

## Communicating on equality in UCU

Welcome to the first edition of *Equality News* for UCU members. You will be aware that there has been a breakneck pace of change in equality legislation over the last few years. This is set to continue, with the Age Regulations coming into force in October 2006, the Disability Equality Duty in December 2006, the Gender Equality Duty in April 2007, the Commission for Equality and Human Rights in October 2007, with a single Equality Act probably coming into being around that time.

We plan to produce this newsletter bi-monthly, and post it to branch/local association officers, as well as making it available on UCU's website, which is currently being built.

We also intend to produce briefing papers on individual issues. As soon UCU's website is ready, we have two papers to post: one on the Disability Equality Duty, and one on the Age Regulations. Relevant equality materials from the AUT's and NATFHE's websites will be transferred. All new materials will be posted on the equality section of the UCU website.

We will also be producing a monthly email newsletter entitled *UCU Equality Extras* of which the first one will be out at the beginning of July.

We are currently working on combining the email lists held by the two previous unions. We have lists for Black Members, Disabled Members, LGBT Members and Women Members, which are mainly used for sending out information about events or issues specific to each group. If you wish your name to be added to any of these lists, please email Pauline Bartlett: [pbartlett@ucu.org.uk](mailto:pbartlett@ucu.org.uk).

Also, we have set up an email discussion group, which is open to any interested member to join. The address is [UCUEquality@yahoogroups.co.uk](mailto:UCUEquality@yahoogroups.co.uk).

To join this, simply send an email to [ucuequality@yahoo.co.uk](mailto:ucuequality@yahoo.co.uk) and the moderator will send you a message with an invitation to click 'join this group'.

When there are issues peculiar to FE or to HE, we will send information to the relevant branch/local association officers by email.

From time to time, substantial documents will be produced in hard copy as well as being made available on the web. For example, an extensive document, *Enabling not Disabling*, is almost ready to go to print and we hope it will be available for members soon.

The equality unit contact details are at the end of this newsletter. Do send us in any ideas you have. We hope by a variety of means to develop good channels of communication with all the equality activists in UCU.

### EQUALITY WORK IN UCU

In the merged union, **Roger Kline** is head of equality and employment rights. The equality unit is headed by the equality official, **Kate Heasman**. **Charlotte Nielsen** is Equality policy officer; **Chris Nicholas** is race equality organiser; **Sian Davies** is disability equality organiser; and **Pauline Bartlett** is the equality unit administrator.

For the information of ex-NATFHE members, **David Renton**, who was equality support official for nearly three years, is leaving at the end of June. He has contributed a great deal during his time working for NATFHE, and will be much missed. It is hoped to advertise a replacement post soon.

Details of how to contact any of these members of staff are at bottom of the back page of this newsletter, under 'Get in Touch'.

# LETTERS

## Equality and diversity - sexual orientation: the challenge for sector leaders

The Centre for Excellence in Leadership (CEL) works to improve the standard of leadership, and the diversity and talent pool of leaders in the learning and skills sector. We share this goal with UCU.

Most readers will know that colleges are now covered by regulations that outlaw unlawful discrimination on grounds of sexual orientation in the provision of training and employment. CEL believes that the time is now right to raise the profile of these regulations and their implications for FE sector leaders. We want to provide support to leaders that will ensure their confident compliance with the law and their successful integration of sexual orientation into the delivery of wider equality and diversity strategies.

That is why, supported by UCU and UNISON as well as NUS, AoC and ACM and Stonewall, we are launching a groundbreaking project, providing questionnaires for lesbian, gay and bisexual (lgb) sector leaders and staff and for all college principals, student governors and representatives.

The questionnaires seek information about the experience of being lesbian, gay or bisexual in colleges, and about the current levels of understanding, challenge and good practice in the sector as a whole.

Analysis of the returns will help CEL design supporting activity and materials that will enable college leaders to meet the requirements of the law and to challenge homophobia wherever it may exist in the sector. We are committed to ensuring that this activity is fully informed by the voices and experiences of lgb staff.

Therefore, I would like to warmly invite all lesbian, gay and bisexual members of UCU working in FE to complete and return one of our questionnaires. You can do so in complete confidence. UCU has advised on their content. The questionnaire for lgb staff can be accessed at [www.centreforexcellence.org.uk/staff](http://www.centreforexcellence.org.uk/staff). The questionnaire

for all college principals can be accessed at [www.centreforexcellence.org.uk/prin](http://www.centreforexcellence.org.uk/prin). The questionnaire for all student governors and representatives can be accessed at [www.centreforexcellence.org.uk/reps](http://www.centreforexcellence.org.uk/reps). Responses are needed by 31 July 2006.

Copies of the lgb staff questionnaire have been circulated to UCU FE branch secretaries. Branch secretaries and individuals may also be able to encourage and support college principals and student governors and representatives to complete and return the questionnaires designed for them. They are available on the website as above.

Leadership development designed to prepare leaders for the 21st century must involve awareness and skill in managing diversity. Leaders must have the ability to effectively lead diverse cultures, skills, learners and organisations.

Please help us in this goal. Complete and return a questionnaire and help make homophobia in colleges a thing of the past.

**Lynne Sedgmore CBE**

**Chief Executive, Centre for Excellence in Leadership**

**Editor's Note** Although this project relates to FE, the questionnaire for LGB staff is something HE branches/local associations might want to consider using for an internal survey within individual HEIs.



## Quotation Corner

*If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.*

Aristotle. (384-322BC)



## Still on a fixed-term contract?

The bad habit, typical of HEI's in particular, of employing lecturers on an endless succession of fixed-term contracts should at last be coming to an end. 'The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002' came into force in October 2002. These made it illegal to treat fixed-term workers less

favourably than comparable staff on a permanent contract, including pay, pensions, holidays, access to training, etc.

After four years of service on two or more contracts, a contract will now automatically become permanent, unless the employer can 'objectively justify' the use of a further fixed-term contract. The Regulations stipulated that

service from 10 July 2002 would count towards the four-year limit. So if you have been on fixed-term contracts since that date, your contract should become permanent on 10 July 2006. Detailed advice has already been issued by both AUT and NATFHE for such staff in respect of pay, treatment and contractual rights.

# The Disability Equality Duty – get ready now!

The Disability Equality Duty (DED) comes into force on 5 December 2006, by which time all colleges and universities must have produced and published their Disability Equality Scheme.

DED is similar to the positive duty to promote race equality under the Race Relations (Amendment) Act but is much stronger. The general duty requires all public authorities to promote equality of opportunity between disabled and non-disabled people, to eliminate discrimination and harassment, to promote positive attitudes, encourage participation and meet disabled peoples' needs, even if this requires more favourable treatment.

The specific duties, which will apply to all colleges and universities, require disability equality schemes, collection and analysis of data on staff and students, and disability impact assessments. Uniquely, the duty requires not only consultation with, but the active involvement of disabled people, something colleges and universities might find difficult, given that only about 2% of staff in both FE and HE have identified themselves as disabled.

The indispensable tool to implementing the DED is the Code produced by the Disability Rights Commission — The Duty to Promote Disability Equality: Statutory Code of Practice. It can be downloaded from [www.drc-gb.org](http://www.drc-gb.org), but given its size and importance, your branch/local association might want to order a hard copy from the Stationary Office at [www.tsoshop.co.uk](http://www.tsoshop.co.uk) or 0870 600 5522. Helpfully, the Code recommends involving staff unions: so what should you be doing now?

- Build disability equality into your bargaining and organising agenda
- Encourage disabled members to join self-organised groups and networks at local, regional and national level.
- Encourage your employer to actively involve a wide range of disabled people in its work in this area.
- Press your employer to understand and adopt the social model of disability
- Negotiate Disability Equality training for all staff
- Get involved now in the production of your college's or university's Disability Equality Scheme.

It is the institution's responsibility to provide training for staff. However, if you want training from a trade union perspective, we may be able to help. UCU and UNISON have obtained funding from the DfES for a joint project to deliver effective implementation of the DED in FE colleges. The project will run from 1 June 2006 to

1 June 2007. The project organiser, Sian Davies, has started work; her contact details are at the end of this newsletter. Sian will be organising ten training events around the country, aimed primarily at UCU and UNISON representatives in colleges, and is also looking for six pilot colleges to work closely with. If your college might be interested, please get in touch with her.

If you work in HE, and want some training delivered either locally or regionally, please contact either Kate Heasman or Charlotte Nielsen, and we will try to organise it. NATFHE/AUT have already delivered several successful days training on the DED, and more can be provided if there is a demand.

UCU has produced somewhat more detailed guidance on the DED, which we will be making available electronically and on the website. Meanwhile, the TUC has produced new guidance, which you can find at [www.tuc.org.uk/extras/disabilityandwork.pdf](http://www.tuc.org.uk/extras/disabilityandwork.pdf)

## HELP IN IMPLEMENTING THE AGE REGULATIONS

Just a reminder that the Age Regulations come into force in October. They will make it illegal to discriminate in employment and training (ie all FE and HE courses – so students are covered) on grounds of age. However, there are so many exemptions that it seems likely the Regulations will make very little difference. The main thing to change is that the employer must give you between a year and six months notice if s/he intends to retire you at 65, and if you wish to continue working beyond 65, you have a right to request to do so. The employer will have a 'duty to consider' but may refuse your request.

There are many more details to be considered. UCU has produced a briefing, which we will soon be distributing electronically. There are a number of other sources of guidance around. The only 'official' guidance (though it does not have statutory force) is from ACAS. Their guide, Age and the Workplace – Putting the Employment Equality (Age) Regulation 2006 into practice, can be downloaded from [www.acas.org.uk](http://www.acas.org.uk) or hard copies ordered from 08702 429 090. Unfortunately, it is very employer focused. TUC guidance can be found at [www.tuc.org.uk/equality](http://www.tuc.org.uk/equality).

Detailed guidance particular to HE can be found at the Equality Challenge Unit's website: [www.ecu.ac.uk/guidance/age/faqs.htm](http://www.ecu.ac.uk/guidance/age/faqs.htm). In FE, the joint unions have almost completed a national agreement on age equality in employment with the AOC. As soon as it is finalised, we will make it available. HE branches/local associations might want to use it as a model to negotiate from.

# NEWS IN BRIEF

■ **On 1 June, the Council and Parliament of Europe** agreed to designate 2007 as the 'European Year of Equal Opportunities for All'. The themes will be rights, representation, recognition and respect. There will be a total budget of €15 million. Organisations which participate will be able to get matched funding.

■ **The Court of Appeal has held that an employer who dismissed an employee** following his election as a BNP councillor did not discriminate against him on racial grounds. The ruling, in the case of *Redfearn v. Serco Ltd*, overturns the controversial finding of the EAT that he had been dismissed on racial grounds (ie because of his racist views). The decision came as a huge relief, as the EAT's ruling would have meant that the Race Relations Act, designed to combat racism, could have been used to allow unchecked expression of racist views.

■ **Figures from 2001** (the most recent we have for HE) show that in Higher Education the average male lecturer received a pension settlement of £12,380, while the average woman lecturers settlement was £10,010. In FE, in the same year,

the comparative figures were £8,390 for men and £4,700 for women. This shows that the gender pay gap is much larger than the usually quoted figure of 14%, if we base it on life-term earnings rather than salary in a fixed year.

■ **The first meeting of the Transitional Arrangements Committee** decided that there will be an Equality Committee during the transitional year, made up of 11 ex-NATFHE and 11 ex-AUT members which will meet on a regular basis.

■ **The Equalities Review**, chaired by Trevor Phillips, is due to report to government in the autumn. UCU has responded to the second consultation, criticising it strongly on the grounds that it takes an individual rather than a collective approach, that it focuses on 'vulnerability' and 'capability' and that it nowhere addresses the entrenched control of powerful positions by white, straight, non-disabled men.

■ **Banner Theatre** is taking two shows on the theme of asylum and migration ('Migrant Voices' and 'Wild Geese') on tour in June and July. Further details from [www.bannertheatre.co.uk](http://www.bannertheatre.co.uk).

## Tell it like it is...

...is the name of a recently published book of essays, subtitled: *How our schools fail black children*. UCU joint general secretary Paul Mackney is among a distinguished group of contributors, including Doreen Lawrence, Ken Livingstone and Benjamin Zephaniah. The book starts from an article written 30 years ago by Bernard Coard, and reveals that little has improved since. It has now led to a campaign – 'Tell it like it is. A Change is gonna come.'

This campaign was launched on 17 June at Downing Street, when the government was handed six demands relating to the education of black and white students. This will be followed by a National March for change, on Saturday 4 November at 12 noon, in Central London.

To get in touch with the campaign, and to sign up to the six demands, email [tellit2006@yahoo.com](mailto:tellit2006@yahoo.com) or phone 07758 712 414. To order the book, phone 020 7637 1848 or email [mailorder@bookmarks.uk.com](mailto:mailorder@bookmarks.uk.com).

## Get in touch

To contact the Equality Unit for more information about anything in this newsletter or to submit any items for it either write to UCU, 27 Britannia Street, London, WC1X 9JP; ring 0207 837 3636 ext 3225 (Kate) 3227 (Pauline) or 0207 670 9719 (Charlotte); or e-mail [kheasman@ucu.org.uk](mailto:kheasman@ucu.org.uk), [cnicholas@ucu.org.uk](mailto:cnicholas@ucu.org.uk), [pbartlett@ucu.org.uk](mailto:pbartlett@ucu.org.uk) or [cnielsen@ucu.org.uk](mailto:cnielsen@ucu.org.uk).

Roger Kline, head of equality and employment rights: [rkline@ucu.org.uk](mailto:rkline@ucu.org.uk);

Sian Davies, disability equality organiser: [s.davies@unison.co.uk](mailto:s.davies@unison.co.uk)