexibility in working hours
- ‘Banking’ annual leave
- Arranging cover for extended leave
- Creche facilities
- Allowances for childminding expenses etc

Ask your colleagues for suggestions on what can be added to the above list.

**New Employees:** There may also be a questionnaire for any special requirements or concerns that new employees may have that can be reasonably included in working policies and practice.

**Publicity, implementation, training and monitoring**

During negotiations, negotiators should ensure that all policies include agreements on publicity, implementation and monitoring. New and amended policies should be circulated to all workers – branches should also ensure they consult with members, explaining why they have been adopted. Raise awareness/promote the training of managers on equality where it’s not in practice.

Should local managers have discretion in implementation, members must be aware of their rights and know how to make a complaint if necessary. The complaints procedure should be confidential and well publicised.

Negotiators must seek agreement on regular reviews of the effectiveness of the policies and how they are impacting on members facing discrimination. For example, a record should be kept of the numbers of complaints of any harassment lodged by under-represented groups such as women, black, disabled and Lesbian Gay Bisexual and Transgender (LGBT) workers, and the outcomes of these complaints.

**Remember that an absence of complaints does not mean there is no harassment and reps should monitor the implementation of all policies, including any negative impact on under-represented groups.**

As such, it is our job to:
- Make sure employers and employees are aware of their rights and responsibilities, and the rights of others
- Educate employers on the benefits to their business of fairness and flexibility and of having a policy on dealing with perceived discrimination, as well as the costs of defending – and, worse still, losing – a claim against the company
- Keep up-to-date with new cases and advances in the law and EU directives on discrimination – especially those which can come in handy as a bargaining tool when representing an aggrieved member
- Monitor ourselves and others for inadvertent discriminatory behaviour
- Use potential discrimination issues to recruit new members
- Negotiate and enforce agreements with employers which promote equal treatment for all workers
- Encourage those in minority groups to become actively involved in trade union organisation
- Take advantage of major events within and outwith the workplace to have a union presence; e.g. staffing a stall at major gigs and conferences or at a company open day, if you can negotiate that.
- Develop an equalities policy that makes a commitment to equality of treatment and access for staff, service users and other groups relevant to the organisation.

All nine protected characteristics should be specified.

- Regularly audit the organisation’s work from an equalities perspective.
- Include an evaluation on the impact on equalities of any new work
- Arrange equalities training for staff and volunteers as routine and compulsory
- Identify a person within the organisation who will carry out responsibilities for equality, something along the lines that already happen in place regarding the appointment of a health and safety rep.
Consult with people, not just staff employed by the company, who may be affected by an equalities policy and/or practice.
4.2.2 Equality Impact Assessment

Many equality reps have become involved in advising and consulting on equality impact assessments and mainstreaming reports.

Equality impact assessments are designed to help protect the rights of any group or community that could, for whatever reason, be disadvantaged or discriminated against. As public sector workers face job cuts and/or changes to terms and conditions, equality impact assessments of all employers’ proposals are more important than ever.

Overall aim of equality impact assessments

The specific aims of the impact assessment involved looking at how policies, functions and services development fit into an organisation’s wider aims and how to assess the likely impact of the proposed policy. It also looks at whether more research or consultation is required, ensuring effective monitoring of the proposed policy.

Impact Assessment 10-point plan

1. Identify the aims of your policy or function
2. Consider the data and research available to assess likely impact on equality strands.
3. Complete an impact checklist and decide whether further assessment is necessary.
4. Assess the likely impact of your policy or function on all nine protected characteristics.
5. Consider alternative ways of delivering your policy and function to minimise negative impact or eliminate unlawful discrimination.
6. Assess whether further research or consultation is needed to investigate the impact of your proposal on diverse groups.
7. Consult relevant stakeholders
8. Make a decision
9. Make arrangements to monitor and review the impact, including other adverse impacts.
10. Provide feedback by publishing results of the assessment
4.3 Data collection checklist

The following checklist may prove useful in supporting data collection.

While it is the employer’s responsibility to collect data on protected characteristics of workers, reps can assist this by making sure that they are doing so correctly. The employer should have considered and be able to clearly define:

Why:

- they want to collect equalities data

What:

- Data they want to collect

How:

- the data will be used
- the data will be collected and stored
- they will communicate to gain trust and understanding from all sections of the workforce
- they will ensure that individuals cannot be identified from published data
- they can guarantee the security of the data and that they are compliant with the Data Protection Act
- the impact of new initiatives/policies/activities will be monitored

Who:

- the senior level sponsor for equality monitoring is
- will collect, analyse and report on the data and follow up on incomplete data
- will use the reports and how
What:

- systems will need to be in place to guarantee confidentiality
- changes will be needed to IT systems and/or forms additional resources will be required
4.4 Training

While it is the employer’s role to provide equality and diversity training, reps should be involved with this process by encouraging members to participate in training. It may also be necessary to support individual members in approaching their managers with requests to take part in training.

It is also important that union reps are aware of any equality training which is available through their own union, the STUC or TUC Education to keep their own knowledge to a high standard.

Outwith formal training courses, reps should aim to keep up-to-date with new cases and advances in the legislation on discrimination. Unions will often circulate briefings in regard and these can be useful when negotiating policies or supporting members.
4.5 Positive Action

One area where unions and employers can work in partnership to promote equality of opportunity and address under-representation of groups of people who share a relevant protected characteristic is positive action.

Positive action is often mistakenly confused with positive discrimination. Positive discrimination is unlawful as it means allowing a particular group an unfair advantage over another in, for example, recruitment and selection via designated quotas.

Positive action does not mean giving undue advantage. People can be given training to help them apply for jobs in future but their applications must be treated equally with others.

The Equality Act 2010 allows for positive action to be permissible in certain limited circumstances, where disadvantage can be demonstrated with evidence.

Positive action can address inequality by:

- target training at particular groups that are under-represented in a particular area of work
- encourage applications from groups that are under-represented through targeted advertising
- provide support and mentoring to meet particular needs

Positive action strategies are intended to be temporary measures only. They must be kept under regular review and they cannot be used once the disadvantage is removed, the particular needs have been met or if under-representation no longer exists.

Equality reps must ensure that our unions and employers are encouraged to undertake positive action measures that are proactive, linked to sustainable employment and progression and go beyond standard equal opportunity policies and box-ticking exercises.

Some examples of positive action operating in Scotland in practice are:

PATH Scotland: [www.pathscotland.org](http://www.pathscotland.org)
4.6 Bargaining Checklist

While equality is a very broad area, some issues that should be considered when bargaining with your employer for equality are:

- Gaining recognition and facilities time for equality representatives, if present in your branch or workplace, by emphasising their preventative role and the case for equality.
- Remind employers of their obligations under the equality legislation and remind public sector employers of their positive duty to eliminate discrimination and promote equality under the Public Sector Equality Duty.
- Audit employer’s current practice and assess whether it is fulfilling obligations.
-Jointly agree equality policies and effective monitoring of these agreements.
- Ensure that all workers are fully trained on their responsibilities under the employer’s equality policies.
- When bargaining on behalf of various groups of people, find out what issues are most important and most common.
- Be part of negotiating team for equal pay audits across all protected characteristics.
- Discuss the possibility of positive action initiatives to improve diversity at all levels in the organisation and improve success of protected groups seeking promoted posts.
- Organise representative structures and workplace networks to ensure that various groups of workers are not isolated or under-represented.
- Ensure that there is an equality consideration in all policies, practices and procedures of the organisation’s work (also known as ‘mainstreaming equality’).
5 Organising for Equality

Trade Unions are all about organising and representing the collective interests of workers. As such, promoting freedom from discrimination is a core value of the trade union movement.

Resolving disputes, negotiating and bargaining for equality should not be separate from overall organising. Every union activity, not least equality, has organising potential. Evidence shows that more people want to take part in a union when it is seen to be tackling issues that combat workplace discrimination and promote equality.
5.1 Barriers to trade union membership and participation

There are, however, several common issues that are repeatedly raised by union members and potential members when considering why they either do not join or do not play an active role within their trade union. These are:

- Lack of support from union reps and never being asked to join
- Perceptions based on previous work of the union on equality
- Work life balance and family commitments – no time to participate in union activities
- Access and design of meeting locations
- Union structures being opaque or not seen as accessible to, or representative of, under-represented groups
- Bad experience from previous dealings with trade unions
- A sense that equality issues are marginalised in the broader bargaining agenda that focuses primarily on terms and conditions and pay.

It can be difficult to overcome some of these issues and it can be hard for reps to repeatedly hear criticisms when trying to do their job. The first thing to remember is that many of these issues may be valid and simply listening and showing concern for the member or potential member’s problem can be a good first step to overcome mistrust that may have built up over time.

It is also important to try to pursue good equality outcomes in the workplace and not be afraid to let that work speak for itself.
When taking cases or supporting members it is also important, however, to manage expectations and to ensure that members are not given an inflated expectation of what can be achieved. Equality law is an imperfect tool and equality cases are often complex. It is important when supporting members that they understand how long and difficult the road might be so as not to grow disillusioned with the union when problems are not sorted out overnight.

Remember, be persistent and be clear with the employer about what needs to change and how this might be done. Even small changes can often make a big difference in a member’s life and the quality of the work they enjoy, so despite the complexity of the issues, and the level of emotion involved, all the hard work is worth it.
5.2 Promoting equality in trade unions

It is important to ensure that trade unions promote equality within their own structures. Equality reps can help with this by actively recruiting members from under-represented groups, encouraging the development of equality networks within workplaces, and encouraging other union reps and members to be aware of equality issues.

Activities could include:

- Producing leaflets on equality issues
- Running targeted recruitment campaigns on websites
- Promoting equality issues by organising meetings and discussion groups
- Writing articles for newsletters and websites on key equality issues
- Making use of electronic media and notices to raise awareness of equality issues
- Keeping colleagues up-to-date on the progress and results of any equality initiatives that the union is supporting

It is important that equality plays a visible role in trade union campaigns and that all reps feel able to talk about equality issues. Trade Unions have a positive story to tell on equalities with union structures designed to support under-represented groups embedded throughout the movement. It is important that these structures are replicated at workplace level and that union members see their union as a place where equality issues can be raised and advanced.
5.3 Organising Checklist

- Organise forums for members concerned about equality issues
- Talk to members both formally and informally to enable members to share information and experiences
- Determine the branch’s priorities on equalities
- Encourage members to fill in equality monitoring forms collected by the union
- Organise union or union-supported training on equality issues for members
- Conduct member surveys to identify gaps and obstacles to membership or activism
- Produce publicity materials accessible to different groups
- Encourage members to become involved in equality campaigning activities
- Ensure that the union is projecting a positive external message of equality
- Implement strategies to increase membership diversity
6 Partners and useful contacts

Stonewall Scotland

9 Howe Street, Edinburgh EH3 6TE. Tel: 0131 557 3679

TUC Know Your Rights (https://www.tuc.org.uk/know-your-rights)

ACAS

Tribunal Service

Citizen’s Advice Bureau
6.1 Age

Age Concern (http://www.ageconcernscotland.org.uk/)

Age Positive (http://www.agepositive.gov.uk/)

Employers Forum on Age (http://www.efa.org.uk/)
6.2 Disability

Capability Scotland (http://www.capability-scotland.org.uk/)

Disability (DWP) (https://www.gov.uk/browse/disabilities)

Disability Rights Commission (http://www.drc.org.uk/scotland)

Scottish Disability Equality Forum (http://www.sdef.org.uk/)
6.3 Gender

**Bridge ([http://www.bridge.ids.ac.uk/](http://www.bridge.ids.ac.uk/))**

(Gender and development research resource)

**Close the Gap ([http://www.closethegap.org.uk/](http://www.closethegap.org.uk/))**

(Gender pay gap campaign and equal pay audits)

**Engender ([http://www.engender.org.uk/](http://www.engender.org.uk/))**

(Information, research and networking)

**Equal Opportunities Commission ([http://www.eoc.org.uk/](http://www.eoc.org.uk/))**

**Fairplay Scotland ([http://www.fairplayscotland.com/](http://www.fairplayscotland.com/))**

(Gender equality best practice)

**Women and Equality Unit ([http://www.womenandequalityunit.gov.uk/](http://www.womenandequalityunit.gov.uk/))**
6.4 Race

Black Information Link (http://www.blink.org.uk/)


Ethnic Minorities Law Centre (http://emlce.org.uk/)

Glasgow Anti Racist Alliance (http://www.qara.org.uk/)

Institute of Race Relations (http://www.irr.org.uk/)

(Independent race and refugee news)

One Scotland Many Cultures (http://onescotland.org/)

Positive Action in Housing (http://www.paih.org/)

(Campaign for equality in housing and human rights)

Race for Opportunity
(http://www.bitc.org.uk/programmes/programme_directory/race_for_opportunity/index.html)

(Business case and advice)

Scottish Refugee Council (http://www.scottishrefugeecouncil.org.uk/)

Searchlight Magazine (http://www.searchlightmagazine.com/)

(Anti-racist and anti-fascist news. TUFS – TU Friends of Searchlight – newsletter)

Show Racism the Red Card (http://www.srtrc.org/)
6.5 Religion or Belief

Calendars of Religious Festivals (http://www.support4learning.org.uk/religious_calendars)

Scottish Inter-Faith Council (http://www.interfaithscotland.org/)
6.6 Sexual Orientation

Beyond Barriers (http://www.beyondbarriers.org.uk/)

Equality Network (http://www.equality-network.org/)

Stonewall (http://www.stonewallscotland.org.uk/scotland/)
6.7 General Information and Advice


Citizens Advice Bureau (http://www.cas.org.uk/)

Department of Trade and Industry (http://www.dti.gov.uk/er/equality)

Employment Tribunals (https://www.gov.uk/employment-tribunals)

EU Anti-Discrimination Campaign (http://ec.europa.eu/justice/discrimination/index_en.htm)

Scottish Civic Forum (http://www.civicforum.org.uk/)

Scottish Council for Voluntary Organisations (http://www.scvo.org.uk/equalities)

Scottish Employment Rights Network

Des Loughney: 0131 556 3006

Scottish Executive Mainstreaming Equality (http://www.gov.scot/Topics/People/Equality/18507/mainstreamingequalities)

Scottish Human Rights Centre (www.scottishhumanrights.com/)

Scottish Human Rights Trust (http://home.btconnect.com/scotrights)
6.8 Trade Union Sites

Scottish Trades Union Congress ([http://www.stuc.org.uk/](http://www.stuc.org.uk/))

Trade Union Congress ([https://www.tuc.org.uk/](https://www.tuc.org.uk/))

TUC workSMART ([http://www.worksmart.org.uk/](http://www.worksmart.org.uk/))

Union Reps ([https://www.unionreps.org.uk/](https://www.unionreps.org.uk/))

6.9 Further Reading

Scottish Trade Unions’ Approaches to Equalities: A Mapping Study

One Workplace Equal Rights Action Research

EMP etc

These reports, as well as further research links, are available from www.oneworkplace.org.uk (http://www.oneworkplace.org.uk/).