

The Gender Equality Duty – how ready is your college or university?

Hard on the heels of the Disability Equality Duty (DED), in force now since 4 December, comes the Gender Equality Duty (GED) for which colleges and universities need to be preparing. There is a legal requirement for them to consult with trade unions, so if you haven't been consulted yet, find out what is happening. Here are the things you most need to know about the GED:

Q1 When does it come into force?

The duty actually comes into force on 6 April 2007. But public bodies (including colleges and universities) do not have to have their gender equality schemes published until 30 April 2007. This is because the code of practice was only finalised in December.

Q2 Who does the GED apply to?

It applies to all public authorities, including colleges and universities, and to private bodies carrying out a public function, thus covering many services contracted out to the private sector.

Q3 Is the GED only concerned with women's rights?

No. All the guidance relating to it stresses that it is about addressing issues of inequality and disadvantage for men as well as women. It also covers equality for trans people in relation to employment and training, but not yet in relation to goods and services, which will come into being in October 2007.

Q4 What does the GED consist of?

Like the duties for race and disability, the GED consists of a general duty and specific duties.

Q5 What is the general duty?

'To eliminate unlawful discrimination and harassment. To promote equality of opportunity

between women and men.'

Q6 What are the specific duties?

To prepare and publish a gender equality scheme, setting out gender equality objectives. In preparing the scheme, the college/university must gather information on the effect of its policies and practices on women and men, address the causes of any pay gap, do gender equality impact assessments on existing and new policies and practices, and consult relevant groups, including trade unions.

- To implement the actions set out in the scheme within three years.
- To report annually on progress, and to review the scheme every three years.

Q7 Why is the GED important?

It is the first major change to sex discrimination legislation for thirty years. Like the race and disability duties, it shifts the onus away from individuals complaining of unfair treatment, and instead puts a positive duty on colleges and universities to promote gender equality in all their policies and practices.

Q8 Who will it affect in colleges and universities?

Everyone. The GED applies to our institutions both as employers and as service providers. Gender equality must be aimed for in relation to staff, students, potential students and visitors.

Q9 What should the branch/LA be doing?

The GED is superior to the race and disability duties in one respect – it contains a legal requirement to consult trade unions. UCU needs to take full advantage of this at local level. If you have not yet been consulted, demand immediately to know what is happening, as institutions

will certainly be working on drawing up their schemes now.

Questions you might like to ask include:

- What has been done so far?
- What monitoring information are they gathering?
- What are the priority areas for gender impact assessment?
- What is the plan for addressing the gender pay gap? (There is bound to be one.)
- What will the main aims of the action plan be?
- What are the consultation arrangements?
- On all these areas, UCU should be consulted. You might want to ask for a steering group to implement the equality duties – either three separate ones, or one over-arching one.

Q10 What is UCU doing nationally?

More detailed advice has been produced which will be available on the website very soon.

There will be a national briefing day on Thursday 29 March, at UCU Britannia St in London. As this is training, there should be no difficulty getting time off to attend. To book a place, contact eqadmin@ucu.org.uk

In addition, staff from the Equality Unit are happy to come to regions to deliver a one-day or half-day training on the GED if there is a demand.

Q11 Where can I get more information?

The indispensable tool for implementing the GED is the statutory code of practice produced by the Equal Opportunities Commission. This is not available in hard copy, but can be downloaded from:

www.eoc.org.uk/Default.aspx?page=19689

General information on the GED is at

www.eoc.org.uk/Default.aspx?page=17686

There is also information put out by the government's Women and Equality Unit at

www.womenandequalityunit.gov.uk/cehr/gender_duty.htm.

Forced retirement at 65 – where do things stand now?

As reported in the September Equality News, Heyday (an off-shoot of Age Concern) took a judicial review to challenge various aspects of the Age Regulations, including the introduction of a 'default retirement age' of 65, which allows employers to forcibly retire employees at 65, and for dismissal to be deemed fair. At the judicial review hearing in December, Heyday agreed to refer the matter to the European Court of Justice (ECJ). The normal period for an ECJ decision is about eighteen months from the time of submission, so a judgement is anticipated around the middle of 2008.

Where does that leave people who have been forced to retire at 65 in the meantime? On the surface, the Age Regulations, including the default retirement age, still stand unless and until they are overturned by the ECJ. But some lawyers are saying that people forced to retire at 65 should lodge an age discrimination claim within three months of their dismissal, and ask for their dismissal to be stayed pending the ECJ ruling. No-one has yet done this, and it will not be clear whether such an approach would be successful until the first case is heard. But the uncertainty around the judgement can be used as a useful bargaining tool to persuade your management that it would be safer, and better for everyone, not to make use of the default retirement age at all.

Disability equality project events

The disability equality project runs until June. Four more training events are being held: Thursday 22 February, Leeds; Monday 26 February, Taunton; Friday 2 March, London; Friday 9 March, Newcastle.

The project will culminated in a national conference to be held at UCU Britannia St in London on Thursday 17 May. You can access the application forms for the training events at

www.ucu.org.uk/index.cfm?articleid=1744 and information about the conference will shortly be up online. For more information contact Sian Davies at s.davies@unison.co.uk.

Commission for Equality and Human Rights is nearly here

The Commission for Equality and Human Rights (CEHR) officially comes into being on 31 October 2007, on which date the three existing commissions will cease to exist. The appointment of Trevor Phillips, formerly head of the Commission for Racial Equality (CRE) as Head of the CEHR ensured that the previous plan for the CRE to remain free-standing until 2009 has been dropped. We are very clearly now in a transitional period. Trevor Phillips is already frequently quoted in the media as 'Head of the Commission for Equality'. Most of the commissioners have been appointed.

In September, Trevor Phillip's appointment as chair was not universally popular throughout the equality world, and particularly not among black organisations. In December, most of the remaining commissioners were announced. They include Kay Carberry, Assistant General Secretary of the TUC, and previously head of its Equality and Employment Rights Department. In addition, the Vice-Chair is Margaret Prosser, currently Chair of the Women's National Commission, but for many years a prominent trade unionist. Other familiar names include Sally Greengross, previously head of Age Concern, and Ben Summerskill, head of Stonewall. The CEHR will come under the auspices of the Department of Communities and Local Government, currently headed, somewhat controversially, by Ruth Kelly.

Whether we like it or not, the CEHR will soon be a reality, and is likely to produce massive changes to how equality issues are dealt with nationwide. At least there will at last be an enforcement body for sexual orientation, religion or belief and age. But there are many worrying features about how the CEHR has developed, and we need to be vigilant and involved to try to ensure that things do not go backwards rather than forwards.

Sexual Orientation Regulations still in jeopardy

The long-running saga of the introduction of regulations to outlaw discrimination on the grounds of sexual orientation in the provision of goods and services continues. The Equality Act passed

in February 2006 empowered the relevant Secretary of State (now Ruth Kelly, Head of the Department of Communities and Local Government) to introduce regulations on this matter.

The original timetable was that they would be introduced in October 2006. A delay was announced, due, the department said, to the very large number of responses they had received to their consultation, though there was speculation at the time that Ruth Kelly's religious views made her less than enthusiastic about introducing the regulations.

On 1 January 2007, Peter Hain introduced the regulations into Northern Ireland, without exemptions, despite protests to the High Court there from religious groups. On 9 January, a motion to annul the regulations was introduced into the House of Lords by a range of religious groups. There was a rally of 'faith groups' outside parliament that evening, claiming that the regulations would limit their right to live according to their beliefs.

Fortunately, the annulment motion was heavily defeated in the House of Lords. It is expected that the regulations for Great Britain will be introduced in the next few weeks, but faith groups are still heavily lobbying for exemptions, particularly in relation to religiously-run adoption agencies.

There is currently speculation that they may gain concessions, and that the regulations for Great Britain will be less robust than those now in force in Northern Ireland. UCU Joint General Secretary Paul Mackney wrote to Ruth Kelly last week, urging that the regulations were comprehensive, and gave no permission to those with particular religious beliefs to discriminate against lesbians and gay men in the provision of goods and services. The whole saga has shown that homophobia is still very much a live and dangerous phenomenon.

Quotation corner

'Women are supposed to be very calm generally but women feel just as men feel; they need exercise for their faculties and a field for their efforts as much as their brothers do; they suffer from too rigid a restraint, too absolute a stagnation precisely as men would suffer.'

From *Jane Eyre* by Charlotte Bronte 1816-1855

Letters

Dear Editor

The findings of the Centre for Excellence in Leadership's recent report *Equality and sexual orientation: the leadership challenge for further education* are both moving and compelling.

Locally we have been investigating how our college could mark LGBT History Month, and have requested UCU's further participation in the development of equality schemes. We shared the report with our principal who described being 'shocked and saddened' by the CEL's findings, and we have since been invited to contribute to both the gender and LGBT equality schemes. The college has also agreed to celebrate LGBT History Month.

This is an excellent report which is also extremely timely since the Equality Act will extend Employment Equality (Sexual Orientation) Regulations to the provision of goods and services, which will cover both employment and learning. Branch UCU representatives may find they too are able to use the report as a lever for progressing equality.

The Centre for Excellence in Leadership's report "Equality and sexual orientation: the leadership challenge for further education" is available at: www.centreforexcellence.org.uk/UsersDoc/EqualityandSexualOrientation.pdf

Joel Petrie, Equality Officer,
Liverpool Community College

Editor's Note:

This very substantial report is indeed moving and compelling. It paints a picture of endemic bullying and harassment of LGBT students, and to some extent, staff in FE colleges. Students said they had moved from school to college hoping to escape the bullying, and found college was no better. When they complained to staff, staff said there was nothing they could do about it. It is to be hoped that more colleges will use the report as a lever to improve the situation.

News in brief

- February is LGBT History Month. Many colleges /universities are arranging events. Is yours?
- Stop the War and CND have called a national demonstration on Saturday 24 February with the slogans 'No Trident' and 'Troops out of Iraq'. Details from www.stophthewar.org.uk.
- The Disability Rights Commission has produced *Guidance for Trade Union on mental health at Work*. It can be found at www.drc.org.uk/employers_and_service_provider/employment.aspx
- The last chair of the CRE, before it is folded up in October, is a UCU member, Dr Kay Hampton, who lectures in Criminology at Glasgow Caledonian University.
- The Unite Against Fascism Conference is on Saturday 18 February. For details, go to www.uaf.org.uk
- The national briefing day on the gender equality duty is Thursday 29 March at UCU Britannia St. Contact the Equality Unit to book a place.
- 2007 is the 'European Year of Equal Opportunities for All'. It will focus on 'rights, representation, recognition and respect.'

Get in touch

Please send any views, letters etc for this publication to eqadmin@ucu.org.uk For queries in relation to anything in this email, please use the following contacts. To contact the Equality Unit for more information about:

Administrative matters

Pauline Bartlett or Tracie Coals

eqadmin@ucu.org.uk

0207 837 3636 Ext 3227

Race and Religion or Belief

Chris Nicholas – cnicholas@ucu.org.uk

0207 837 3636 Ext 3273

Disability and Age

Charlotte Nielsen – cnielsen@ucu.org.uk

0207 670 9719

Gender and Sexual Orientation

Kate Heasman – kheasman@ucu.org.uk

0207 837 3636 Ext 3225