



Bargaining & Negotiations Department

Tackling workplace racism

A UCU bargaining guide for branches

July 2016

UCU branches have a role in challenging structures and processes within the workplace that disadvantage black workers. This guidance will help UCU branches to be active in identifying and tackling issues that affect black workers in general. It is clear that this is best done by raising the themes in this guide with your employers as an integral part of the collective bargaining agenda.

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Introduction:

The inquiry into the murder of black teenager Stephen Lawrence produced a damning indictment of institutional racism in the police force and led to the Race Relations (Amendment) Act 2000.

The inquiry defined institutional racism 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 racial stereotyping'

A recent UCU report made it clear that our universities and colleges are not safe havens from racism

UCU report: key findings

In 2015, UCU surveyed its blackⁱ members to chronicle their lived experiences of working in post-school education. The subsequent report, *The experiences of black and minority ethnic staff in further and higher education*ⁱⁱ, was published in February 2016. The key findings of that report were:

Key findings

- An overwhelming majority of survey respondents reported that they had faced barriers to promotion, with nine out of ten (90%) across further and higher education reporting that this had often or sometimes been the case for them.
- In related questions, half (50%) of the respondents across both sectors did not agree they had been fully informed of the process of applying for promotion. That figure was marginally higher in further education (52%) than in higher education (47%). Three-fifths (59%) across both sectors reported that senior colleagues and managers had not supported them in seeking to progress their career. Just over half of respondents (52%) across both sectors did not see a positive future for their career with their current employer.
- Another stark result to emerge from this survey was that seven out of ten respondents (71%) in post-16 education said they were 'often' or 'sometimes' subject to bullying and harassment from managers. The percentage was slightly larger in higher education (72%) than in further education (68%).
- Two-thirds (68%) of respondents said they were 'often' or 'sometimes' subject to bullying and harassment from colleagues. Again the percentage was slightly larger in higher education (69%) than in further education (66%).
- Nearly four-fifths (78%) of respondents across post-16 education reported they were 'often' or 'sometimes' excluded from decision-making. That figure was slightly greater in higher education (79%) than further education (75%).

- Four-fifths (82%) of respondents across both sectors said they were 'often' or 'sometimes' subject to cultural insensitivity but that percentage was markedly higher in higher education (86%) than further education (73%).

UCU's survey suggests that racism is present in our colleges and universities. It warns that there is a persistent glass ceiling for black employees across post-16 education and also that too many have experienced bullying at work. They have also found themselves excluded from decision-making and subject to cultural insensitivity.

There is a clear call for racism to be addressed from the top and for leadership to take a more active role in creating sanctions for perpetrators, improving support for BME staff and training senior staff. Leadership in colleges and universities must be prepared to examine their structures, policies and procedures; in essence, to change the organisational structure and to challenge actively racism at the institutional level.

It's clear that too many institutions, be it through caution or complacency about discrimination and racism, have not made any structured attempts to monitor or investigate what's happening on the ground.

UCU representatives have a roll in tackling not just overt forms of racism such as harassment, but also taking action to challenge structures and processes within the workplace that covertly disadvantage black workers.

The aim of this short guide is to help UCU branches to be active in identifying and tackling issues that affect black workers in general, rather than focusing solely on individual concerns, so that all workers are treated fairly within the workplace.

Equality policies, monitoring and improved recruitment practices were introduced into workplaces because trade union negotiators took up these issues and raised them with employers as part of a collective bargaining agenda.

This guide is split into five further sections:

1. **What the law says**
2. **Employer commitment**
3. **Issues for collective bargaining:** provides details of the types of issues affecting ethnic minority workers in the workplace, plus checklists to enable you to begin the information-gathering process to inform your negotiations. This presents a starting point rather than a definitive list of issues for you to address.
4. **Next steps:** provides advice on developing a practical course of action for collective bargaining on behalf of black workers.
5. **Further information:** provides signposts to additional guidance and a list of relevant organisations that can provide further advice and assistance.

Section 1: The legal background

UCU representatives are not expected to be legal experts or to initiate legal cases.

Members who believe that they have been subject to racial discrimination should seek advice via UCU's legal scheme without delay. The legal scheme can be found here: <https://www.ucu.org.uk/legal>

It is worth recalling that equality policies were introduced into workplaces primarily because trade union negotiators took up these issues and raised them with employers as part of a collective bargaining agenda

However, it is important that UCU representatives have an overview of the legal background. A new Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act, including the Race Relations Act 1976, which was the legal framework for tackling racial discrimination.

It is worth bearing in mind that the law in itself does not put a stop to discrimination – it cannot be relied upon to achieve and protect equality issues; its function is to define what unlawful racial discrimination is. Collective bargaining is a positive mechanism for ensuring that equal rights exist within the workplace. Therefore, unions are in a position actively to seek out and challenge discriminatory practices on behalf of black workers.

It is unlawful to discriminate in recruitment or employment on racial grounds. This applies to both the public and the private sectors. Racial grounds are defined as:

- race or colour
- nationality (including citizenship)
- ethnic or national origins.

Racial discrimination may be direct or indirect:

- **Direct discrimination** means treating a person less favourably on racial grounds, for example, by rejecting all job applications from non-British applicants, or by refusing to consider them for a job.
- **Indirect discrimination** occurs when an apparently non-discriminatory requirement, condition or practice that cannot be justified in strictly business terms, though it applies equally to everyone, actually disadvantages people from particular racial groups.

For example, it could be indirect discrimination to ask for a high standard of spoken English when the job does not require this.

Harassment on grounds of race or national or ethnic origins is a specific offence under the Act, while harassment on grounds of colour or nationality may amount to direct discrimination. Harassment is unwanted conduct that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It is unlawful to victimise a person because he or she has made, or supported, a complaint of racial discrimination or harassment.

Instructing or inducing another person to discriminate is unlawful, as is publishing an advertisement or notice that indicates an intention to discriminate.

Public Authorities

Public authorities have a statutory general duty to have "due regard" to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between different racial groups in carrying out all their functions.

Most public authorities bound by the general duty must also meet certain specific duties to:

- prepare and publish a race equality scheme or policy, which states how they will meet the general duty in the areas of policy and service delivery
- monitor specified employment procedures and practices by racial group.

The duty to promote race equality also applies to the procurement of goods, facilities and services. Where a public authority's function is carried out, wholly or partly, by an external supplier on its behalf, the authority remains responsible for meeting the duty.

Section 2: Employer commitment

It is essential to find out the extent to which your employer is committed to tackling workplace racism. Real commitment to tackling discrimination is demonstrated by an action-based and systematic approach. This section also includes key questions to ask during discussions with management.

Negotiating objectives:

- To persuade employers to make a meaningful commitment to race equality;
- To check for a systematic approach to equality based on good employment practice.

2.1 Does your employer have an equal opportunities policy?

An equal opportunities policy should provide a framework for devising an action programme to address inequality in the workplace. It is important that the union is involved in the formulation of the policy to ensure that:

- the issues of disadvantage and discrimination that affect members are reflected in the policy;
- adequate resources are allocated for implementation;
- there are clear lines of management responsibility for ensuring compliance;
- there is a monitoring mechanism to assess whether the policy is achieving its objectives.

While a written policy is a starting point, it is important to remember that paper statements of intent alone are not enough.

2.2 Does your employer undertake monitoring of its workers by ethnicity?

Monitoring is a process of collecting, analysing and evaluating information. Information can be collected in several ways, including questionnaires, surveys, consultation and feedback. The final part of the monitoring process is to act on the findings of the data analysis in order to overcome identified inequalities. This final point is very important as to fail to act on the findings would reduce monitoring to a tick-box exercise of little value.

An employer cannot claim to be committed to equality of opportunity if it does not carry out monitoring as there is no mechanism to measure the effectiveness of equal opportunities policies and initiatives, however extensive they may be.

Monitoring also makes good sense for employers. As part of an effective management information system, it will enable managers to manage on the basis of a realistic assessment of the organisation, rather than on gut feeling.

The purpose of monitoring people's ethnic background is to:

- identify possible inequalities;
- investigate the underlying causes of inequalities;
- remove any unfairness or disadvantage.

If monitoring is carried out in the strictest confidence and the reasons for undertaking this are clear to all staff, it sends a clear message to workers and job seekers that the organisation is serious about equal opportunities. It is therefore imperative that trade unions hold management to account in terms of how it intends to use the information to make improvements for staff.

If monitoring is not being carried out, it is important to establish this process with management. For signposts to detailed guidance on monitoring, see Further Information.

Negotiators' resource: Checklist on equal opportunities policy

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there an action plan to implement the policy?</i>				
<i>Have resources been allocated to cover the cost of putting it into operation?</i>				
<i>Is somebody in charge of implementing the policy?</i>				
<i>How is the policy put into operation in all aspects of employment within the organisation?</i>				
<i>Are all workers aware of the policy and do they understand how it affects them?</i>				
<i>Is the union consulted on any proposed monitoring arrangements?</i>				

Negotiators' resource: Checklist on Monitoring

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Will the information be shared with the trade union?</i>				
<i>Have appropriate arrangements been made to store the information?</i>				
<i>Is it clear and agreed who will have access to the information?</i>				
<i>Will the information be published?</i>				
<i>Does the ethnicity of the workforce reflect the relevant population (depending on role)?</i>				
<i>Is this reflected at all levels within the organisation?</i>				
<i>Does monitoring extend to all employment processes (e.g. applications for promotion, transfer and training plus success rates for each; grievance and disciplinary action, including results; termination of contract)?</i>				
<i>If monitoring has revealed any disproportionate results for ethnic minority workers, has any further work been undertaken to establish the reasons for this?</i>				
<i>Have targets been set as a result of the monitoring? Are they realistic and measurable?</i>				

Section 3: Collective bargaining issues

This section provides a selection of issues relevant to black workers. This is not an exhaustive list of all of the issues; its purpose is to help familiarise you with some of the most commonly occurring concerns, many of which have been dealt with through legal proceedings.

Negotiating objectives

To review management policies and reach agreement with the management on:

- Recruitment and selection
- Training
- Promotion and progression
- Temporary and casual staff
- Pay rates
- Performance management
- Disciplinary processes.

The checklists provide you with a starting point to enable you to start developing an agenda that best represents your bargaining goals.

Recruitment and selection

In the economy in general, black workers are still being discriminated against in the recruitment process. It is important to check what is happening in your college or university. For example, you may find that the makeup of your workplace does not match the local demographics or that particular ethnic minority groups are over-represented in lower-grade roles and under-represented in the higher-paid positions. In both FE and HE it is important to consider the nature of the labour market for particular posts and consider whether it is predominantly local, national or international?

Negotiators' resource: Checklist on recruitment and selection

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Does the composition of the workforce reflect the local population? (Information on the local population is available from the local authority and the Census.)</i>				
<i>If not, is any monitoring being carried out to determine if ethnic minorities are applying for job vacancies?</i>				
<i>Where are job vacancies</i>				

<i>advertised?</i>				
<i>Are any steps taken to ensure job advertisements are targeted at underrepresented groups?</i>				
<i>Is a standard application form used for all recruitment?</i>				
<i>Are job descriptions and selection criteria made clear to all potential applicants?</i>				
<i>What training is provided to staff involved in the recruitment and selection process?</i>				
<i>Does this include training on the equal opportunities policy and its application to recruitment?</i>				
<i>Are recruitment and selection procedures consistent with the EHRC's Code of Practice on Employment?</i>				

Training

A TUC report into training for employees found that more black workers than white workers had never been offered training by their current employers.

Trade union have an important role in negotiating a greater provision of training.

Negotiators' resource: Promotion and progression Checklist on Training

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a training and development delivery plan?</i>				
<i>Are training and development opportunities available to staff at all levels?</i>				
<i>How are training and development opportunities advertised to staff?</i>				
<i>Are there any disparities between ethnic groups in the take-up of training?</i>				
<i>Are there indications that black workers do not sign up for training courses? If yes, do you know the reasons for this?</i>				
<i>What steps have been taken to encourage greater take-up of training opportunities?</i>				

Similarly to recruitment, some ethnic minorities are over-represented in lower-grade jobs, despite having the necessary qualifications and experience to carry out higher-grade jobs.

For example, UCU Freedom of Information (FOI) request in 2015, illustrated that 13.3% of UK higher education academics are black (among those whose ethnicity is known) but, by comparison, only 8.9% of Professors were from BME backgrounds.

In HE, it is clear that career entry and progression, and access to the professoriate is still the key determinant of a pay gap. Black academic and related staff overrepresented at junior levels and underrepresented at senior levels.

Negotiators' resource: Checklist on Promotion and progression

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a specific policy or scheme for career progression?</i>				
<i>Are promotion/progression opportunities advertised?</i>				
<i>Are all workers eligible to apply for any promotion or acting up opportunities? If not, what reasons are given for limiting access?</i>				
<i>Is there evidence to show that the employer has followed standard recruitment procedures for promotions? Are job descriptions and person specifications available for the job, and are applications assessed against this?</i>				
<i>Do applicants who wish to apply for promotion or acting up complete a standard application form?</i>				
<i>Are interviews held before making an appointment?</i>				

Temporary, short-term and agency staff

Agency staff and temporary workers are among those with the least rights and lowest pay and are most susceptible to redundancy. They are unlikely to get access to training and staff development and as a consequence are unlikely to progress in the workforce.

Negotiators' resource: Temporary and casual staff

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a union agreement on the employment of temporary contract and agency staff?</i>				
<i>Is there a policy on and a criteria for the use of temporary and agency staff?</i>				
<i>What proportion of the workforce is employed on a temporary contract or through an agency?</i>				
<i>Does monitoring extend to staff on temporary contracts?</i>				
<i>Are there instances where jobs of a similar role or grade are undertaken by staff on permanent contracts?</i>				
<i>Are there instances where the temporary contracts of workers are automatically renewed?</i>				
<i>Are exit interviews conducted with temporary or short-term staff? If yes, what happens to this information?</i>				

Pay and working conditions

UCU FOI requests indicate that there is a continuing disadvantage faced by black academics in higher education over pay. In HE, the race pay gap is largest at professor level and narrows as seniority reduces

Negotiators' resource: Checklist on Pay and conditions

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Has a pay audit been conducted? If yes, did it reveal any significant pay gaps between different ethnic groups?</i>				
<i>Is there a strategy to achieve black and minority ethnic representation at all levels of the workforce?</i>				
<i>Are exit interviews held with departing staff? How is this information analysed and used?</i>				

Performance assessment

The danger of performance assessments in any job is that they can very easily turn into assessments of the person, based on unconscious assumptions about their ability as a member of a particular racial group, or as a woman, or as a disabled person.

At the time of writing this guidance, UCU is developing bespoke bargaining guidance on performance management and performance-related pay

Negotiators' resource: Checklist on Performance assessment

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a performance assessment scheme? If yes, has this been equality proofed?</i>				
<i>Do both managers and workers receive training on performance assessments?</i>				
<i>How often do assessments take place? Are they measured against an agreed job plan, based on the worker's job description?</i>				
<i>What criteria are used for measuring performance? Are they objective and measurable? Do they refer to specific tasks and achievements?</i>				
<i>Does the worker have the opportunity to comment on the annual assessment report, and to discuss any concerns?</i>				
<i>Do assessments include discussion of training opportunities and career development?</i>				
<i>Do negative assessments affect pay?</i>				
<i>Is there monitoring of outcomes by ethnicity?</i>				

Disciplinary action and termination of employment

Historically, we know that black workers are disproportionately subject to disciplinary action. The Institute of Employment Studies carried out a research study into the reasons for this.⁶ This study found that much of the disciplinary action against black workers was based on judgements about their work performance but that the judgements of work performance was racially biased.

Unnecessary or unfair disciplinary action undermines the confidence of black workers in the workplace and affects their chances of career progression. It is often an indicator of poor management and supervision in the workplace.

Data from an FOI in higher education suggests that:

- Black academic and related staff at end of contract less likely to take-up another contract with the same HEI than White staff;
- A higher proportion of black academic and academic related staff had their contracts ended without a new offer than white staff;
- Black academic and related staff more likely to have contract ended for other reasons (illness and dismissal) than white staff.

Negotiators' resource: Checklist on disciplinary and contract terminations

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is disciplinary action being monitored by ethnicity? If yes, what does the monitoring reveal?</i>				
<i>Are black workers being disproportionately subjected to disciplinary action?</i>				
<i>Is disciplinary action being used as a way of resolving issues of competence?</i>				
<i>Do black workers feel that they have adequate communication with management and are given enough supervision and guidance?</i>				
<i>Are standards of conduct and performance clear and precise and known by staff?</i>				
<i>Is your employer specific about what is required of managers in managing poor performance and what responsibilities they have to provide ongoing supervision?</i>				
<i>Are managers trained in dealing with disciplinary procedures?</i>				

Section 4: Next steps

Union representatives have an important role to play on behalf of members in preventing unlawful discrimination and in promoting equal opportunities and good race relations in the workplace.

Some or all of the issues that are detailed in this guide may be a problem for black workers in your workplace. Some or all of the issues that have been detailed in this guide will form part of mainstream policies, procedures or agreements that have been negotiated with management or on which union representatives may have been consulted.

Race equality issues are not separate issues to be solely negotiated on by specialists; they should be an aspect of all the agreements that are negotiated for members in the workplace.

In order to deal with problems of racial discrimination in the workplace and negotiate solutions with management you will need to:

- gather information
- develop a course of action
- talk to management.

Gather information

The different kinds of information needed may be quite extensive and will include:

- the views of black members in the workplace
- knowledge of current equal opportunities policies or race equality
- schemes in the workplace and of how they are working
- using workplace monitoring data on the issues that members have identified
- information from other sources (e.g. the union equalities officer, trades unions, the CRE).

Develop a course of action

Having gathered this information, it will need to be evaluated and the following questions considered:

- What are the major issues to be tackled?
- What are the possible solutions?
- What needs to be done to get support for the solutions from the majority of union members?

- Is there a need for a workplace campaign?
- What is the likely management reaction?
- How might the union respond?

Prioritise the most important issues that need to be discussed.

Talk to management

When negotiating on race equality issues with management you will need to:

- Be clear about the problems you are raising.
- Be clear about what you are trying to achieve.
- Put forward positive solutions.
- Include black members on the negotiating team; in some cases you may need to bring in people with race equality knowledge and experience.
- Ensure that all members are aware of the outcome of discussions.

As a union representative, you need to be aware that it is unlawful for trade unions to discriminate against members by treating them less favourably in the benefits they negotiate. This means that you will need to ensure that formal or informal agreements that are reached with management do not disadvantage ethnic minority workers. To ensure that this does not happen, you need to think about who gains and who loses in any claims that are put forward or agreements that are being proposed and ensure that black workers are not disadvantaged by any of the agreements that you propose.

Negotiators' resource: Checklists

1. Equal opportunities policy

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there an action plan to implement the policy?</i>				
<i>Have resources been allocated to cover the cost of putting it into operation?</i>				
<i>Is somebody in charge of implementing the policy?</i>				
<i>How is the policy put into operation in all aspects of employment within the organisation?</i>				
<i>Are all workers aware of the policy and do they understand how it affects them?</i>				
<i>Is the union consulted on any proposed monitoring arrangements?</i>				

2. Monitoring

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Will the information be shared with the trade union?</i>				
<i>Have appropriate arrangements been made to store the information?</i>				
<i>Is it clear and agreed who will have access to the information?</i>				
<i>Will the information be published?</i>				
<i>Does the ethnicity of the workforce reflect the relevant population (depending on role)?</i>				
<i>Is this reflected at all levels within the organisation?</i>				
<i>Does monitoring extend to all</i>				

<i>employment processes (e.g. applications for promotion, transfer and training plus success rates for each; grievance and disciplinary action, including results; termination of contract)?</i>				
<i>If monitoring has revealed any disproportionate results for ethnic minority workers, has any further work been undertaken to establish the reasons for this?</i>				
<i>Have targets been set as a result of the monitoring? Are they realistic and measurable?</i>				

3. Recruitment and selection

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Does the composition of the workforce reflect the local population? (Information on the local population is available from the local authority and the Census.)</i>				
<i>If not, is any monitoring being carried out to determine if ethnic minorities are applying for job vacancies?</i>				
<i>Where are job vacancies advertised?</i>				
<i>Are any steps taken to ensure job advertisements are targeted at underrepresented groups?</i>				
<i>Is a standard application form used for all recruitment?</i>				
<i>Are job descriptions and selection criteria made clear to all potential applicants?</i>				
<i>What training is provided to staff involved in the recruitment and selection process?</i>				
<i>Does this include training on the equal opportunities policy and its application to recruitment?</i>				

<i>Are recruitment and selection procedures consistent with the EHRC's Code of Practice on Employment?</i>				
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4. Training

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a training and development delivery plan?</i>				
<i>Are training and development opportunities available to staff at all levels?</i>				
<i>How are training and development opportunities advertised to staff?</i>				
<i>Are there any disparities between ethnic groups in the take-up of training?</i>				
<i>Are there indications that black workers do not sign up for training courses? If yes, do you know the reasons for this?</i>				
<i>What steps have been taken to encourage greater take-up of training opportunities?</i>				

5. Promotion and progression

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a specific policy or scheme for career progression?</i>				
<i>Are promotion/progression opportunities advertised?</i>				
<i>Are all workers eligible to apply for any promotion or acting up opportunities? If not, what reasons are given for limiting access?</i>				
<i>Is there evidence to show that the employer has followed standard recruitment procedures for promotions? Are job descriptions and person specifications available for the job, and are applications assessed against this?</i>				

<i>Do applicants who wish to apply for promotion or acting up complete a standard application form?</i>				
<i>Are interviews held before making an appointment?</i>				

6. Temporary and casual staff

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a union agreement on the employment of temporary contract and agency staff?</i>				
<i>Is there a policy on and a criteria for the use of temporary and agency staff?</i>				
<i>What proportion of the workforce is employed on a temporary contract or through an agency?</i>				
<i>Does monitoring extend to staff on temporary contracts?</i>				
<i>Are there instances where jobs of a similar role or grade are undertaken by staff on permanent contracts?</i>				
<i>Are there instances where the temporary contracts of workers are automatically renewed?</i>				
<i>Are exit interviews conducted with temporary or short-term staff? If yes, what happens to this information?</i>				

7. Pay and conditions

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Has a pay audit been conducted? If yes, did it reveal any significant pay gaps between different ethnic groups?</i>				
<i>Is there a strategy to achieve black and minority ethnic representation at all levels of the workforce?</i>				
<i>Are exit interviews held with departing staff? How is this information analysed and used?</i>				

8. Performance assessment

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is there a performance assessment scheme? If yes, has this been equality proofed?</i>				
<i>Do both managers and workers receive training on performance assessments?</i>				
<i>How often do assessments take place? Are they measured against an agreed job plan, based on the worker's job description?</i>				
<i>What criteria are used for measuring performance? Are they objective and measurable? Do they refer to specific tasks and achievements?</i>				
<i>Does the worker have the opportunity to comment on the annual assessment report, and to discuss any concerns?</i>				
<i>Do assessments include discussion of training opportunities and career development?</i>				
<i>Do negative assessments affect pay?</i>				
<i>Is there monitoring of outcomes by ethnicity?</i>				

9. Disciplinary and contract terminations

	Yes	No	Partial	Comment (notes on areas for further negotiation)
<i>Is disciplinary action being monitored by ethnicity? If yes, what does the monitoring reveal?</i>				
<i>Are black workers being disproportionately subjected to disciplinary action?</i>				
<i>Is disciplinary action being used as a way of resolving issues of competence?</i>				
<i>Do black workers feel that they have adequate communication</i>				

<i>with management and are given enough supervision and guidance?</i>				
<i>Are standards of conduct and performance clear and precise and known by staff?</i>				
<i>Is your employer specific about what is required of managers in managing poor performance and what responsibilities they have to provide ongoing supervision?</i>				
<i>Are managers trained in dealing with disciplinary procedures?</i>				

Negotiators' resource: Further information

Relevant organisations

Advisory, Conciliation and Arbitration Service (ACAS)

An independent employment relations service providing free and confidential advice to employers and others on equal opportunities policies and practices in employment. ACAS also runs Equality Direct, a helpline for managing equality in the workplace. ACAS has produced a Code of Practice on Disciplinary and Grievance Procedures.

www.acas.org.uk

National helpline: 08457 474747

Equality Direct: 08456 003444

Equality and Human Rights Commission (EHRC)

A new statutory Non-Departmental Public Body (NDPB) set up under the Equality Act 2006 to be an independent influential organisation whose purpose is to reduce inequality, eliminate discrimination, strengthen good relations between people and protect human rights. The EHRC will give advice and guidance on all aspects of equality and human rights.

www.equalityhumanrights.com/

Scottish Trades Union Congress (STUC) STUC represents around 630,000 working people in Scotland, the members of 46 affiliated trade unions. STUC's purpose is to coordinate, develop and articulate the views and policies of the trade union movement in Scotland, and to promote trade unionism, equality and social justice, the creation of high-quality jobs and effective public services.

www.stuc.org.uk

Tel: 0141 337 8100

Trades Union Congress (TUC)

The TUC is the voice of Britain at work, with 61 affiliated unions representing over 6 million working people. It campaigns for a fair deal at work and for social justice at home and abroad. The TUC negotiates in Europe and, in Britain, builds links with political parties, businesses, local communities and wider

[society. www.tuc.org.uk](http://www.tuc.org.uk)

Tel: 0207 636 4030

Wales TUC

Wales TUC represents just under half a million working people in Wales, the members of 50 affiliated trade unions. Wales TUC is an integral part of the TUC and campaigns to ensure that the TUC's role is undertaken effectively in [Wales](#).
www.wtuc.org.uk

Tel: 029 2034 7010

Produced by UCU's Bargaining and Negotiations Department, Carlow Street, London, NW1 7LH
bargainingandnegotiations@ucu.org.uk
www.ucu.org.uk

ⁱUCU uses the term 'black' in a political sense to refer to people who are descended, through one or both parents, from Africa, the Caribbean, Asia (the middle-East to China) and Latin America. It refers to those from a visible minority who have a shared experience of oppression. The word is used to foster a sense of solidarity and empowerment.

ⁱⁱhttps://www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME_survey_report_Feb161.pdf