



**WALES TUC EQUAL AT WORK PROJECT**  
**EQUALITY AND TRADE UNIONS IN WALES**

**MAY 2008**

**AUTHORED BY THE BEVAN FOUNDATION**



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The full report can be downloaded from the Equal at Work website or is available on request from the Wales TUC

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## EXECUTIVE SUMMARY

### Equality and unions in Wales

- The equalities agenda has developed very quickly in recent years. Anti-discrimination legislation now covers sexual orientation, religious belief and age as well as sex, race and disability.
- Thinking about equality has also developed and now emphasises *promotion* of equality, not just equal treatment.
- Wales has an increasingly distinctive equalities agenda and the Welsh Assembly Government and others have been very active across a number of fronts.
- A distinctive trade union agenda is also emerging in Wales, with a new requirement for the Welsh Assembly Government to take account of the interests of Welsh employees, and a recently agreed social partnership agreement with key Welsh public sector employers.
- Wales TUC and individual unions have actively promoted equality at work in recent years, through negotiations with employers and through campaigns, provision of training, advice and support. The Close the Pay Gap campaign and Equal at Work project have been flagship actions.

### About this study

- The Wales TUC commissioned a study to benchmark trades union activity to promote equality at work. The findings are based on a review of inequalities in the labour market in Wales, interviews with nineteen trades union officials and with 5 union branches, and interviews with 11 individuals from stakeholder organisations. The research was undertaken between October 2007 and February 2008.

### Inequality in the labour market

The labour market in Wales is highly unequal. Using the key indicators of access to employment, pay, and the concentration of different groups into individual jobs (occupational segregation) the report found that:

- Inequalities are complex. Differences *within* groups in the workforce (e.g. amongst minority ethnic groups) can be as great as differences *between* particular groups (e.g. between white people and people from minority ethnic groups). Also, people's individual characteristics interact in different ways, e.g. gender and race, gender and age.

- There substantial differences in the likelihood of different groups having a job. Pakistani and Bangladeshi women, disabled people, and older workers are the least likely to be in employment.
- There are marked differences in the pay of different groups. Women earn less than men, disabled people earn less than non-disabled people, and people from black and minority ethnic groups earn less than white people.
- Women and black and minority ethnic groups are concentrated into 'stereotypical' jobs. Disabled people and older workers are more likely to work part time or be self employed than other workers.

These inequalities are deep-seated, long-standing and, most important of all, profoundly unfair.

### **Organising for equality**

We found a mixed picture on union activity to promote equality at work.

- There are substantial differences in organisation between unions.
- There is a marked lack of resources to promote equality at work. Only half the unions we interviewed have a committee or similar that deals with equalities that is specific to Wales and only one union has a dedicated equalities officer. The lack of resources needs to be addressed.
- Women, minority ethnic groups, disabled people, young people and LGBT groups are under-represented in union roles, although unions were making efforts to broaden participation.
- More than half the unions interviewed aim to have branch equality reps. Equality reps are a very valuable 'front line' resource for promoting equality at workplace level, but they do not enjoy statutory rights to time off. Moves should be made to ensure that equalities reps have time to undertake their duties – this could be done in the public sector in Wales.

### **Equality priorities**

- Equal pay and flexible working dominate the equalities agenda. Equalities issues cut across different equalities strands, e.g. bullying and harassment was an issue for minority ethnic groups, LGBT groups and religious groups.
- Equal pay for men and women, and to a less extent, flexible working have been

mainstreamed into unions' bargaining priorities. However, implementation of these policies seems very variable. There is a potentially very significant role for equalities reps to play in policing and promoting equality in the workplace which should be explored further.

- Disability and sickness is a priority for a large number of unions and was especially important at branch level, but has not been included in unions' bargaining priorities. Given the prevalence of ill-health and disability in the workforce in Wales, and the severe impact of disability and ill-health on the likelihood of working, unions could seek to mainstream these issues.

### **Stakeholder relationships**

- There was some relationship between Wales TUC and almost all of the stakeholder groups although the relationship was mainly based on projects and campaigns rather than on shared strategic objectives.
- The relationships between stakeholder bodies and individual unions were not so strong and were also very variable.
- Lack of resources, both amongst stakeholders and trades unions, were a significant barrier to greater engagement. Lack of understanding of union structures and differing views about the commitment and capacities of different organisations were also a hurdle.
- There is a strong risk that the Welsh Assembly Government and EHRC Wales will develop different priorities to unions and have different expectations of unions' roles. There is an urgent need for dialogue between the organisations, including discussions about the EHRC Wales' business plan and revisiting the protocol on case work.

### **Conclusions**

- Unions have been operating in a difficult environment, facing many challenges including a shifting equalities agenda, organisational change (both internal and external) and devolution to Wales.
- Although unions are actively promoting equality at work, they mostly do so on a UK-wide basis which can make it difficult for them to engage with Wales-specific issues and organisations.
- Representation continues to be a challenge despite the efforts of unions to encourage the participation of under-represented groups.

- Unions have made considerable progress mainstreaming equal pay and flexible working into their bargaining priorities, although agreements do not always result in change at the workplace.
- Other equality issues are also important but have not been mainstreamed into union bargaining priorities as effectively. Unions could build on the success of mainstreaming equal pay and flexible working by mainstreaming these issues as well.
- Relationships between unions and stakeholder organisations are mainly (but not exclusively) centred around Wales TUC campaigns.
- Equalities reps have the potential to make a major contribution to achieving equality, not just in principle but at the workplace. Developing their role should be explored as a priority.
- There is a risk of trades unions in Wales and EHRC Wales having diverging agendas. There is an urgent need for dialogue.
- The question of resources to support unions' promotion of equality at work in Wales, and to engage with stakeholder organisations, must therefore be addressed.

### **Next steps**

The research identified some actions that the Wales TUC and trades unions should consider:

- the lack of resources to handle equalities issues at strategic level in Wales needs to be addressed;
- there is scope to mainstream equalities issues further, in particular around disability equality;
- the potential role of equalities reps to promote good practice in the workplace should be enhanced;
- ways to provide time off for equalities reps to fulfill their duties should be explored;
- how best to implement the commitment to equality at work through the social partnership agreement between the Wales TUC and public sector employers;
- there is a need for dialogue about the interface between trades union equalities work and the work of the Equality and Human Rights Commission in Wales.

## I. INTRODUCTION

The Wales TUC has commissioned the Bevan Foundation to undertake research which aims to:

‘support unions in Wales to promote equality and challenge discrimination in the workplace by identifying the barriers, understanding current strategies and approaches and highlighting good practice.’

The aim of the research was to:

- identify whether or not there is a distinctive Welsh equalities agenda for trade unions.
- understand what structures and strategies unions in Wales have in place for equality, particularly within the broader bargaining agendas, and which ones are most effective.
- identify the main equality issues faced by members;
- understand the role of the workplace rep in equalities issues and the priority given to equalities issues by reps;
- understand where equality sits in the broader bargaining agenda;
- identify the value of the support provided to unions by the equality commissions;

The research was to consist of a mixture of a literature review and data analysis, plus interviews with trades unions and other bodies. The research design was by Victoria Winckler, the interviews were conducted by Karen Higginbottom who also wrote section 4 of this report, and the final report compiled by Victoria Winckler.

We are very grateful to all those who agreed to be interviewed and we are also grateful to the project steering group for their constructive comments and support during the research.

## **2. TRADES UNION APPROACHES TO EQUALITY AT WORK IN WALES**

The equalities agenda has developed very quickly in recent years. Although legislation on sex and racial discrimination are relatively long-standing, dating back more than 25 years, the last four years has seen anti-discrimination legislation extended to include sexual orientation, religious belief and age.

Thinking about equality has also developed. Early thinking about equality tended to be concerned with the equal treatment of people, in which the emphasis is on equality of process so that people are treated in the same manner in any given situation. It is this thinking which underpins, for example, much of the anti-discrimination legislation.

Another approach emphasises equality of outcome, which is sometimes interpreted as meaning that, whatever their circumstances, there should be no differences in what is achieved by various groups of people. Although less common, this thinking has informed, for example, arrangements for quotas and reserved seats for disadvantaged groups.

Most recently, thinking has focused on equality of opportunity, in which recognises not only that opportunities are shaped by people's individual qualities and merits but also by circumstances that are beyond an individual's control, and that these circumstances should not undermine the opportunities afforded to an individual. This last approach leads to a concern with the active promotion of equality of opportunity, by requiring organisations actively to take into account the different needs and circumstances of groups of people and eliminate discrimination. It also shifts the onus from the individual having to prove they have been discriminated against, to an organisation having to promote equality.

This approach was adopted on race equality for public bodies in 2000, on disability equality in 2006 and is in the process of being introduced on gender equality. It has also informed the approach to equalities taken in Wales and in trades unions.

### **2.1 The Equalities Agenda in Wales**

Although responsibility for equalities legislation as a whole rests with the UK Government, Wales has an increasingly distinctive equalities agenda.<sup>1</sup> A key marker of this distinctiveness is the 'equality clause' in the Government of Wales Act 1988 which requires the Welsh Assembly Government to:

*'make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people'.*

These apparently simple words in fact mark a dramatic shift towards the 'equality of opportunity' approach identified above. Most importantly, the clause requires the Assembly Government to do much more than simply comply with legislation on equalities, by being pro-active on equalities issues. This aspect of the clause parallels duties imposed by the Greater London Act 1999 and the Scotland Act 1998. Second, the clause effectively cuts across non-devolved equalities legislation and gives the Assembly Government its own duty and functions on the subject, even though responsibility for legislation remains at Westminster. Third, it applies to *all* people, not just specific groups such as women or disabled people, and as such in many ways the 'equality clause' presaged the thinking that now informs moves towards a Single Equality Act.<sup>2</sup>

In its first term the Assembly Government sought to fulfill its equality duty with some vigour (although whether the impact reflects the effort is debatable). Research by Paul Chaney and Ralph Fevre lists 19 different initiatives undertaken by the Assembly Government during its first term alone, which ranged from measures to put the Assembly civil service's house in order through changes to recruitment and training and promotion of equal pay, to those to help marginalised groups to participate in the processes of government, to measures to promote equality of opportunity in other bodies such as local authorities, health trusts, the voluntary sector and contractors.<sup>3</sup>

Subsequent legislation has placed more specific duties on the Welsh Assembly Government (and other public bodies in Wales and the UK) to promote equality on race, disability and gender. The change in emphasis followed the inquiry into the murder of Stephen Lawrence, which concluded that there was 'institutional racism' in the investigating police force. Institutionalised discrimination was defined as:

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people'

*Para 6.34: The Stephen Lawrence Inquiry*

The Race Relations (Amendment) Act 2000 was the first piece of legislation to introduce a duty on the public sector to promote (race) equality and positive relations. One of its key aims was to ensure that public services are free of 'institutionalised discrimination' as described above, and to put considerations about equality at the centre of the way public authorities carry out all their functions and services. Disability Discrimination Act 2005 and Equality Act 2006 have placed similar duties on public sector bodies to promote equality for disabled people and for women and men (some of the detail of implementing the gender

equality duty in Wales are not yet finalised). Public authorities must draw up schemes which set out how they are complying with the respective acts.

These equality duties are arguably both more specific than the 1998 Government of Wales Act equality clause and also cover some public bodies that are not within the scope of that Act. The duties ought to ensure that gender, race and disability equality is fully integrated into employment in public sector organisations, although effective implementation and monitoring will be key to ensuring that there is real change in the workplace.

The Assembly's second term saw a continued commitment to equality. The Assembly Government's policy statement for the period 2003 – 2007, *Wales: A Better Country*, stated clearly that:

We will promote gender equality, good race relations and race equality and tackle discrimination on grounds of age and disability.<sup>4</sup>

although it said little more on how that would be done. Nevertheless, a great deal of work was done during this period which both consolidated previous work e.g. on equal pay and developed new areas of activity such as a public awareness campaign on ethnic diversity, and greater mainstreaming of equalities into various Assembly Government policy areas.

The Assembly's third term sees this work on equalities continuing. The One Wales programme of government highlights a number of areas of future activity although, significantly, it focuses on equality in the community, community engagement and awareness, and does not appear to include significant activity on promoting equality at work.

The National Assembly for Wales is not, of course, the only body concerned with equality in Wales. There were, until October 2007, the Welsh arms of the three statutory equalities bodies (Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission) which have now been incorporated into the new Equality and Human Rights Commission, which too has a Wales office. In addition there are active non-governmental bodies ranging from the network of race equality councils, a wide range of age and disability charities, faith groups, LGBT groups and women's groups. It is important to emphasise that the role of these Welsh bodies is very much more than a simple administrative base – these organisations are typically semi- or wholly autonomous of their UK headquarters (if indeed they have one at all), and they can and do set an agenda that is different and distinctive to that being pursued in England.

Whilst the Welsh Assembly Government and the various statutory and non-statutory bodies clearly work within a UK legislative framework, they have, over the years, nevertheless generated a policy agenda that is distinctive to Wales.

## **2.2 Trade Unions in Wales**

Wales is relatively heavily unionised, with just over a third of employees being members of unions at the end of 2006. Only Northern Ireland and North East England record higher levels of union density. Women are increasingly becoming involved in trades unions - 37.3 percent of women workers are union members compared with 34.6 percent of males. A recent study<sup>5</sup> has concluded that unionism in Wales has some distinctive features, in that membership in manufacturing, amongst skilled workers and machine operatives, and in the public sector are all relatively high.

The half a million people who are union members belong to around 50 different TUC-affiliated trade unions. However almost 300,000 of these members belong to just three unions – UNITE, Unison, and GMB. A large number of remaining members are in the teaching unions: NUT, NASUWT, NATFHE, and also in PCS and USDAW.

A distinctive trade union agenda is also emerging in Wales. A Business Partnership Council, on which unions are represented along with business interests, has been established as a forum for discussions with the Welsh Assembly Government. The new Government of Wales Act requires the Welsh Assembly Government to take account of the interests of Welsh employees, not just businesses, providing key means for trades unions in Wales to comment on government policy.

In 2007, the Wales TUC signed a social partnership agreement with key public sector employers (local government, NHS and further education) which set out the key principles to which all parties would adhere during the process of public sector modernisation.

## **2.3 Unions and equality**

Trades unions have a vital role to play in promoting equality at work and most have embraced equality as an important issue.

A number of different union approaches to equality have been identified by Lindsey et al, reflecting the different approaches to equality generally mentioned above. The 'sameness' approach is that no one should be treated less favourably than others because of their sex, race, sexual orientation etc. They note that this approach has generated a substantial body of rights for individual workers to be treated fairly and equally at work, and is relatively common amongst unions.

The 'difference' approach sees that workplace inequality is the result of structural inequalities at the level of the group rather than because of unequal treatment of individuals. The focus is for action is, therefore, on empowering groups through their own committees, conferences, self-organising groups and reserved places.

This process began with women but increasingly black members, disabled members, lesbian, gay, bisexual and transgendered members, and young / retired members have been recognised as groups with their own interests.

The 'difference' approach is less common. The TUC's audit found that only nine unions had reserved seats for women on their national executive committees with slightly more having reserved seats for black members. Even fewer unions had reserved seats of marginalised groups at branch or sector level. Fewer than half of the larger unions surveyed organised national or regional conferences or seminars for equality groups.

More detailed studies of trades union activity on equality are relatively rare. Whilst a number of studies have looked at particular aspects of trades union equality activity, particularly gender and race, there is a surprising lack of more recent research on either these subjects, on the newer areas of anti-discrimination legislation, and on union approaches to equality more generally, although the TUC's equality audit reports provide some 'benchmark' information about current activity.<sup>6</sup> Still less has been undertaken on Wales - indeed we have been unable to identify any relevant research other than a study of discrimination cases.<sup>7</sup>

## **2.4 Trades unions and equality in Wales**

Trades unions in Wales have been very active promoting equal pay at all-Wales level, across a number of equality strands. As well as many campaigns by individual unions, the Wales TUC has also lead a number of initiatives, including:

*Close the Pay Gap campaign* – this is a joint campaign with the Welsh Assembly Government and the Equal Opportunities Commission, which was launched in 2001. The campaign has sought to eliminate the gender pay gap, through awareness raising, training, expert advice, and provision of support materials e.g. a learning CD-rom.

*Equal at Work* - is a 2 year project funded by the DTI and managed by the Wales TUC. The aim of the project is to support trade unions in promoting equality and challenging discrimination in the workplace. It involves provision of information and advice about rights at work, training for equality reps and shop stewards, seminars for union reps and employers, production of campaign materials and toolkits, and other activities.

*Equality Committees* - The Wales TUC's equalities committees (women's committee, race committee, LGBT committee, and pan equality committee) have lead campaigns on issues such as domestic abuse, Islamophobia, anti-fascist groups, and no exemption for religious organisations to discriminate in the provision of goods and services to lesbian, gay and bisexual people.

Wales TUC has also campaigned on the issues faced by migrant workers, co-funding research and launching a 'myth-buster' campaign. Further examples of trades union activity is provided in Annex 1.

## 2.5 This study

This report attempts to benchmark trades union activity on equalities issues in Wales, and is therefore a 'first' in so doing. The research on which it is based was undertaken in the period October 2007 – February 2008.

First, we undertook review of the position of different groups in the labour market in Wales, using official statistics and relevant literature where available. This helped to identify the key issues and challenges faced by trades union members in the workplace, and highlighted the context within which trades unions operate.

Second, we sought interviews with all trades unions affiliated to the Wales TUC. Every union was contacted, with the option of being interviewed face-to-face, being interviewed over the phone, or completing a postal / emailed questionnaire. The personal interviews were semi-structured, , whilst the postal / email interviews completed the same questionnaire. Where available we approached the union's equality officer for the interview. A total of 49 unions were approached, which generated 19 responses. Fifteen were face-to-face interviews, 2 were phone interviews and two responses were self-completed questionnaires. Although the response rate was lower than we had hoped for, those responding included all the unions with more than 10,000 members in Wales and a third of the 38 unions with fewer than 10,000 members. We are therefore confident that the responses are representative of trades unions in Wales. Table 2.1 lists all the unions that responded to this part of the project, and the number of members in Wales.

**Table 2.1 Unions Interviewed**

Union	Member ship in Wales	Union	Member ship in Wales
UNITE – Amicus section	119,410	ATL	5,618
UNISON	90,148	Prospect	5,230
GMB	51,000	Fire Brigades Union (FBU)	3,026
UNITE – T&G Section	51,000	BECTU	1,350
PCS	21,480	Chartered Society of Physiotherapists	1,280
USDAW	20,955	Society of Radiographers	1,033
NASUWT	17,220	NUJ	524
NUT	16,656	First Division Association (FDA)	503
Communication Workers' Union	14,000	Aspect	240
UCU	6,241		

Third, we undertook five case studies of union branches. Our intention was to include a total of seven branches that covered a range of different types of union, as well as to include a good geographical spread across Wales and branches with different levels of activity on equality issues. We were able to secure case studies of five unions, as shown in Table 2.2, which included two in North Wales and three in south Wales.

**Table 2.2 Union Branch Case Studies**

	No. Planned	No. Responding
Largest unions	4	3
Teaching union	1	0
Medium sized union, manual workers	1	1
Small union, white collar workers	1	1
<b>Total</b>	<b>7</b>	<b>5</b>

In the case studies, we sought interviews with branch officers (e.g. branch secretary and chair), the equality rep (if there was one), and we also sought interviews with union members or reps. These interviews were semi-structured. Although the case studies were not as comprehensive as we had hoped, and in particular did not generate as many interviews with members and reps as we anticipated, we are confident that the studies have generated useful information about the how equalities issues are perceived at branch level.

Finally, we interviewed 11 representatives from different stakeholder organisations, which represented a range of bodies with an interest in either general or specific aspects of equality at work. Table 2.3 lists the bodies interviewed. These interviews were also semi-structured.

**Table 2.3 Stakeholder organisations interviewed**

Equality and Human Rights Commission / Former Equal Opportunities Commission	Equality and Human Rights Commission / Former Commission for Racial Equality
Equality and Human Rights Commission / Former Disability Rights Commission	Stonewall Cymru
Age Concern Cymru	Women's Voice
Race Equality First	Muslim Council of Wales
Gender Trust	Disability Wales
Cytun	

The rest of this report sets out the findings from this project. The next section, section 3, provides an overview of the labour market in Wales and shows that

there are still very substantial inequalities at work. Section 4 outlines the different ways in which unions in Wales are trying to promote equality at work, including their organisational arrangements, whilst Section 5 looks at unions' equality priorities and bargaining agenda. Relationships with stakeholder bodies are summarised in Section 6, and the conclusions of the study are in Section 7. Lastly, we would like to thank the many people we interviewed, in unions, branches and stakeholder organisations, for generously contributing their time and views. We are also grateful to the Wales TUC research steering group (including several former members) who shared their considerable expertise and provided invaluable comments on the various drafts of this report. However, the responsibility for the conclusions in it, and for any errors or inaccuracies, rests with the authors.

### 3. INEQUALITIES IN THE LABOUR MARKET IN WALES

The labour market in Wales is very much more diverse than it was in the past. From a workforce that was almost exclusively white, male, non-disabled and aged 16 – 65, there are now workers from many different backgrounds and with widely varying attributes and interests. The workforce today is:

- 46 percent female<sup>8</sup>
- 2 percent black and minority ethnic<sup>9</sup>
- 13 percent disabled<sup>10</sup>
- 4 percent over state pension age<sup>11</sup>.

With these changes have come increasing concerns about inequality at work. Put simply, these 'new' workers have not come into the workforce on equal terms to 'traditional' workers and as a result the labour market today is riven with inequalities. These inequalities in part reflect the different socio-economic and cultural circumstances of different groups which mean some groups face considerable disadvantages in work, but inequalities at work are also a product of employer (and sometimes employee) systems, attitudes and discrimination – the institutional discrimination mentioned earlier.

This section of the report looks at the current position in the labour market in Wales of six different groups of people according to gender, disability, ethnicity, religious belief, age and sexual orientation. It considers three key aspects of inequality namely:

- **Employment rate** – this is the percentage of the population of working age of a particular group which is either employed or self-employed. It is an important measure of equality because access to a job is the way in which individuals earn an income with which to support themselves and their dependents, and gain social status and self-esteem.
- **Occupational segregation** – this is the extent to which particular groups in the workforce are concentrated into particular types of jobs, either at the top or the bottom of the jobs hierarchy, or into certain 'stereotypical' jobs.
- **Pay gap** – this is the gap between the average pay of a particular group and the comparable pay for other groups.

The whole question of dignity at work, e.g. freedom from harassment and bullying, is also important. However there is so little evidence on dignity at work in Wales that it is not presented as a separate indicator here.

## 3.1 Gender

Some of the most profound changes in the labour market in Wales in recent years have occurred in its gender composition. Women have entered the workforce in relatively large numbers, but have mostly gone into jobs with very different characteristics, terms and conditions to those held by men.

### Employment rate

Women in Wales are now nearly as likely to be in employment as men. In 2006, 67.8 percent of women of working age in Wales were in employment, compared with 74.3 percent of males – an employment gap of 6.5 percentage points. However, men and women have very different employment patterns. Whilst 90 percent of working men work full time, only 57 percent of working women do so.

### Occupational Segregation

Women largely enter typically female occupations, such as caring, cleaning and clerical work, reflecting a mixture of stereotyping, aspirations, discrimination and availability of part time work. The top five occupations for women are all stereotypically ‘women’s work’, and together account for more than half the female workforce. In contrast these occupations only account for one in six of men’s jobs. Although men are slightly less concentrated into a few typically male occupations, the top five male occupations nevertheless account for more than four out of ten of all jobs held by men, yet employ just one in ten of women. Table 3.1 gives further details.

**Table 3.1 Occupational Segregation, Males and Females, Wales 2006**

Occupation	Percentage share of male employment	Percentage share of female employment
<b><i>Top 5 women’s occupations:</i></b>		
Administrative and secretarial	4.4	14.6
Caring	1.6	12.8
Elementary administrative	6.2	10.5
Sales	3.7	10.2
Health and social welfare associate professionals	1.6	7.7
<b>Total in top 5 female jobs</b>	<b>17.5</b>	<b>55.8</b>
<b><i>Top 5 men’s occupations</i></b>		
Corporate managers	11.9	7.1
Skilled metal and electronic trades	9.1	0.2
Skilled construction and building	7.9	0.1
Process, plant & machinery operatives	7.1	2.4
Transport & mobile vehicle drivers	7.1	0.3
<b>Total in top 5 male occupations</b>	<b>43.1</b>	<b>10.1</b>

Source: Annual Population Survey Wales 2006 via Nomis

## Earnings gap

The gap between men's and women's earnings in Wales – the so-called gender pay gap – has probably received more attention than any other equality issue. Statistics show that the weekly earnings of a typical woman are less than two thirds the earnings of a typical male, at £266.40 a week compared with £420.30 a week. In part this gap is because more women work part time than men: they work fewer hours and so take home less pay per week. However, there is also an earnings gap between men and women's hourly rates of pay, which is a more accurate guide to the gender pay gap. Statistics show that the median hourly pay rate for men in Wales is £10.36 compared with £8.12 for women, a gap of more than £2 an hour.

There is an extensive literature on equal pay which, in summary, has identified the primary causes of the pay gap as follows<sup>12</sup>:

- Discrimination in pay systems used by employers e.g. bonus systems which reward tasks done by males more than those done by females;
- Differences in the 'human capital' (e.g. qualifications) of men and women workers;
- Part time working – part time jobs are typically in low waged industries and occupations;
- Occupational segregation – women are concentrated in a relatively limited number of low paid jobs;
- Workplace segregation – workplaces with a high proportion of female employment have lower pay than those which are not women-dominated.

There has been a campaign to close the gender pay gap in Wales, notably in the public sector, which has achieved considerable success.<sup>13</sup>

## 3.2 Disability

The proportion of the population experiencing disability in Wales is one of the highest in Britain, and the likelihood of a disabled person being in employment in Wales is lower than in any other region. Wales also has the highest proportion of disabled people with mental health and multiple health problems. Disabilities and long-term ill-health include a wide range of conditions ranging from physical and sensory impairments to mental health problems and learning disabilities.

### Employment rate

Disabled people are much less likely to be in employment than people without disabilities. In the year ending March 2007 just 42.6 percent of disabled people were in employment compared with 78.9 percent of non-disabled people.<sup>14</sup> Although this is still a substantial difference, the gap is nevertheless considerably smaller than in 1998 when just a third of disabled people (34.3 percent) were in employment compared with 77.1 percent of non-disabled people. Recent research suggests that disabled people with multiple health conditions and people with mental ill-health are much less likely to be in employment than other disabled people.<sup>15</sup> Employment of disabled people by the public sector in Wales is lower than in England.<sup>16</sup>

**Table 3.2 Employment rate of Disabled and Non-Disabled People 2007, Wales**

	Disabled		Non-disabled
	No.	Rate	Rate
Population	385,000	-	-
Economically active	179,000	46.5	83.1
Employed	164,000	42.6	78.9
Unemployed	15,000	8.3	5.0

Source: Annual Population Survey year to March 31<sup>st</sup> 2007

Research quoted in a recent review of literature<sup>17</sup> suggests that less than half the difference in employment rates is because of the characteristics of disabled people e.g. their age or health, and the 'employment gap' may therefore be due to discrimination.

Amongst disabled people who are in employment, a much higher proportion of people are self employed than non-disabled people.<sup>18</sup> Some researchers suggest that this is because self-employment enables disabled people to 'work around' their condition'.<sup>19</sup> Part time working is also more common amongst disabled people – in 2001 28 percent worked part time compared with 24 percent of the population as a whole, and part time working was particularly prevalent amongst women with disabilities.<sup>20</sup>

## **Job segregation**

Statistics that show the occupations in which disabled people work in Wales do not appear to be available. However the Welsh Health Survey shows the extent of limiting long term illness reported by people in the main occupational groups. The 2005/06 survey shows that 27 percent of all people aged over 16 said they had a limiting long term illness. However only 22 percent of people in professional and managerial occupations said they had a limiting long term illness compared with 26 percent of people in intermediate occupations and 31 percent of people in routine / manual occupations.<sup>21</sup> GB research confirms that disabled people are under-represented in professional and managerial jobs and over-represented in elementary occupations.<sup>22</sup>

UK research<sup>23</sup> suggests that disabled people are less likely to work in the public sector than non-disabled people (11% compared with 18% of the population), with people experiencing mental ill-health and learning difficulties being much less likely to do so. Those who did work in the public sector were less likely to hold senior positions and had earnings that were often 5 percent less than their non-disabled counterparts.

## **Earnings gap**

Disabled workers earn significantly less than non-disabled workers, even when account is taken of the different jobs that they do.<sup>24</sup> Research across the UK and elsewhere suggests that disabled people earn between 10 and 15 percent less than non-disabled people.<sup>25</sup>

This pay gap is also evident in Wales – Table 3.3 shows that people with work-limiting disabilities in 2001 had a gross weekly income that was only 90 percent of the population as a whole. The pay gap is especially marked for disabled women compared with all women – some 20 percentage points. This may be because disabled women are more likely than women as a whole to work part time, which thus reduces their weekly earnings still further. The nature of disability also has an effect on disabled people's earnings, with the earnings of people suffering from mental ill-health being particularly adversely affected.<sup>26</sup>

Various studies show that about half of the difference in earnings between disabled and non-disabled people is because of differences in the characteristics of the two groups of people, e.g. their qualifications, and a further small percentage of the difference can be explained because of different productivity of the two groups of workers. Nevertheless, a substantial proportion of the pay gap between disabled and non-disabled workers appears to be because of discrimination.

**Table 3.3 Average gross weekly income 1998-2001 (spring), Wales**

	all people £ per week			People with a work- limiting disability £ per week		
	male	female	persons	male	female	persons
<b>1998</b>	323	182	256	237	157	203
<b>1999</b>	314	193	258	259	114	206
<b>2000</b>	355	198	281	267	122	188
<b>2001</b>	370	224	301	345	180	271

source: Labour Force Survey **Table 8.6 Statistical Focus on Disability (2003)**

### 3.3 Ethnicity

The position of minority ethnic groups in the labour market is very diverse: whilst some groups are considerably disadvantaged in the labour market, a few are now outperforming White British people at least on the three simple measures used here. Indeed, amongst some groups the influence of gender in shaping labour market position is at least as strong as that of ethnicity. The statistics used in this report, including those derived from table 3.4 include Eastern European migrants within the category 'White other'.

#### Employment rate

At first sight, the employment rate of minority ethnic groups in Wales 2001 appears to be relatively low, at 62 percent for people aged 16 – 74 years compared with 71 percent for White people. However, this overall figure hides very substantial differences within the minority ethnic population. First, there are substantial differences by ethnic origin. People of Indian and Chinese origin are in fact *more* likely to be in employment than White people, with a higher employment rate of 75 and 79 percent respectively, compared with 71 percent for White people. Indian and Chinese people are some of the largest minority ethnic groups in Wales, accounting for almost a quarter of the minority ethnic population. In contrast, less than half of Bangladeshi and Pakistani people aged 16-74 years are in employment, with employment rates for these groups of just 47 percent and 50 percent respectively.

Second, there are even more striking differences between men and women. The employment rate of males from all Asian and Chinese groups in Wales actually *exceeds* the employment rate of the White population. However the employment rates of males of Black and Mixed origin are lower at 63 and 65 percent respectively. The employment rates of Black African and Black Caribbean males, especially young males, being very low indeed – less than half of this group have paid work.

The employment rates of females from minority ethnic groups are very markedly lower than their White counterparts. Women from all minority ethnic groups except Chinese are less likely to work than White women. Whilst the difference between Indian and Black Caribbean women aged 25 – 74 and their White counterparts is very slight, the gap between Bangladeshi and Pakistani women and White women is substantial, with just 17 percent of Bangladeshi women and 29 percent of Pakistani women aged being in employment. Part of the reason for the low employment rate amongst Bangladeshi and Pakistani women is said to be their very strong orientation to marriage, family and children, rather than employment, with language barriers and health also being factors.<sup>27</sup>

Prof Anthony Heath and colleagues<sup>28</sup> have concluded that people from certain minority ethnic groups suffer a very considerable 'ethnic penalty', i.e. they are disadvantaged in the labour market in ways that cannot be explained by their age, qualifications or other characteristics. The penalty is especially great for first generation minority ethnic groups but is also suffered by second generation individuals.

**Table 3.4 Employment rates<sup>1</sup> by ethnic group and gender, excluding students, 2001**

	Females			Males			Persons		
	aged 16-24	aged 25-74	aged 16-74	Aged 16-24	aged 25-74	aged 16-74	aged 16-24	aged 25-74	aged 16-74
<b>Total population</b>	<b>66</b>	<b>65</b>	<b>65</b>	<b>76</b>	<b>76</b>	<b>76</b>	<b>71</b>	<b>71</b>	<b>71</b>
<b>Total minority ethnic population</b>	<b>46</b>	<b>51</b>	<b>53</b>	<b>63</b>	<b>75</b>	<b>74</b>	<b>54</b>	<b>63</b>	<b>62</b>
<b>White</b>	<b>67</b>	<b>66</b>	<b>66</b>	<b>76</b>	<b>76</b>	<b>76</b>	<b>72</b>	<b>71</b>	<b>71</b>
British	67	66	66	76	76	76	72	71	71
Irish	64	63	63	71	68	68	67	66	66
Other White	59	64	64	68	76	75	63	70	69
<b>Mixed</b>	<b>55</b>	<b>59</b>	<b>58</b>	<b>57</b>	<b>68</b>	<b>65</b>	<b>56</b>	<b>63</b>	<b>62</b>
White and Black Caribbean	54	58	57	56	63	61	55	60	59
White and Black African	51	59	57	61	69	68	56	64	63
White and Asian	61	61	61	63	73	71	62	67	66
Other Mixed	53	58	57	50	67	64	52	62	60
<b>Asian or Asian British</b>	<b>37</b>	<b>42</b>	<b>41</b>	<b>70</b>	<b>80</b>	<b>79</b>	<b>51</b>	<b>62</b>	<b>61</b>
Indian	53	64	63	79	87	86	66	75	75
Pakistani	33	28	29	62	73	72	45	51	50
Bangladeshi	30	13	17	75	78	77	47	47	47
Other Asian	39	50	49	62	80	79	49	68	67
<b>Black or Black British</b>	<b>49</b>	<b>56</b>	<b>56</b>	<b>47</b>	<b>64</b>	<b>63</b>	<b>48</b>	<b>60</b>	<b>59</b>
Black Caribbean	46	68	66	49	66	65	48	67	65
Black African	43	45	45	43	63	62	43	54	53
Other Black	66	54	56	48	61	59	58	57	57
<b>Chinese or Other Ethnic Group</b>	<b>68</b>	<b>62</b>	<b>62</b>	<b>77</b>	<b>85</b>	<b>85</b>	<b>71</b>	<b>72</b>	<b>72</b>
Chinese	79	71	71	80	87	86	79	79	79
Other	58	53	54	71	84	83	63	65	65

Source: Table 5.5 Welsh Assembly Government (2003) **Statistical Focus on Ethnicity**, derived from 2001 Census of Population

1. This is the employment rate of those aged 16 to 74 but excluding the retired. This is the best approximation to the standard working age definition of employment; for a more detailed explanation see the notes at the end of this chapter.

Amongst the minority ethnic population who do work, there are marked differences in employment status. In 2001, more than 40 percent of males aged 25 – 74 of Pakistani and Chinese origin in Wales were self-employed, compared with 20 percent of the White population. The proportion of women from minority ethnic groups who were self-employed was also substantially higher than women from White groups, at more than 26 percent for Pakistani women and 30 percent for Chinese women compared with less than 10 percent of White women aged 25 – 74.

### Job Segregation

Data for the UK shows that there is, in general, a concentration of minority ethnic groups into lower level occupations and considerable concentration of some groups into certain occupations.<sup>29</sup> However, data for Wales shows a slightly different picture. Here, people from all minority ethnic groups except Black are *more* likely to have managerial and professional occupations than White people. However, people of Black and of Pakistani or Bangladeshi origin are more likely to work in elementary occupations or be process, plant and machinery operatives (Table 3.5) than White people.

**Table 3.5 Distribution of Ethnic Groups across Occupations, Wales, 2006**

Occupation	White	Mixed	Indian	Pakistani/ Bangladeshi	Black	Other
Managers & Senior Officials	12.7	12.2	25.0	16.7	-	11.2
Professional Occupations	11.2	22.0	38.9	6.7	-	15.7
Associate Professional & Technical	13.5	19.5	16.7	-	27.0	18.7
Administrative & Secretarial	11.9	4.9	5.6	13.3	-	6.0
Skilled Trades	12.9	-	-	-	10.8	9.0
Personal Service	8.8	4.9	5.6		13.5	9.0
Sales / Customer Service	8.0	14.6	-	30.0	13.5	9.0
Process, plant & machine operatives	8.8	12.2	8.3	20.0	8.1	8.2
Elementary Occupations	12.3	9.8	-	13.3	27.0	13.4

Source: Annual Population Survey, via NOMIS. Where no figure is shown numbers are too small to calculate.

These broad occupational categories conceal a very marked concentration into relatively few, specific occupations, for example in the UK:

- 52 percent of Bangladeshi males worked in restaurants compared with 1 percent of White males
- one in eight Pakistani males is a taxi driver or chauffeur compared with 1 in 100 White males
- one in twelve Indian males is a doctor, ten times the national average rate.

### **Earnings gap**

Data on earnings for different ethnic groups are not available for Wales, but if they follow the same pattern as the UK as a whole, there are significant differences in average weekly earnings of some minority ethnic groups and their white counterparts,<sup>30</sup> with the differential being more marked for men than for women. A recent study<sup>31</sup> found that men from minority ethnic groups on average earned at least 10% less than White males, and some (Black African, Pakistani and Bangladeshi) earned as much as 20 percent less. Even when account was taken of different occupations held by White and black and minority ethnic groups, the difference remained at more than 10 percent. The authors of the study concluded that there must be differences within broad occupational groups that penalised people from minority ethnic groups, for example confining them to lower level occupations within, say, professional and managerial occupations – in other words institutional racism.

## **3.4 Religious belief**

There is very little information indeed available about religious belief and equality at work. What little is available is either relatively old and / or relates to Britain as a whole rather than Wales. It is also difficult to separate out the impact of religion from the effect of ethnicity.

We do know that in Wales in 2001, 18 percent of the population said they had no religious belief. By far the largest religious group were Christians, of whom there are more than 2 million - 72 percent of the total population. The largest non-Christian religious group is Muslim, with 21,700 people or 0.7 percent of the total population (a much smaller proportion of the total than in England), followed by almost equal numbers of Hindus and Buddhists (each with 5,400 believers). More than half (56 percent) of Muslims in Wales are of Pakistani or Bangladeshi origin, with 20 percent of Muslims being of White or Mixed origin.<sup>32</sup> In contrast White or Mixed origin Muslims are just 15 percent of the Muslim population in England.

### **Employment rate**

Muslims have very significantly lower employment rates than non-Muslims, as Table 3.6 shows. However, although just over half of Muslims in Wales are in

employment compared with 71 percent of the total population, almost all this difference is due to the very much lower employment rate of Muslim women.

It is, however, difficult to untangle the effect of faith from that of ethnicity because the two are so closely related. One recent study<sup>33</sup> suggests that Muslim faith does have an independent impact on employment, over and above the effect of ethnicity, as Muslims of Asian and White origin have lower employment rates than people of the same ethnic origin who have another religion or no religion at all.

**Table 3.6 Employment rates of Muslims, excluding students, Wales 2001**

	Females			Males			Persons		
Employment rate	16-24	25-74	16-74	16-24	25-74	16-74	16-24	25-74	16-74
All people	67	65	66	76	76	76	72	71	71
Muslims	31	27	28	65	74	73	46	52	51

Source: Welsh Assembly Government (2007) Table 16.5

Table 3.7 shows that Muslim men in Wales aged 25 – 74 are substantially less likely to be employed full time than the population as a whole, and are correspondingly more likely to be self-employed or to work part time. Muslim women who do work are even more likely to be self-employed than Muslim men or the female population as a whole – a third of 25-74 year olds work for themselves.

**Table 3.7 Employment Patterns of Muslims, excluding students, Wales 2001**

Percentage employed	Females		Males	
	16-24	25-74	16-24	25-74
Part time – all people	26	40	10	5
Part Time – Muslim	31	36	23	17
Full time – all people	72	51	86	75
Full time – Muslim	63	44	65	50
Self employed – all people	2	9	5	20
Self employed - Muslim	5	33	12	33

Source: Welsh Assembly Government (2007) Table 16.6

### Occupational Segregation

No information is available on job segregation by faith group.

### Earnings

No information is available on earnings by faith group.

## 3.5 Sexual Orientation and Transgender

Government estimates put the gay, lesbian and bisexual population at between 5% and 7% of the population in England and Wales.<sup>34</sup> There are no published statistical sources on the transgendered population in the UK, and estimates vary from between 1 in 100 to 1 in 20 of the male population identifying as transgender or transvestite, or similar description.<sup>35</sup>

There is even less information available about equality at work for lesbian, gay and bisexual people than other groups. Many studies of equality and sexual orientation have focused on other issues such as safety, partnership rights, and healthcare.<sup>36</sup> What little is known relates to the UK or Great Britain, and in some instances is relatively out of date. These GB studies are nevertheless useful as the position in Wales is unlikely to be very different, although there are some suggestions that tolerance is lower in Wales.<sup>37</sup>

### Employment rate

One study of employment amongst same-sex couples and heterosexual couples in the UK<sup>38</sup> found that both gay men and lesbian women were more likely to be in employment than heterosexuals. However, almost all this difference is due to differences in age and qualifications, and when these factors are taken into account, gay men were found to be less likely to be in employment than

heterosexual men although lesbians remained more likely to be working than their heterosexual counterparts. There is no information about the employment rate amongst transgendered people.

Other studies have found that lesbian and gay men experience high levels of dismissal from work (25 percent of respondents in Wales said that they had been dismissed<sup>39</sup>) whilst others have suggested that one way in which lesbians and gay men in lower level occupations dealt with discrimination at work was to change employer. GB studies suggest that harassment and discrimination at work is 'endemic' for transgendered people, with a greater proportion experiencing harassment and discrimination in public sector employment than in private sector work.<sup>40</sup>

### **Occupational Segregation**

There are no statistics on job segregation according to sexual orientation. A number of different studies suggest that lesbians and gay men chose to work in industries and occupations which they perceive to be 'gay friendly'. For example, one study of the Brighton labour market found that lesbian and gay men in higher echelons of the labour market often chose careers in sectors that appeared to have a more tolerant environment. Stonewall's survey in 1993 found that 24% of respondents had avoided certain jobs, careers or employers for fear of discrimination because of their sexuality.<sup>41</sup> A subsequent study found that 8 percent of respondents said that they had been refused promotion because of their sexuality.<sup>42</sup> Similarly, the study of transgendered people found that many examples of forced resignations, dismissal and lack of progression at work.<sup>43</sup>

### **Earnings**

Research<sup>44</sup> suggests that gay men earn slightly more than heterosexual men (about 5%) and lesbian women earn substantially more (about 36%) than heterosexual women, but this difference is almost entirely due to differences in age and qualifications between the gay and heterosexual population. When these are taken into account there is no difference in the earnings of gay and heterosexual men and only a slight difference in those of lesbian and heterosexual women. We have not been able to identify information about the earnings of transgendered people.

## **3.6 Age**

Legislation on age discrimination applies to people of all ages, including young and older workers. More than a third of the population of Wales (35.9 percent) is over the age of 50, and more than one in five (22.9 percent) is over the age of 60. However, only a small proportion of that population is in employment, even those who are below state retirement age.

## Employment rate

One of the most striking differences between older and younger workers is in the likelihood of them having a job, with the likelihood of being in employment decreasing markedly as age rises. The employment rate of people aged over 50 in Wales in 2006 was just 33 percent.

The key break appears to be around the age of 55, as both men and women aged 50 – 54 have employment rates that are on a par with those of workers aged 25-49.<sup>45</sup> However, the rate declines sharply for 55-59 year olds, and decreases further amongst 60 – 64 year olds.<sup>46</sup> Nevertheless, 7.5 percent of males over state pension age and 9.5 percent of females over state pension age in Wales are in employment.

**Table 3.8 Employment rate for older workers in Wales 2006**

	Males				Females			
	50-64		65+		50-59		60+	
	No.	%	No.	%	No.	%	No.	%
<b>In employment</b>	178,00	64.4	16,200	7.4	128,400	64.7	34,900	9.5

Source: Annual Population Survey year to Dec 2006

A key issue in the lower rate of employment of older workers is whether their exit from the labour force is voluntary or not. Research suggests that over 50s leave employment because of a mixture of people's preferences and the opportunities they have to exercise them, and there is strong evidence that less advantaged groups (e.g. people in less skilled occupations) tend to have less choice and control over their employment.<sup>47</sup> Older people who have previously lost their job e.g. through redundancy have been found to be less likely to be working in their 50s and 60s, and those who did then return to work did so to jobs with shorter hours and substantially lower pay.<sup>48</sup> However, even when factors such as health and labour market history are taken into account, there is a significant difference in employment that may well be due to discrimination on the grounds of age.<sup>49</sup>

There is some evidence that practices that either directly or indirectly discriminate against older workers were widespread amongst employers in the run-up to the implementation of anti-discrimination legislation.<sup>50</sup> Such practices ranged from specifying age limits in recruitment advertisements and for promotion, to adopting different terms and conditions according to length of service. At the time that this research was undertaken, many employers appeared to be unaware that their practices were potentially discriminatory.

Statistics suggest that older workers are more likely to work part time or to be self employed than younger workers. In 2004, 19 percent of over 50s were self-employed compared with 14 percent of 25-49 year olds. Part time working and

self-employment were especially common amongst those working over state pension age, with these work patterns accounting for the majority of those who worked in this age group. Part time work and self employment can act as a valuable 'bridge' between full time work and complete retirement, although the quality of 'bridge' jobs very much depends on previous labour market experience, but it may also be because age discrimination makes full time work hard to secure.

People aged 16 – 24 are a much smaller proportion of the population over 16 – just 15 percent. Slightly over half of this age group are in employment (55 percent).

### **Occupational Segregation**

Statistics on the type of job done by older and younger workers in Britain as a whole show some variation between different groups.<sup>51</sup> More than four out of ten younger workers aged 16–24 (21.6 percent) and nearly one in four of workers over state pension age (24.6 percent) are found in sales and customer service jobs or elementary occupations compared with 14.6 percent of 25-49 year olds and 15 percent of those aged 50 – state pension age. In contrast, younger workers are very unlikely to hold managerial or professional jobs (just 8.0 percent have such occupations), which account for nearly a third of workers aged 25 – state pension age.

### **Earnings gap**

Older workers on average earn slightly less than workers ten years younger, with average weekly earnings of those aged 40 – 49 being £454 a week whilst the same figure for workers aged 50+ are £431 a week.<sup>52</sup> However some of the differences in average weekly earnings may be due to older people working fewer hours. Hourly wage rates are therefore a better indicator, and these too show that workers over the age of 50 consistently earn less than those aged 25 – 49. The average hourly rate for men over 50 over the 11 year period 1991-2001 was £9.40 compared with £10.54 for 25-49 year old men. There was a similar gap between hourly earnings of older and younger women, who earned an average of £6.22 and £6.90 respectively.

### **Conclusions**

The labour market in Wales is highly unequal. Using the key indicators of access to employment, pay, and the concentration of different groups into individual jobs (occupational segregation) it is clear that inequalities are complex. Differences *within* groups in the workforce (e.g. amongst minority ethnic groups) can be as great as differences *between* particular groups (e.g. between white people and people from minority ethnic groups). Also, people's individual characteristics

interact in different ways, e.g. gender and race, gender and age.

There substantial differences in the likelihood of different groups having a job. This chapter has shown that Pakistani and Bangladeshi women, disabled people, and older workers are the least likely to be in employment.

There are marked differences in the pay of different groups. Women earn less than men, disabled people earn less than non-disabled people, and black and minority ethnic groups earn less than white people.

Women and black and minority ethnic groups are concentrated into 'stereotypical' jobs. Disabled people and older workers are more likely to work part time or be self employed than other workers.

These inequalities are deep-seated, long-standing and, most important of all, profoundly unfair.

## 4. ORGANISING FOR EQUALITY

This section explores the structures that trades unions in Wales have adopted to represent different groups of members, and to promote equality amongst their membership.

### 4.1 Union structures

How trades unions address equalities issues is very important. The resources a union devotes to dealing with various equalities matters, the structures a union has in place to consider equalities issues, and the way in which individual members are organised can all make a crucial difference to the priority given to equalities issues and how they are handled.

Table 4.1 summarises the key findings of this section, whilst the text which follows discusses the various aspects in more detail.

**Table 4.1 Summary of main equalities provision by trades unions in Wales**

<b>Provision</b>	<b>Response</b>	
	<b>Yes</b>	<b>No</b>
Dedicated equality officer for Wales	1	18
Welsh Equality Committee / body	8	11
Reserved seats on Wales TUC delegation for under-represented groups	6	11

#### 4.1.1 Paid Officials

Our interviews found that virtually no resources are devoted to dealing with equality issues in Wales. Of the 19 unions interviewed, only one had a full-time paid official dedicated to equality issues in Wales. The overwhelming majority of those interviewed either included equality issues in the wider work of a regional (i.e. Wales) official, or responsibility lay with a national equality officer, typically based in London, with a UK wide remit.

'I'm the regional officer for Wales with responsibility for equalities as an 'add-on' '

*Union official, Large general union (1)*

'There is no full-time official dedicated to equalities in Wales. There are two officials in London who cover black and minority ethnic (BME) and women.'  
*Union official, Small media union (1)*

Some of the unions separated responsibility for policy and case work and this was reflected in the union structure.

'Case workers take up the discrimination claims but there is no dedicated equality officer in Wales. In terms of policy and development we work closely with the national office.'  
*Union official, small teaching union (2)*

'I'm responsible for equalities in terms of policy but we have six case workers who cover equalities in terms of case work in Wales'  
*Union official, medium teaching union (2)*

The lack of union equality resources for Wales is paralleled in the Wales TUC, where just one member of staff, employed on a short term project, is dedicated to equalities. As outlined in Section 2, Wales already has a distinctive equalities agenda, and as this agenda matures and develops it is extremely important that trades unions are equipped to engage with it. It is hard to see how that can be done either from a UK base or as part of a regional officer's wider brief.

#### **4.1.2 Union Committee Structures**

We also explored how unions manage equalities issues and in particular how their decision-making on equalities is structured. As before, we found a great variety between the unions. Out of the nineteen unions interviewed, eleven of them had UK-wide general equality committees or bodies for under-represented groups. Seven of these ten had Welsh representation on the UK committee.

'We have a general equalities committee covering the UK and it has a Welsh person on the equality sub-committee. But there is no specific equality committee for Wales. For the general equalities committee, members are selected through the Welsh branch of government departments. There is input from all regions into the [union] equality plan which influences our work across the public sector.'  
*Union official, small professional union (4)*

'Our equal opportunities advisory committee is a sub-committee of the National Executive Committee which covers the whole of the union in the UK and receives reports from officers and reps in Wales. It meets four times a year but there is no specific equalities structure in existence for Wales.'  
*Union official, small professional union (1)*

Other unions had UK-wide committees for specific under-represented groups, on which there was Welsh representation.

'Our union has a LGBT working party; gender advisory committee; race advisory committee; disability working party and young teacher's advisory committee. On each of these bodies there is a seat reserved for a representative from Wales. In the case of the LGBT working party, there are two places reserved, one for a Welsh male and another for a Welsh female. On the ... executive, there are three Welsh members.'

*Union official, medium teaching union (1)*

'We have a BME and disabled members council on a UK level. There are seats on those councils for representatives from Wales. We have a general equalities committee where women and LGBT will be covered and there is a regional seat on the equalities committee for someone from Wales. On the Wales executive council, there is a seat for a BME member, an equality seat and one for a disabled member.'

*Union official, small media union (2)*

'We have lay reps with responsibility for equality strands who are part of equality structures in the UK but membership of our Welsh committee is not large enough for separate equality structures.'

*Union official, small teaching union (1)*

Eight unions had some form of body or committee to discuss equalities issues specific to Wales. Yet even within these there was tremendous variation in how the issues were represented. Some unions had a general equalities committee for Wales while other unions had committees for separate equality strands such as women, BME or disabled members.

'There is a general equalities committee in Wales but it's informal with no structure. We don't have a committee or body for any of these categories of members in Wales although we have individual equality reps. However there is no structure for us to meet up.'

*Equalities rep, small media union (1)*

'We have a divisional equalities forum that is specifically formed from BME, women, LGBT and disabled members. They are nominated either by the union branch or by their own selves. Their election is ratified by our divisional council. We have a divisional youth committee with a similar selection process.'

*Union official, medium sectoral union (1)*

A small number of larger unions had very well-developed committees or networks to reflect the views of each under-represented groups in Wales.

'We have regional equalities forums for LGBT, disabled, BME and young members. Anyone who identifies with the forum can go to the meetings which are supposed to be held four times a year. The equality forums elect one person to sit on the national forum from each region. It also elects one person to sit on the regional council to give the forum a voice in policy making within the region.'

*Union official, large general union (1)*

However, three unions had no structure in place to represent equality issues in Wales. They were smaller unions with limited resources and their main focus tended to be on increasing the number of reps in the workplace. One of the unions with 250 members in Wales is in the process of setting up a BME, disabled and LGBT network at a UK level. The union official cited lack of resources and the union's overriding priority of increasing the number of reps as the reasons for not having a specific equality structure for Wales. Another small teaching union did not have a general equalities committee in Wales but there was a body for younger members.

'We have no regional committee structure for equalities. We have national (UK) network groups for disabled, BME and LGBT in the UK and anyone can join those as they are self-organised groups.'

*Union official, Small professional union (2)*

Current thinking in many quarters is moving away from a focus on individual groups, or equality 'strands', such as gender, race and sexual orientation, towards a broader approach which recognises 'the equal worth of every individual'<sup>53</sup> and that different people have different needs, circumstances and goals.

However, we only found one union which was adopting a pan-equality approach and restructuring its equality set-up by pulling its separate advisory committees for race, equal rights, LGBT and disabilities under one umbrella in line with the Equal Human Rights Commission (ECHR) structure.

'At the present time, we have representatives from the Region on the Race Advisory Committee, the LGBT committee and the Disability Committee.

We did not hold our Regional Conferences last year to elect new committees due to the fact that we were undertaking this re-structuring process, but as soon as this is all in place we will hold our Conferences and elect a new committee to cover all the areas of equality.'

*Union official, Medium general union*

The question of a general approach to equalities rather than single 'strands' is a difficult one. On one hand, single strand approaches can involve more people, who may identify with an issue that particularly affects them and by organising can press for an issue to be addressed. However organising by equality strand can be very resource-intensive. On the other, pan-equality approaches recognise

that people experience multiple disadvantage which cannot be adequately addressed by single strands and that an ever growing list inequalities is divisive and may not lead to change.

It is of course for individual unions to determine how best to structure their activities, taking into account the nature and size of their membership, their resources, and their objectives. However, it would be useful for unions with different types of structure to exchange views about successful organisation so that they can adapt their arrangements if they wish.

#### **4.1.3 Self-organised groups**

Self-organisation involves union members organising around their experience of prejudice and discrimination. It brings together members from certain under represented groups - women members, black members, disabled members and lesbian, gay, bisexual and transgender members. Self-organisation helps a union to identify discrimination and build equality, and can also be a way for members to get involved in the union, developing skills, expertise and confidence.

Although a number of unions actively support self-organised groups, only a few had any in Wales. As before, even these groups varied, from one union which had self-organised groups for every equality strand to a union which had one self-organising group for LGBT and young members.

'We have self-organised groups for women, BME, LGBT and disabled members. Members are nominated by branches. One of the purposes of the self-organised groups is to encourage activists to become activists in the mainstream of the union. Each self-organised group as a seat has of right on our delegation to Wales TUC, regional council, regional committee and national delegate conference.'

*Union official, medium public sector union*

However, the majority of did not have self-organised groups and opted for the committee or forum structure to reflect the views of under-represented groups.

#### **4.1.4 Reserved seats**

Reserved seats can be a powerful tool in ensuring that under-represented groups have a place at the decision-making table. The TUC's 2007 equality audit indicated that fewer than one in five unions had reserved seats on their national executives for women or minority ethnic groups, and that reserved seats on other structures and for other groups was even less common (with the exception of places for women in the delegation to TUC conference where one in four unions reserved places).

In Wales, we found – at least amongst those we interviewed – that unions were slightly more disposed to have reserved seats than the TUC audit suggests. Six

of the nineteen unions interviewed have reserved seats for one or all of the under-represented groups at the Wales TUC conference.

'We have a reserved seat for a woman from the telecoms section on the Wales TUC conference. There is also a seat for a BME worker at the Wales TUC conference.'

*Union official, medium sectoral union (2)*

'The equality forums elect one person to sit on the regional councils to give the forums a voice in policy making. All the regional council members make up the Wales TUC conference.'

*Union official, Large general union (1)*

Eleven unions interviewed did not have reserved seats for their conference delegation:

'No, the union doesn't have reserved seats for under-represented groups. However, with the delegation to the Wales TUC conference, we attempt to have a balanced gender representation.'

*Equalities rep, Small media union (1)*

Often smaller unions only had one or two seats at Wales TUC conference for a Welsh representative so it was not possible for them to reserve it:

'We have one seat on the Wales TUC conference but it's not reserved for a particular group.'

*Union official, small professional union (5)*

One of the unions with a small membership in Wales said that delegations to the Wales TUC conference often '*reflected our gender balance in membership*'.

We found a number of unions had reserved seats within the union's general committee or the regional council for Wales.

'We have reserved seats for BME and LGBT for our own executive council.'

*Union official, medium teaching union (2)*

'We have two delegate seats on the Wales TUC conference and it would be difficult to cover every under-represented group. At our annual conference, we have separate seats for our BME and LGBT group.'

*Union official, Small professional union (2)*

'All the sections (BME, women, LGBT) have a seat at our annual conference but we don't have reserved seats for those groups at the Wales TUC conference.'

*Union official, small sectoral union*

It seems, then, that the principle of reserved seats is established for delegations to Wales TUC conference and for unions' Welsh councils (or equivalent), at least amongst the larger unions.

#### **4.1.5 Representation**

There was a general consensus that union officials in Wales did not necessarily reflect the characteristics of union membership. It was widely perceived that union reps were likely to be white, male and older, but that women were increasingly taking up the role of reps in education, health care, media and the public sector.

'The majority of reps at the regional committees are white, middle-aged men. There are no female branch secretaries in Wales but there are a number of women chairs.'

*Union official, medium sectoral union (2)*

'We have 60% women to 40% men in our membership and our reps reflect this.'

*Union official, medium public sector union*

However, several other unions noted that their representation did not reflect their membership in terms of gender.

'The membership is about 75% women but this is not reflected at officer level.'

*Union Official, large public sector union*

'Women are poorly represented as branch officials but we are improving and we have got more women as shop stewards and branch secretaries.'

*Union official, large general union (2)*

'Women are non-existent at branch officer level. Branch officers are mainly male, white and over 50.'

*Union official, medium general union*

Unfortunately, black and minority ethnic representation among lay reps and branch officials was extremely poor in Wales. Some unions cited the fact that the BME population in Wales is 0.5% as a reason for low representation.

'There are no BME reps which reflects our membership.'

*Union official, small professional union (3)*

'In terms of BME representation, there are two branch officers in Wales but BMEs are not well-represented at all.'

*Union official, medium sectoral union (2)*

One blue-collar union official suggested that BME members were reluctant to take up rep positions as they didn't want to be seen as being a 'minority group'. Another union official for the public sector commented that BME staff didn't see the union as relevant.

'Very few are active and they don't take branch official positions.'  
*Union official, Medium public sector union*

The issue of migrant workers as a minority group in Wales was touched upon by one of the blue-collar unions.

'There is a growing Polish community in Wales and we do have shop stewards from that community.'  
*Union official, Large general union (2)*

Most unions reported low representation of LGBT members among branch official and reps but as they did not keep records of members' sexual orientation this was only impressionistic. Some unions commented that reps may be reluctant to 'come out' in the workplace, not least because of fear of jeopardising their careers, and therefore it was difficult to get a clear idea of representation.

'We have tried to get LGBT representation for our LGBT advisory committee but some of our LGBT members feel that parents will not want their children taught by lesbian, gay or transgender teachers.'  
*Union official, medium teaching union (1)*

However another union official reported that:

'number of branch secretaries are gay and we have lots of activists in our branches who are LGBT and who are working in the mainstream of our branch.'  
*Large public sector union*

But it is important to note that the above union's experience was the exception rather than the rule.

Disabled members were poorly represented among branch officials in the unions in Wales. One media union cited the poor working conditions within the industry and the inaccessibility in the workplace. One teaching union believed their low representation of disabled members reflected their membership. There were a few exceptions among the unions to the generally low representation of disabled members at branch official level, with one education union having an active member with disabilities on its national executive council.

An area of concern that was raised by several unions was the poor representation of young members among its reps and the difficulties of recruiting them to the union.

'We should be better represented by younger members and that does pose a problem for us. I think they see unions as being less relevant to them and we are seen as being bound by rules and committees and they don't see us as relevant.'

*Union official, medium public sector union*

A negative perception of unions and the working demands placed upon younger members early on in their careers were cited as obstacles for younger workers joining a union. One teaching union revealed that it had low representation of young people among its activists as they had little time for union work in the first years of teaching.

Several of the smaller unions with limited resources were struggling to increase branch membership and prioritised this above boosting the number of under-presented groups among lay reps.

'No action has been taken to increase under-represented groups at branch official level. It's difficult to get people to run branches.'

*Union official, medium teaching union (1)*

Several of the unions are taking action to increase the numbers of under-represented groups at branch official level. However almost all these initiatives are UK-wide campaigns lead by the union's head office, rather than being specific to Wales. Examples of initiatives included that by USDAW, driven by head office in London, which is instigating projects to raise the activity of BME members and in turn, boost the number of BME reps and branch officials. This is part of the union's overall national equalities work. Similarly, the teaching union UCU has developed an organising strategy to lower the age profile of its reps:

'Key to that is a recognition agreement which gives people time off to do the job,'

*Union official, small teaching union (1).*

Whilst UK-wide activities can clearly be useful, the lack of Wales-specific initiatives mean that unions do not have the opportunity to build upon particular opportunities in Wales, e.g. the Equal at Work project or the Close the Pay Gap Campaign, or to reflect Welsh culture and attitudes. Similarly, there may be potential to work in partnership with or access resources from Welsh institutions, not least the Welsh Assembly Government, which is not being realised. The Wales Union Modernisation Fund includes equalities as a priority and may help to support greater activity. For example one media union said that the release of Assembly money would allow the union to target a more diverse workforce in the industry.

'This will hopefully increase participation in the union in future.'

*Equalities rep, small media union (1)*

Given the emphasis on increasing participation by union members from minority and disadvantaged groups, it is disappointing that little seems to have changed and that in the majority of unions the white, non-disabled, middle-aged man still prevails. Although women are said to have become more active in the union in some female-dominated industries, elsewhere women, along with black and minority ethnic members, disabled and LGBT members, and young members, continue to be under-represented in union activities. Union action to increase participation seems to be predominantly head-office lead, with little devolved activity. As a result, the potential to link with the wider equalities agenda in Wales is lost.

#### **4.1.6 Equality reps at branch level**

Research suggests that union equality reps play a key role bridging the gap between dealing with individual complaints and tackling organisations' concerns relating to equality. In other words, reps handle all the day to day grievances and concerns, and help to translate them into good employment practice. It also says that with the right training, reps can be a useful resource – helping to strengthen the relationship between employers and employees and developing good equalities practice in the workplace.<sup>54</sup> There is also considerable scope for equality reps to monitor public sector employers' compliance with new legislation to promote gender, race and disability equality. However, equality reps do not enjoy the same statutory role as, for example, health and safety reps and union learning reps, both of whom are entitled to paid time off work to fulfil their duties.

We found that equality reps are relatively widespread. More than half the unions we interviewed (thirteen out of nineteen) have an equality representative post at branch level. However, most of the unions could not say whether this position was always filled, sometimes because they did not keep records.

'There are equality representative positions at union branch level – it's a rule book position. I couldn't say whether they were all filled.'  
*Union official, large public sector union*

'Yes we do encourage all our branches and workplaces to elect equality representatives, but unfortunately we do not yet have a full complement for all our branches.'  
*Union official, small professional union (1)*

The other six unions, four of which were small in size, did not have equality reps at branch level. One large union left individual branches to decide whether to have an equality post.

'There is no requirement within rule to have any dedicated equality posts within branches. Regular circulars are sent to branch secretaries asking them to consider equality issues and engage with them.'  
*Union official, large general union (1)*

Similarly, more than half the union branches we interviewed (three out of five) had a designated equality rep at their branches. Otherwise, responsibility for dealing with equality issues was dealt with by the branch secretary who would refer it to the appropriate regional officer.

In addition, two of the unions interviewed (both in education) are taking action to promote the role of equality officers at branch level. One teaching union has set targets for equality officers at branch level.

'Our aim is to have an equality officer in each of the 22 branches. At this stage, very few are filled.'

*Union official, medium teaching union (1)*

'We will be undertaking a two-year project starting from May which will be evaluating the equal opportunities officers' role and building more supportive mechanism for their work within the union. Officers in Wales will be included in this project.'

*Union official, medium teaching union (2)*

This picture suggests that there is at least a partial network of equalities reps in place across Wales, but that there is a great deal more scope for equalities reps to contribute to equality at work. Not only does the lack of parity between equalities reps and other reps, such as health and safety and learning reps, mean that equalities issues are less likely to be addressed (or the position filled), but it also means that there is likely to be less scrutiny of employers' equalities duties. Whilst putting equalities reps on a statutory footing would be outside the powers of the Welsh Assembly Government, it would be possible for the Welsh Assembly Government to recognise the contribution of equalities reps and allow paid time off for reps' duties in the Welsh public sector and also encourage the private sector in Wales to do likewise.

#### **4.1.7 Training / support for under-represented groups**

Many under-represented groups benefit from training and support, to build confidence and acquire the skills they need to participate in their union effectively. Training is also critically important to enable union officials and equality reps to undertake their duties effectively. However, although we found that unions and Wales TUC offered various types of training and support it had a mixed reception by members.

Most unions offered some form of training or the opportunity to attend conferences to under-represented groups. The training offered varied from Wales TUC-sponsored training to a large industrial union running weekend schools for young members to find out about being a branch official. The course sponsored by the Equality and Human Rights Commission as part of the Equal at Work project at Cardiff University (Discrimination Law and Employment Tribunals) was

frequently mentioned, often in very positive terms. However, the unions with smaller membership often did not have the resources to offer training to under-represented groups in Wales. Several unions commented that demand for equality training came from the branch.

'It's mainly down to the branch the type of training they want. We have a women's conference, black members conference and a disabled conference and the branches send delegates. We would hope those branches encourage women, BME and disabled member to attend whatever conferences are available.'

*Union official, medium sectoral union (2)*

'Some of our equalities training courses are held occasionally in Wales, depending upon demand.'

*Union official, small professional union (1)*

A number of unions provided information and guidance on equality issues for reps. UCU provided a toolkit on discrimination issues for its branches and Prospect circulated information about a seminar from the Equality and Human Rights Commission to all its reps. One smaller education union claimed there wasn't '*much demand for training in the region*'. But there was criticism from one of the BME reps within a sectoral union that financial cutbacks within the union had reduced training for minority sections.

We were able to explore the question of training in more depth in the case studies. At one branch, with approximately 400 members, the branch secretary said that he had pushed for the shop stewards to go on training courses but they often viewed it as going 'back to school'. At this branch, shop stewards attended courses mainly during the first half of the year, following an agreement with management. Otherwise, there were difficulties getting time off for equalities training.

At another case study of a branch which represented professional and technical staff in the public sector, there was a nominated equality officer in the branch who attended lectures on equality and diversity at a nearby university and had undertaken both stage one and two shop steward training. However, if there were discrimination claims then the regional officer would deal with it.

The third case study branch had approximately 600 members in the media profession. There is one equality rep within the branch who is nominated by other members of the branch once a year. The equalities rep said that the union provided a lot of equality training for the branch if they so desire.

'They run courses for equality reps in different geographic centres and run them for people who are the equality officers. But the union also encourages lay reps to go on equality courses. In addition, the Wales TUC run its own equality courses.'

*Union official, small media union (2)*

In the public sector union case study there were 150 members, and 15 reps in total including one equality officer, one Asian shop steward and two disabled reps. The equality rep has been on lots of union training and a shop steward has attended an equalities seminar.

In two of the case studies the location of training provision was identified as a problem. The shop stewards at one branch commented that many of the training courses were Cardiff-based and were therefore difficult to access. However, this year, the union had held courses locally and there was been greater attendance. At another branch the shop stewards said;

'There is an issue of co-ordinating a viable number of people and sometimes we have joint training with Wrexham County Borough Council,'

Time off for training was also mentioned both in our case studies and has also emerged as an issue in other forums. This needs to be explored further.

To sum up, there does seem to be a variety of training and support on offer to union reps and members, including literature and other materials provided by their union head quarters, courses run by their union and courses run by Wales TUC. We found that although there was some participation in the training, comments were made about difficulty accessing provision and securing time off and that for some members it had unpleasant associations with school.

## **Conclusions**

Hardly surprisingly, the large number of unions, their various origins and the different characteristics of the industries and workplaces they organise mean that there are substantial differences in the ways in which unions organise themselves to promote equality.

Overall, we found that the structures adopted by unions to handle equalities issues are only partially devolved to Wales, if at all. We found that only one union had a full time officer whose time was wholly dedicated to equality issues in Wales, with the rest either adding equalities to the remit of a regional officer or handling Welsh equalities issues from union headquarters. However, just under half the unions we interviewed had an equalities body or committee, either general or for some equalities strands, that was specific to Wales. A similar proportion reserved places in their delegation to Wales TUC conference for under-represented groups.

How equalities issues are handled at workplace level is critical. We found that women, minority ethnic groups, disabled people, young people and LGBT groups continue to be under-represented in union roles, although unions were making efforts to broaden participation through a variety of campaigns – mainly lead from their head offices. One very welcome finding was that more than half the unions

aimed to have branch equality reps, although a number of unions reported that they had difficulty filling the roles. These reps are potentially a very valuable 'front line' resource for promoting equality at workplace level, yet they do not enjoy the same statutory rights as other reps e.g. health and safety or learning reps. Those who were responsible for equalities at workplace level had attended various types of training but some reported issues about accessibility and the attractiveness of some courses. The course at Cardiff University seemed to be particularly well received.

## 5. ACHIEVING EQUALITY AT WORK

This section explores trades union approaches to achieving equality at work, by considering unions' main priorities on equality issues, their main bargaining priorities and whether they saw any connection between the two. As before, the answers are based on the interviews we conducted with nineteen unions and five case studies of union branches.

### 5.1 Equalities issues

We began by asking unions about the general equalities issues faced by their members. Seventeen of the nineteen unions interviewed provided usable answers on which were the three most important issues, and Table 5.1 summarises the results.

**Table 5.1 The Three Most Important Equalities Issues Faced by Members**

Issue	Number of unions citing the issue
Work-life balance / Flexible working	12
Equal Pay (gender)	10
Bullying and harassment	8
Age issues	5
Progression at work	5
Disability issues	5
Other (including basic rights, professional issues)	4

Note: based on responses from 17 unions. One union gave two priorities, and one mentioned two priorities within the same broad heading.

The case studies of five union branches (in higher education, health, manufacturing, retailing and media) broadly reflected the priorities outlined by regional officials, with one important caveat – that equalities issues were not necessarily seen to be much of a priority at all. For example in one union, the equalities rep said:

'According to the reps, very few equality issues crop up apart from one of the female members objecting to the term 'cameraman'.'

*Union official, small media union (2)*

By far the most important issues mentioned by both union officials and in the branch case studies were work-life balance and flexible working issues, closely followed by equal pay for women and men. These two issues can be regarded as 'core' equalities issues, as they were in the top three priorities of all but two unions (both teaching unions) that responded.

The remaining issues identified by unions covered a range of areas, including bullying and harassment (a priority for eight unions), progression at work (a priority for five unions), age and disability issues (a priority for five unions respectively). There was more divergence between unions on these issues, with only teaching and civil service unions mentioning progression at work as a priority, and smaller unions tending to cite these issues rather than 'the big four'.

Significantly, in the branches that represented manual workers, the issues seemed to be perceived less as equality issues and more as issues of protecting workers' conditions of work and enforcing their employment rights. Indeed interviewees in these two branches did not relate to questions about 'equalities issues'.

It is important to note that although a union may not have mentioned a particular issue as one of its top priorities, it may nevertheless be active on it.

### **5.1.1 Work-life balance issues**

Unions of all kinds mentioned that work-life balance issues or flexible working is one of their top concerns. Some unions recognised that flexible working was particularly a priority for their women members because women were the main carers in many households. Other unions noted that work-life balance issues were important to other groups of members, such as young workers who were sometimes expected to work longer hours than older workers, although the issue was not necessarily termed 'work-life balance' for these groups. It may also be an issue for disabled workers or older workers as well, as flexibility can help to 'work around' a health condition or impairment.

Union officials acknowledged that whilst legislation was in place giving employees rights to request flexible working, employers were often reluctant to respond positively:

'Flexible working is a big issue ... Companies seem to think that flexible working means part-time working need to do quite a lot of work with them on this. Employers are a bit afraid of flexible working and tend to say 'no' at the outset rather than let's work together.'

*Union official, large general union (2)*

'There is an inflexibility of management to meet the needs of women with childcare needs and their wish to have family friendly policies. [a major employer] has all the policies but dealing with a case I know of a woman who wanted to reduce her work to three nights a week and the manager's first response was 'no' as she didn't put her request in writing.'

*Union official, medium sectoral union (2)*

Amongst the branch case studies, whether a branch of a supermarket or higher education college, our interviewees all reported that flexible working was a key issue raised by members.

‘there could be more awareness of family-friendly policies within the workplace. The right to request parental leave is available but management are not keen.’

*Branch official, large general union (2)*

The way in which flexible working was an issue in the workplace naturally varied depending on local circumstances. For example, at the supermarket-based branch the main concerns about flexible working were the requirement for night shift staff to work on Boxing Day night and the move towards contracts based on number of hours rather than specified days.

‘The contract of employment that new people have is that your contract is based on hours not days. [the employer] has to be more child-friendly.’

*Branch official, medium sectoral union (1)*

At an NHS trust branch, although it was acknowledged that the employer had excellent policies on flexible working these were not always implemented by managers and the concern with performance 24 hours a day 7 days a week remained paramount and sometimes resulted in the policies not being adhered to:

‘The trust has flexible working opportunities but first and foremost you must deliver on performance and service .... There are enough policies but they are not embedded in the organisation. The managers sometimes ignore advice and that is when the unions get involved.’

*Branch official, large general union (1)*

Our interviews revealed that unions had initiated a range of campaigns to inform workers of their rights to flexible working, including one union, USDAW, which had been particularly active on flexible working for carers and carers’ rights. Another union had made links between work-life balance and stress at work, producing leaflets for members. However, the campaigns that were mentioned were mainly initiated by the unions’ head offices rather than being specific to Wales.

### **5.1.2 Equal Pay for women and men**

Equal pay for women and men was cited by union officials almost as many times as flexible working, and was seen to be a fundamental issue whether the union was in the public or private sector, a white collar or general union as this quotation illustrates:

‘Equal pay is a huge issue as well. ... We've got the Equal Pay Act but unless they make the equal pay reviews mandatory you won't get anywhere.’

*Union official, Medium general union*

It was also mentioned as an issue in the two public sector union case studies, where both employers were modernising their pay systems. Both union branches were optimistic that the new structures would eliminate gender pay inequalities in the long run. In both cases, the new system also included arrangements for flexible working which were also welcomed.

‘Equal pay is an issue that comes up but because [the employer] is going through a pay modernisation process that should sort those issues out. We are introducing a flexible working agreement as part of the pay modernisation process’

*Union official, large public sector union*

However officials three unions said that equal pay for women and men was not an issue, as in the case of the two former unions they considered that it was being addressed through Agenda for Change in the NHS whilst equal pay was simply not mentioned in the two manual union branches, although the general question of wage restraint was mentioned in one.

Significantly, equal pay was wholly considered to be a gender issue – the question of the pay gap for different minority ethnic groups or disabled people, for example, was not identified.

### **5.1.3 Bullying and harassment**

Eight unions mentioned bullying and harassment as one of their main equalities issues, although they had slightly different views about the form that it could take (ranging from Islamophobia in call centres to harassment of young women teachers by older males). The large and public sector unions appeared less likely to cite bullying and harassment as a major issue, with smaller unions being more concerned about the matter.

‘One of the big equality issues in Wales is bullying and harassment at work. Dignity at work definitely affects a large proportion of women members, BME and LGBT members.’

*Union official, large general union (1)*

Only one branch case study mentioned bullying as an issue.

#### **5.1.4 Age issues**

Concerns about age-related issues were said to be one of unions' main equality priorities in five cases, with different types of unions mentioning them. The concerns raised essentially covered two issues – first, the question of flexible retirement and access to pension schemes and second, the lower pay of under-21 year olds who were not only exploited but were sometimes alleged to be employed in preference to older, more expensive workers.

'Low pay for younger members - where unscrupulous employers encouraging younger journalists and then pay them shockingly low wages - this is the single biggest issue that I've dealt with.'

*Union official, small media union (2)*

'Another thing is, where schools work on tight budgets, there is an issue with age and experience. ... More and more local authorities are looking to employ less experienced teachers so they can pay less.'

*Union official, small teaching union (2)*

These issues, plus progression at work, were also mentioned by those unions who identified the most important issues facing younger and older workers specifically.

#### **5.1.5 Progression at work**

Progression at work was identified as one of a union's main equality priorities in five cases – significantly all of which were either teaching unions or civil service unions. It was also mentioned by other unions as the main issue facing women, black and minority ethnic members, disabled members and young members.

#### **5.1.6 Disability**

Officials from five unions, of varying sizes and sectors, said that issues around disability and sickness were one of their top priorities. The main concern was providing support to people with a disability or returning to work after long-term sickness, e.g. to adapt their working conditions or environment, the inappropriate use of sickness absence procedures and representation of workers at REMPLOY.

Disability issues seemed to be more important to the branches in our case studies. Three branches mentioned difficulties about the management of sickness absence and the lack of changes to working arrangements to accommodate employees with a health condition or disability. The NHS trust union branch explained the issue for them:

‘... there are a lot of members who would not recognise they have a disability. There are issues with regards to absence management and the consequences of that with disabled members. We had a situation where one manager said to an employee 'You're not fit for work at night and therefore not fit to work during the day'. ... There are people out there with new changes to disability act who might qualify and will have been off for a considerable time. One of our frustrations is that we pick up cases where people have been off for a considerable time and management has not done anything to facilitate a return to work.’

*Union official, Large general union (1)*

In the case of the supermarket branch, shop stewards raised the case of an employee with a back problem who was concerned she may not be able to undertake a task she had been given to do alone, whilst in the other manual union branch the employer’s sickness absence procedure was regarded as quite draconian although it was also pointed out that there was one blind employee and one deaf employee, and that management’s response to one incident of sickness had been ‘marvellous’.

### **5.1.7 Other issues**

Four unions mentioned five different priorities that we have classed as ‘other’. These included professional issues that were specific to members represented by that union, general education and awareness, and achieving basic employment rights for members e.g. maternity leave and maternity pay. Only one union mentioned religious discrimination as an issue (Islamophobia) and saw it as clearly linked to race.

## **5.2 Equality priorities of groups of members**

We asked union interviewees what they considered was the most important issue facing each of the various types of member they represented. It is worth noting that a number of unions were unable to answer this question. Some acknowledged that they did not have the information whilst it became apparent that others simply did not know. We cannot, therefore produce a numerical analysis of unions’ views on the priorities for different groups, but Table 5.2 gives examples of the issues mentioned for each category of membership - it must be stressed that it is not an exhaustive list and we have merged some similar responses into a single item.

**Table 5.2 Equalities Issues of Concern to Groups of Members**

<b>Group of members</b>	<b>Most Important issue</b>	<b>Group of members</b>	
Women	Childcare Career progression Equal Pay Flexible working Bullying and harassment Working hours / work - life balance Lack of regular employment Lack of opportunities for job share Elderly care Better toilet facilities (in non-traditional occupations)	Black / minority ethnic groups	Agency working Monitoring of race equality schemes Career progression Support to participate in union Lack of knowledge of fellow workers Dignity at work Poor recruitment procedures Bullying and harassment Outreach work with BME communities Activity against BNP Low status jobs Extreme exploitation
Disabled members	Lack of progression and reasonable adjustments to work Absence management Supporting disabled workers	LGBT members	Discrimination due to their sexuality The same kinds of employment rights Support to come out Homophobic bullying
Older members	Not wishing to retire Early retirement Progression Retirement age Older workers seen as too expensive. Sickness e.g. back problems	Young members	Long hours Lack of respect Low pay Progression Correct time allowance Health and safety
Members of religious groups	Racist language Lack of understanding around religious festivals and taking time off Employment at faith organisations where staff must maintain the ethos		

Despite these caveats, some conclusions can be drawn. First, it is clear that some issues are important to more than one group of members, and sometimes to almost all groups of members. For example, flexible working and work – life balance is mentioned as being of importance to older workers as well as to women workers, and could also be important to disabled workers, whilst progression at work was identified as an important issue for almost all groups of people - women, black and minority ethnic members, disabled people, young and older workers. Similarly, bullying and harassment was mentioned as an issue for women, black and minority ethnic members and lesbian, gay, bisexual and transgendered members whilst ‘lack of respect’ and ‘racist language’ – both aspects of bullying – was mentioned as an issue for younger workers and religious groups. Equally importantly, no group can be identified as being concerned with just one or two issues i.e. flexible working is not just a ‘women’s issue’ nor is bullying the exclusive concern of lesbian, gay, and bisexual union members.

Second, some of the issues that have been identified as being of importance to members are not necessarily traditionally regarded as ‘equality issues’. Whilst the typical equality concerns of equal pay for women and men and bullying and harassment are clearly frequently mentioned, other issues, such as sickness absence management and progression at work, are not necessarily regarded as equalities issues yet nevertheless they emerged as being important to a number of different groups of members.

### **5.3 Mainstreaming equalities priorities**

This section explores the extent to which equalities issues have been mainstreamed into wider union priorities and in particular into bargaining priorities. We asked unions what was their main bargaining issue, and every single union which responded said it was pay. Large or small, public or private sector, pay was identified as crucial:

‘Our bread and butter are pay and conditions and we seek to improve our members’ pay and that is what we will always do. To improve living standards and improve people’s health and safety.’

*Union official, large public sector union*

‘Bargaining priorities are pay, terms and conditions.’

*Union official, large general union (2)*

Other frequently mentioned bargaining priorities were terms and conditions of work (including working hours), job losses and pensions. Some unions raised issues specific to their industry e.g. pupil indiscipline was identified by a teaching union and collective agreements by a media union.

However, most of the unions interviewed did not identify a connection between their main bargaining priorities and their equalities priorities, mainly because they considered that there was no connection in place (although in one case the interviewee felt that he was not in a position within the union to be aware of the relationship e.g. because they were not party to national bargaining on a Great Britain or England and Wales basis).

Four unions – three public sector and one private sector – had a different position and were clear that their union’s bargaining agenda was informed by equalities issues, at least in terms of equal pay for women and men.

‘Equal pay ... is one of the things where equality informs our bargaining priorities.’

*Union Official, large public sector union*

They felt that equal pay for women and men should be an integral part of the negotiation of pay agreements, and that due regard had to be paid to the implications of any agreement for pay equality. For example, one public sector union had identified the way in which bonus payments could perpetuate unequal pay:

‘We find that bonus schemes are often applicable in areas dominated by men. We want to negotiate pay packages that mean that pay rates are equalised across the board and bonus schemes are not used to improve people's pay. That is a key bargaining area for us when negotiating pay rates - if the bonus scheme is removed from the male profession they would also be on equal pay.’

*Union official, large public sector union*

Another union had brought the question of maternity pay into pay negotiations, whilst another considered that pay audits or ‘equality-proofing’ pay agreements provided the mechanism for ensuring that equal pay was integrated into bargaining:

‘We ask all ... employers to conduct equal pay audits ... We are also looking at issues of equal pay at the [one employer] as we had to negotiate a new pay structure as there were potential equal pay claims up there. Employers are getting the message that their pay systems are equality proofed.’

*Union official, small professional union (1)*

‘Equal pay, where we find it's a bargaining issue, we put pressure on employers to do audits. There is a mixed response from employers to doing equal pay audits.’

*Union official, medium public sector union*

However, other aspects of pay inequality e.g. for disabled people, had not been mainstreamed in the same way. This is surprising because many of the issues that had been identified as of concern, e.g. sickness absence, are part of 'terms and conditions'.

#### **5.4 Other activity**

Other union activity on equalities issues mainly took the form of campaigning and providing information to members about their rights at work, e.g. to request flexible working and against bullying and harassment, and more widely, e.g. on rights to claim carer's allowance. We also identified unions that provided branches with tools to help them e.g. model policies on domestic violence, guidance on flexible working, and toolkits e.g. to deal with cases brought to them by members. It appeared that most material was initiated and produced by union head offices which were outside Wales, although some union regional office translated material into Welsh.

#### **5.5 Conclusions**

The main equality issues for trades unions are, without any doubt, equal pay for women and men and flexible working. These two issues were common to all unions officials interviewed, and were also shared by all but one union branch. Progression at work and flexible working were also issues that were of interest to almost all the various groups of members, not just different genders.

There was strong evidence that equal pay was being addressed through the modernisation and review of pay systems, at least in the public sector, and some evidence that flexible working was being addressed in the same systematic and thoroughgoing way. However, although policies on flexible working appeared to have been agreed, enforcement of employee rights seemed to remain piecemeal and be dependent on the approach of individual managers.

Other issues such as disability, sickness absence / return to work procedures, bullying and harassment, and issues specific to a sector were also important to the union officials, with disability issues being of particular importance at branch level. Given the prevalence of ill-health and disability in the workforce in Wales, and the severe impact of disability and ill-health on the likelihood of working, this might be an issue that could have greater prominence at regional level in future. Unions need to be aware that flexible working is a disability equality issue as well as a gender equality issue.

Of all the issues that were raised, it seems that only equal pay for women and men and flexible working have informed the bargaining agenda and been 'mainstreamed' into negotiations, and that that was almost entirely (with one exception) in the public sector. Yet almost all unions mentioned that pay in general was one of their top bargaining priorities. No other issues appeared to

have been mainstreamed in this way.

Where an issue is not mainstreamed into bargaining, unions have relatively limited tools to use to change conditions in the workplace. Those at their disposal are essentially campaigning and information provided to branches by head office (which includes the support provided by union officials as well as literature), and handling case work. If equalities issues are not part of wider bargaining priorities it is highly unlikely that significant progress will be made. It seems that the investment in various union structures to encourage and support action on equalities and the progressive policies adopted by many unions are simply not translated into the front-line of bargaining.

## 6. LINKS WITH STAKEHOLDER BODIES

The final element of the research brief was to identify the value of the support provided to unions by the equality commissions, which have now merged to form the Equality and Human Rights Commission, and other groups representing those covered by equalities legislation.

Wales has a relatively rich stakeholder environment. All the former equality commissions had offices for Wales with varying degrees of autonomy in their agendas, and the new Equality and Human Rights Commission is also poised to develop a distinctive agenda in Wales. There are also numerous other stakeholder groups specific to Wales, ranging offices of UK-wide bodies such as Age Concern and Stonewall Cymru, to umbrella groups such as Disability Wales, to bodies specific to Wales such as Race Equality First, Cytun and Funky Dragon. All these stakeholder groups can and do contribute to the development of equalities policy and practice in Wales.

To explore the interaction between stakeholders and trades unions, we interviewed eleven different people from organisations with a significant interest in the different equality strands. Unfortunately we did not manage to secure an interview with a group representing young people.

### 6.1 Trades unions / stakeholder contact

We found that almost all the stakeholder organisations had had some level of involvement with the Wales TUC in the last year. The exception was one of the faith groups interviewed, which said they had had no contact with either the Wales TUC or individual unions. However in the case of three of the non-statutory bodies, the contact was relatively limited, as this quotation illustrates:

‘I think [our organisations] and unions have a low level of engagement, particularly in the last two years.’

*Stakeholder body*

The lack of substantial contact between this organisation and trades unions is all the more surprising as this organisation has been doing considerable work on employment rights, including publishing a journal and running courses on good practice.

We found less involvement of stakeholder groups with individual unions. Whilst all the former equality commissions had had some contact with individual unions, only half of the stakeholder groups identified any contact with a union.

What contact there had been between stakeholders and unions mainly involved full time union officials, e.g. equalities officers. However one organisation had

had some contact with branch reps and ordinary members by speaking at the relevant union conference, whilst two other organisations had had contact through providing training / awareness raising.

‘I’ve had some contact with Wales TUC and I got funding from Wales union learning fund [for a project] which is run jointly with Wales TUC and [a union] ... .. I also attended a meeting with [a union] on migrant workers.’

*Stakeholder body*

A small number of interviewees described the relationship between stakeholder bodies and unions as sometimes tense – one of them using the term ‘love / hate relationship’. Some of these tensions were about handling of individual cases, e.g. claims of discrimination. There were agreements or protocols in place about the respective roles of trades unions, the former equality commissions and some stakeholder bodies e.g. that a race equality council will not represent an individual who is a union member. However it was claimed that unions had not always taken on members’ cases effectively, for example telling a member they did not have a case when they may well have done, not understanding legislation e.g. on disability discrimination, or being unsympathetic. One interviewee said ‘the unions would run away’ when faced with a difficult case.

One stakeholder organisation (a statutory body) also perceived that there was tension about unions’ practices as organisations and employers. Another described how they had offered training courses but were disappointed at the low take up:

‘We offered discrimination law training to the unions but there was not a good take-up except for Unison at branch level. We contacted all the unions and offered this but there was very little training. The response that we tended to get was that we do our own equality training and we have our own officers.’

*Stakeholder body*

However an interviewee with a statutory body said that:

‘I feel our relationship with unions was good. We probably could have engaged more with them but we worked very well ...’

*Stakeholder body*

Unions themselves reported their contact with the stakeholder bodies slightly differently. The larger unions and those in the public sector generally reported some contact with the equality commissions, in particular with the then EOC. They reported less contact with CRE and DRC except in the case of PCS, which said it had a good relationship with DRC, and CWU who said that they had contact with CRE via a working group.

'We used to have regular contact with the EOC. ... We also had practical working arrangements with CRE ... We never had the same kind of relationship with the DRC but yes we would use them for advice if we had disabled discrimination claims.'

*Union Official, large public sector union*

'We did a lot of work with the EOC on equal pay. Our link with the DRC is also good.'

*Union official, medium public sector union*

'The director of the EOC is a former MSF officer and we have got a good working relationship with them. CRE is useful for information but I have needed to use them less.'

*Union Official, large general union (1)*

Almost all the smaller unions reported little or no contact with the equalities bodies:

'I've had limited contact with EOC, DRC and CRE.'

*Union official, small professional union (2)*

'I've had no contact with EOC, DRC or CRE.'

*Union official, small professional union (1)*

'In terms of contact with the EOC, CRE and DRC, at divisional level it's minimal. Nationally, I can imagine there is far more contact.'

*Union official, medium sectoral union (1)*

### **6.1.1 Nature of engagement**

The involvement of stakeholder organisations with the Wales TUC was mainly based on joint projects, including the Equal at Work project, or shared campaigns, e.g. equal pay, age discrimination and migrant workers.

'Our contact with the unions has been more generally on campaigns, fairly low level stuff on campaigns.'

*Stakeholder body*

'We had contact with the Wales TUC when we attended the disability equality schemes as part of the disability equality duty. .... We've had contact with the equal at work project and ran a few events at the beginning of the year which highlighted specific things that people are experiencing in the workplace. Other contact with [Wales] TUC was very limited. We haven't had contact with individual unions.'

*Stakeholder body*

Those stakeholder groups that had had contact with individual unions had mainly become involved through Wales TUC projects or campaigns, and their contact was mainly with the larger unions.

The former equality commissions had had a greater involvement with unions than non-statutory bodies, not only through campaigns but through other activities such as awareness raising and training for union officials and members. For example the Disability Rights Commission Wales, Commission for racial Equality Wales and Equal Opportunities Commission Wales were heavily involved in the course run at Cardiff University previously mentioned. All three commissions were also closely involved with the Equal at Work project. In part the commissions wished to transfer expertise in handling discrimination casework to trades unions and other bodies. For example the Disability Rights Commission held joint sessions with CBI in which regional officers from unions were involved and which also had some branch involvement.

‘We were fairly involved with the unions mainly through the work on equal pay ... My contact with unions was mainly on an equality officer level when we were trying to set up the equal pay project.’

*Former equality commission*

Three non-statutory groups (Women’s Voice, Muslim Council of Wales and Stonewall Cymru) had pro-actively sought to involve unions in their campaigns, e.g. one organisation was developing links for its campaigns on the gender pay gap and domestic abuse. Two non-statutory groups described how some individual unions were contacting them for advice and support on particular issues e.g. education unions had contacted Stonewall for advice on tackling homophobic bullying.

‘The nature of our engagement with unions has been training for migrants, apart from that it’s advice and support.’

*Stakeholder body*

‘We have ... a memorandum of understanding with the Wales TUC. ... If they need awareness and training sessions for employers or union officials we can provide that. If they have any people who ring the union if there are specific issues such as someone working in a canteen or wearing jewellery then we help them.’

*Stakeholder body*

Stakeholders identified a number of barriers to greater engagement with unions. The first is stakeholders’ own lack of resources, particularly the non-statutory bodies. Most of these organisations are very small, with members of staff covering a broad range of issues. They felt that they simply did not have the person power to get involved with trades unions to any great extent.

‘We don’t have massive resources ... and that is a problem for us.’  
*Stakeholder body*

‘Our problem is ... in terms of capacity we have limited resources.’  
*Stakeholder body*

The second barrier was the difficulty that stakeholders perceived (and had sometimes experienced) liaising with unions. The large number of unions with members in Wales, albeit that some unions have very small Welsh membership, was the first hurdle, along with the fact that many of the smaller unions do not have an office in Wales. This was one reason why organisations chose to work with Wales TUC as the unions’ representative body.

‘... we have limited resources. That is why working with Wales TUC is so important as it can put us in contact with a number of unions.’  
*Stakeholder body*

But at least as important was the range and complexity of union structures, especially in the way that they approached equalities. It was simply not clear to those outside the union whom they should approach if they wanted to make contact.

‘Our main problem that we have with trade unions is that it’s difficult to find out who the equality rep is or make sense of their structures.’  
*Former equality commission*

‘Union structures are a real problem with dealing with equalities.’  
*Former equality commission*

The third barrier was that some non-statutory bodies were not very aware of trades unions and did not seem to regard them as significant partners. Whilst three such bodies had actively sought to develop relationships with unions (Stonewall Cymru, Women’s Voice and Muslim Council of Wales), either individually or via the Wales TUC, as a deliberate means of trying to change workplace cultures and practices, two other non-statutory stakeholders seemed less aware of the potential for partnership with unions. One race organisation said that they would like more communication with unions about what they are doing on race issues. Another body said that they would like:

‘More information from TUC and unions about how they support disabled people in the workplace. There needs to be more information about support for disabled people on employment from the unions.’  
*Stakeholder body*

And lastly, some stakeholder groups felt that unions themselves were not aware of the issues that their members may face in the workplace, and that unions did not reflect the composition of their members' in their own structures.

'The unions are populated with white, heterosexual men – that needs to alter to reflect their membership – we need to have more lesbian and gay and BME and disabled members.'

*Stakeholder body*

'I've come across a number of women who would make excellent shop stewards or officers. ... how many women are holding senior positions in the union? When you look at general secretaries in Wales not many are women.'

*Stakeholder body*

'You need to get reps from the BME community.'

*Stakeholder body*

It seems, therefore, that the contact between trades unions and stakeholder bodies has been somewhat uneven. By far the most contact has been with Wales TUC rather than individual unions, particularly around campaigns. Amongst the former equality commissions, the Equal Opportunity Commission appeared to have had the most contact with trades unions, although not all unions had had the most contact with the former EOC. Lack of resources is a problem for stakeholder groups and trades unions alike, which is exacerbated by difficulties stakeholder groups have understanding different union arrangements for handling equalities. Lack of understanding and a sometimes somewhat tarnished view of unions was also an issue. There is clearly considerable potential for unions and stakeholders to strengthen their relationships.

### **6.3 Perceptions of union priorities**

We asked stakeholders what they thought were unions' equality priorities. They were unanimous in regarding gender equality as being the most important equality issue for trades unions, and a number mentioned that they felt that race equality was also a priority (although significantly one race-related organisation considered that unions had done little on race issues). The issues on which the relevant organisation felt that unions had not been active were religion and sexual orientation.

Where they were informed enough to respond, stakeholder groups felt that the unions' priorities had varied across equality strands. In terms of gender, two groups said that equal pay and pregnancy related issues were the main focus of union activity; whilst in terms of race the main concern was bullying and harassment.

Our interviewees mostly had positive views about the impact of unions on the equality for their members. They acknowledged in particular the success of the campaign on equal pay for women and they also acknowledged that unions were making efforts to change their own practices as well as to bring about change in the workplace:

‘Unions have been guilty of women making the tea and it’s still sexist but there has been a change in the last ten years since devolution. We do see a change in the number of women coming through and more female staff reps.’

*Stakeholder body*

‘Yes, union activity is having an impact on the ground.’

*Stakeholder body*

‘I think in certain places there is equality on the ground but there is still lots to do.’

*Stakeholder body*

However, some other organisations were more critical. One pointed out that unions were good at campaigns but had yet to include many equalities issues in bargaining, which hindered progress. Another (statutory body) noted that although some progress had been achieved it had been slow and that a great deal more needed to be done. This interviewee had an interesting perspective in that he saw the trade union role as being more than handling individual cases and involving holding their employer (at least in the public sector) to account:

‘Union activity on equalities isn’t having an impact on the ground. We have a duty to promote race equality – we’re 3 years into it. While you can see some progress in setting up monitoring systems we are still at the beginning. We have not enabled trade union members to be the eyes and ears and a regulator of the public sector.’

*Former equality commission*

This thinking was echoed by the other former statutory body who said that as well as wanting unions to support individuals across a range of equality mandates they also wanted unions ‘to monitor public sector employers in relation to their public duties’ and:

‘Unions could and should be getting engaged in equality schemes – there are real opportunities out there.’

*Former equality commission*

This potential role for unions is an extremely important one which will be considered further in the final chapter.

## 6.4 Future engagement

It is fair to say that there is a great deal of uncertainty about how unions and stakeholder bodies might work together in future, in part reflecting the very new nature of the equality bodies' successor organisation, EHRC, which was still at a very early stage in its development at the time of our interviews. In addition one of the non-statutory bodies was undergoing a review of its activities.

Interviewees who were based at the former equality commissions and now at the EHRC saw very considerable potential for working with trades unions, albeit that some of it may be on a different basis to in the past. All three interviewees felt that there needed to be much greater transfer of experience from the EHRC to unions so that they were equipped to support their members effectively. Ideas such as developing a locally based 'equality network' (so that there were for example 20 – 30 people with considerable skills across Wales), mandatory equalities training for all union officials, as well as ongoing advice and support on all the equalities strands were felt to be crucial. Campaigning on equality issues was also felt to be important, whether based on the 'new' equality strands or continuing previous campaigns such as that on equal pay.

However, our interviewees also wanted to help unions to move beyond the traditional case-work and campaigning approach, so that equalities issues became embedded in bargaining:

'The real challenge is how to go beyond the equality representatives and embed [equalities issues] within negotiations.'

This comment reinforces the conclusion in the previous chapter that although some equalities issues were being mainstreamed into bargaining, there was still some way to go on the many others that were of concern to union members.

Unions themselves seemed to think rather differently about their future relationship with EHRC, and mainly commented on the likely impact of a 'pan-equality' body on current activities.

'My understanding is that people will work across the strands and there are dangers in that.'

*Union official, medium public sector union*

'There have been some concerns that the merger of strands meant that the individual strands would not get equal status.'

*Union official, Large general union (1)*

Several unions identified areas which the EHRC should prioritise, which centred around providing more information and advice to unions, in a more accessible way.

‘I want to be able to go to the single equality body for advice especially if you cannot deal with it as a specialist organisation.’

*Union official, small professional union (2)*

‘We want more information on [equal pay] issues from the body. Also, we don’t have the resources to push employers to conduct equal pay reviews.’

*Union official, small media union (2)*

These comments suggest that unions and EHRC may have a diverging agenda. The EHRC appears to be moving towards an approach which involves transferring expertise to unions, reaching beyond equalities officers, and attempting to embed equalities into unions’ bargaining agendas. However unions themselves do not envisage this role and are concerned about how the new body will maintain its predecessor’s previous roles. Indeed, it is possible that unions – especially the smaller unions and those outside the private sector – do not have the structures or capacity to engage with EHRC in the way EHRC appears to envisage.

It is vitally important that unions and EHRC engage in a dialogue as soon as possible. Not only should unions be fully consulted on the EHRC draft business plan, and on other strategic thinking and planning, but unions should also ensure that the EHRC is fully briefed on trades union issues and concerns, especially now that there is no longer a place reserved for unions on the EHRC Wales Committee. In addition, the protocol on case handling needs to be revisited in the light of the formation of the new body. These framework discussions need to be backed by arrangements for ongoing dialogue and liaison.

## **6.5 Conclusions**

In Wales’ relatively rich organisational environment it was encouraging to find that there was at least some relationship between Wales TUC and almost all of the stakeholder groups. However, the relationship between stakeholder bodies and individual unions was not so strong. On the whole, the former equality bodies (especially the Equal Opportunities Commission) appeared to have a stronger relationship with unions than other bodies although some non-statutory bodies had taken the initiative and sought to work with unions.

Barriers to greater current engagement were partly organisational (lack of resources amongst stakeholders and trades unions, as well as difficulty accessing union structures) and partly about differing priorities and views. However, as the new EHRC develops its agenda there is a strong risk that it will have different expectations and priorities to trades unions, and there is an urgent need for dialogue at both strategic and operational levels.

## 7. CONCLUSIONS

The current environment in which trades unions in Wales are seeking to promote equality is complex and challenging. They face rapidly changing thinking about equality and a new institutional and political framework for delivering equality in Wales. Our review of the labour market in Wales suggests that inequality is deep-seated and persistent, with substantial inequalities in the employment rate, pay, and typical occupations of different groups in the labour market. At the same time, unions' resources are stretched, not least by declining membership, and many unions are themselves restructuring.

Within these challenges, we found a mixed picture on union activity to promote equality at work and tackle discrimination. The large numbers of unions mean that there are substantial differences in union organisation. Whilst almost all unions have arrangements in place to promote equality across their membership as a whole, only half of those we interviewed have arrangements (e.g. a committee or other body that deals with equalities) that are specific to Wales. Only one union has a dedicated officer dealing with equalities in Wales, and nor does the Wales TUC have such a resource. The lack of resources must surely constrain trades union participation in the Welsh equalities agenda, and is a matter which needs urgent consideration.

In terms of representation, it appears to continue to be the case that women, minority ethnic groups, disabled people, young people and LGBT groups are under-represented in union roles, although unions were making efforts to broaden participation. One very welcome finding was that more than half the unions aimed to have branch equality reps, although a number of unions reported that they had difficulty filling the roles, as these reps are potentially a very valuable 'front line' resource for promoting equality at workplace level. Unlike health and safety and learning reps, equality reps do not enjoy statutory rights e.g. to time off or training. There seems to be considerable potential within Wales to develop the role of equality reps further, especially in the public sector, and this is an issue which should be explored further.

We found that those who were responsible for equalities at workplace level had attended various types of training with the Discrimination Law and Employment Tribunals course at Cardiff University being particularly highly regarded. This provision should be continued and issues about the format and location of other training should be addressed.

Equal pay and flexible working dominate the equalities agenda, but are by no means the only issues of concern. Equalities issues cut across different equalities strands, e.g. bullying and harassment was an issue for minority ethnic groups, LGBT groups and religious groups. There was strong evidence that equal pay, and to a less extent, flexible working had been mainstreamed into

unions' bargaining priorities with a resulting modernisation and review of pay systems, and adoption of flexible working policies. However, implementation of these policies seemed very variable, and to be dependent on the approach of individual managers at workplaces. It seems that whilst unions have successfully won the equal pay and, to a lesser extent, the flexible working arguments round the negotiating table, they have been less successful ensuring change in the workplace itself. There is a potentially very significant role for equalities reps to play in policing and promoting equality on the ground, which should be explored further.

We found that disability issues were also priorities for a large number of unions and this was especially important at branch level. However, it did not appear that these issues had been included in unions' bargaining priorities. Given the prevalence of ill-health and disability in the workforce in Wales, and the severe impact of disability and ill-health on the likelihood of working, disability might be issue that could have greater prominence in future.

In terms of relationships with stakeholders, it was encouraging to find that there was some relationship between Wales TUC and almost all of the stakeholder groups albeit that the relationship was mainly based on projects and campaigns rather than on shared strategic objectives. The relationships between stakeholder bodies and individual unions were not so strong, and were also very variable.

It was clear that lack of resources, both amongst stakeholders and trades unions, were a significant barrier to greater engagement. However lack of understanding of union structures and differing views about the commitment and capacities of different organisations were also an issue. As the latest Welsh Assembly Government and new EHRC in Wales develop their agendas, there is a strong risk that both bodies will have different priorities to trades unions and different expectations of unions' roles. We conclude that there is an urgent need for dialogue between the organisations at both strategic and operational levels, which needs to start with discussions about the EHRC Wales' business plan and revisiting the protocol and agreements on case work.

The research identified some actions that the Wales TUC and trades unions should consider. First of all, the question of resources to handle equalities issues at strategic level needs to be addressed – without sufficient person-power it will be very difficult to progress the equality agenda. In terms of equalities issues, we suggest that trades unions consider how best to mainstream equalities issues further, in particular around disability. We identified that impact on the ground remained an issue and suggest that equality reps have a major contribution to make that needs to be explored further – however in order to achieve this potential the question of time off for equalities reps to fulfill their duties should be explored. We also suggest that how best to implement the commitment to equality at work through the social partnership agreement between the Wales TUC and public sector employers should also be considered.

Lastly, trades unions do not exist in a vacuum and the key government body is rapidly developing its own agenda in Wales. There is an urgent need for dialogue about the interface between trades union equalities work and the work of the Equality and Human Rights Commission in Wales.

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## **Annex 1      Examples of Trades Union Activities to Promote Equality**

- Equal at Work ran two seminars with Unison, providing training on improving equality practice in the workplace. The seminars were designed for reps and employers attending in partnership, to improve joint working and to achieve buy in from both sides in identifying workplace equality issues and actions for tackling these. As a result a number of reps are now working more constructively with management on mainstreaming equality issues.
- Glamorgan University and UCU with Equal at Work have run forums and designed a survey for members to identify workplace equality issues as part of a broader work-life balance agenda. The issues identified are to be discussed with HR to seek joint solutions for addressing the issues identified.
- PCS held a number of meetings with Equal at Work and with their pan equality committee to discuss how to make the equality committees more effective, improve communications and to review how they work across the strands. A well attended pan equality conference was held which informed reps of progress to the wider equalities agenda and consolidated thoughts around a more effective way of linking equality issues into mainstream policy of the union.
- Equal at Work and Unison also ran a pan equality event for reps, providing information on how to be proactive in working with their employer on the equality duties. Unison has been proactive in reviewing how they deal with the equalities agenda and where and how resources can be used more effectively in future.
- Equal at Work has also spoken to a number of workplace equality committees/forums to both management and reps, informing both sides of changes to the equalities landscape and how they can work together in partnership to deal with these changes. A fair amount of interest has been generated by employers asking for support with putting equality schemes together.
- WTUC/ Equal at Work and the CBI are working to produce a guide to good practice in equalities for employers.
- Equal at Work has worked closely with the legacy equality commissions but less so with the new EHRC due to the transition period causing lack of

continuity with contacts and joint work areas. Equal at Work has also worked with other equality bodies in Wales but largely around campaigns.

- A number of unions, including Unite and PCS are involved with public sector pilot projects aimed at setting up equality reps networks.

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