



University and College Union

Meeting of **Joint plenary session – Equality Groups Annual Conference 2019**

Location **Aston University Conference Centre, Birmingham, B4 7ET**

Date **Friday 22 November 2019**

Unconfirmed notes

1 Welcome by Sue Abbott, Chair of UCU Equality Committee

- 1.1 Sue Abbott introduced herself, Jo Grady (General Secretary), Helen Carr (Head of Equality and Participation) and Swati Patel (Equality Administrator).
- 1.2 The key topic of the plenary session was on “othering” which is about treating some groups differently and denying them their human rights. Othering is a process which goes beyond denigration and scapegoating. Othering applies to racial, religious, gender, sexual minority and disabled groups of people through exploitation and discrimination.
- 1.3 Sue Abbott outlined the agenda which was as follows:
 - Three speakers speaking on how “othering” impacts on equality groups. There was going to be an opportunity for contributions and questions from the floor, after the speaker.
 - This would be followed by a session from Jenny Lennox, Bargaining Support Official giving an overview of the different pay gaps and the impact on equality groups. The aim of this session was to give practical action to take forward in branches.
- 1.4 All staff members were thanked for organising the conference. The Chairs of the Black, Disabled, LGBT+ and Women’s standing committees were thanked for their work.
- 1.5 Helen Carr, Head of Equality & Participation who was due to leave UCU, was thanked for all her hard work in moving the equality agenda forward.
- 1.6 Sue Abbott also explained the code of conduct reiterating that members should respect each other when speaking.

2 Dr Jo Grady, General Secretary

- 2.1 Sue Abbott introduced Jo Grady who was elected as General Secretary in 2019.
- 2.2 Jo Grady thanked Helen Carr, members and staff for the work UCU has carried out around equality.
- 2.3 Jo Grady outlined the three main issues which UCU will focus on and continue in future work. These were migrants' rights, sexual violence and trans gender rights.
- 2.4 UCU will take a huge step around migrants' rights through a resolution passed at Congress 2019. There will be two seats on National Executive Committee (NEC) of Migrant Members' Standing Committee (MMSC). Dima Chami (University of Leeds) and Robyn Orfitelli (University of Sheffield) were candidates for these seats and were elected unopposed to NEC. For the first time a dedicated MMSC will be set up, in line with the other equality committees.
- 2.5 For the first time UCU is embedding in its equality structures a recognition of the inequalities faced by many HE and FE staff due to their nationality. This initiative came from the ordinary members in branches, many of whom have been campaigning in these issues both inside and outside of UCU's official structures. It was not instigated by NEC. Many members have been teaching about the impact of hostile environment in colleges and universities over the last decade. Hostile environment is about racism as well as immigration. MMSC will look at visa fees, NHS charges for migrant staff, employers who refuse to pay these fees, university staff being deported for doing too much field work abroad and staff (usually people of colour from Global south) who have their visas rejected by Home Office. MMSC will also look at how EU migrants will be affected after Brexit.
- 2.6 UCU carried out a survey on sexual violence a few years ago which generated a huge number of responses. This is not just a problem prevalent within universities and colleges, but it is also present within the labour and trade union movement.
- 2.7 Rape culture, victim blaming, refusing to believe women is all present in various parts of society including educational institutions and the labour movement. The trade union movement needs to have a moral high ground on sexual violence if it is going to challenge educational institutions effectively.
- 2.8 In her manifesto, Jo Grady had made various pledges to members including setting up member led task groups for a short term, on specific issues which would then inform UCU's broader membership. One of the first task groups which is due to be established is on sexual violence.
- 2.9 There has been a lot of debate over the last few years about trans gender rights. At Congress 2019 it was unequivocally decided that UCU supports trans rights including the right to gender self-identification. Recently there has been a lot of comment from right wing press about UCU's self-identification policy. There has been less comment on what type of alternative system is supposed to be used

around self-identification. They are promoting a reactionary biological view of what distinguishes men and women rather than recognising that those distinctions are social. The debate about trans gender rights in our mainstream press has been conducted without any input by trans people.

- 2.10 In the last year anti-trans hate crime has increased by 37%.
- 2.11 We need to shift our focus away from definitions and abstract debates about competing rights. We need to quantify and understand the real violence and discrimination that bears down on all marginalised groups in our society.
- 2.12 This year equality has been central to pay claims even more so than in previous years. During the ballot campaign there has been new research on pay and promotion gaps, as well as the way casual employment disproportionately affects black, disabled, LGBT+ and women staff.
- 2.13 Jo Grady concluded by saying that when we draw our attention to equality issues, the membership is behind us. When we led the way on these equality issues, we bring the whole workforce with us.
- 2.14 Sue Abbott thanked Jo Grady.

3 Sue Abbott introduced Michael Braithwaite who is a Windrush campaigner.

- 3.1 Michael Braithwaite came to this country in 1961 aged 9. He was raised to think that United Kingdom was a country of opportunity, regardless of where in the world you were born. He lived and worked in London for 15 years as a special needs teaching assistant in a local primary school until he was deemed to be in this country "illegally".
- 3.2 The last three years have been difficult for Michael Braithwaite and he described it as "living on a knives edge", never knowing if he would have to leave the country which he had known as his home for over 50 years. Michael's hope for the future is that nobody should have to suffer the uncertainty and humiliation thrust upon him and thousands of others.
- 3.3 Michael Braithwaite gave an outline of his life. He was born in Barbados. He came over to be with his family in 1961.
- 3.4 He encountered racism on the streets and in school. He also encountered racism when trying to find jobs as he would be told that the job has been filled when he turned up for an interview. He worked in different jobs. He was doing a health care course but also was working in a school as a volunteer with special needs children. As he was doing well, the Head Master of the school asked him to work as a special needs assistant.
- 3.5 When it came to doing his DBS check, one of the staff in HR department informed him that he should not be working in the school as he was not here legally, although he had indefinite leave to remain.
- 3.6 Michael Braithwaite was referred to JCWI by his union rep. The unions and MPs

were not willing to help. In 2016 after suggestion from his solicitor he applied for biometric card. He provided all the paperwork to Home Office but they still wanted more information dating back to 1961.

3.7 His solicitor suggested Michael Braithwaite goes on TV. He was interviewed by a TV company and the same evening he got a phone call from the Home Office, apologising for what he had gone through and that they were going to issue his biometric card straight away.

3.8 He finished by saying that only through community and solidarity that the problem of hostile environment would be solved.

3.9 Sue Abbott thanked Michael Braithwaite.

4 Sue Abbott introduced Sam Heyes from Essex University.

4.1 Sam Heyes is a PhD student from the Department of Sociology at the University of Essex. His research interests are the emotional experience of waiting for trans healthcare, coping strategies and social media use during waiting times. Sam Heyes is keen to foster an environment that centres on respect for autonomy and accessible healthcare.

4.2 The main points which Sam Heyes talked about were:

- **Institutionalised trans phobia in academia.** Recently a letter was written by some trans exclusionary academics to the Times which had a deep impact on the trans community. The trans community at Essex university got together with some other university LGBT societies and wrote a piece about how the letter in the Times has a negative impact on the trans community.
- **Gender reassignment process.** Waiting times for the process are phenomenally long and the impact is that trans people waiting for reassignment are distraught, distressed and suicidal. There needs to be a radical change in the NHS for gender reassignment. Othering by the legal Gender reassignment as it stands under the Gender Recognition Act. The process to obtain legal gender recognition is dehumanising.

4.3 Non-binary people do not exist legally and it is therefore hard to exist mentally.

4.4 There are countries which do have self-identification.

4.5 The trans debate needs to be challenged and this can only be done through collective action.

4.6 Sam Heyes was thanked for his presentation.

5 Sue Abbott then introduced the final speaker, Zamzam Ibrahim (NUS President).

5.1 She has been active in the student movement and is campaigning for a creation of a national education service, with life time learning from cradle to grave.

5.2 Zamzam Ibrahim introduced herself as a daughter of Somali refugees who fled

the war. She was born in Sweden and came to UK at the age of 9. Bolton was a very white area and Zamzam Ibrahim's family was the only black family in the street where they lived, whereas in Sweden the street Zamzam Ibrahim grew up was diverse and full of migrants.

- 5.3 At school she faced racism. She went onto to study at University of Salford as there was an expectation that someone like her would not go to Cambridge or Oxford. Whilst at University of Salford, Zamzam Ibrahim ran to be President of the Students' Union and was elected. When she was elected she faced a barrage of hostility from the right wing press, including receiving death threats to her house address.
- 5.4 Being a Black Muslim woman, she was not expected to occupy the space of being a President of a students' union. She was a threat due to the potential change she could make in her role as the President of the University of Salford's students union.
- 5.5 Othering is literally designed to dehumanise. One of the bravest steps that the NUS took was to implement the institutional racism review. Institutional discrimination needs to be challenged.
- 5.6 Zamzam Ibrahim was thanked for her presentation.

6 This was followed by question and answer & comment session

6.1 The main points were as follows:

- Understanding neurodiversity and autism in the same way as gender fluidity would be a good strategy
- Collective action is essential for solidarity and can be transformational in terms of progressing equality.
- The academic debate on trans inclusion can be divisive but it is positive that UCU has such a clear policy. Media gives platform to transphobic views which has to be challenged. Academics, some of whom are UCU members also need to be challenged on transphobic views. Often the transphobic argument is couched in terms of academic freedom. The insidious language used against the trans community in the media, politics and also internally in the union has to be confronted, otherwise trans people will not feel they belong to the union.
- Class discrimination is always ignored by Governments and should be at the heart of equality campaigns.
- Day of action on disability on 4 December is an important day to progress equality. It should be framed within the aims of the strike.
- Mentoring others is an objective that UCU is yet to pin down.
- Solidarity with the NUS makes progressing equality work stronger.
- Equality is deemed to be about making a positive impact but in reality should

be talking about inequality, as the notion of equality is seen as making uniformity not diversity, about exclusion not inclusion. Institutions try to make superficial changes as it is not comfortable to talk about equality which effectively does not bring about a meaningful change.

- Women of colour who often do the work around equality and diversity are not given the platforms to speak in conferences or in media.

7 Ending the pay gap for black, disabled, LGBT+ and women members

- 7.1 Sue Abbott introduced Jenny Lennox who is a Bargaining and Negotiations Official and her brief includes supporting branches to tackle the gender and race pay gaps.
- 7.2 Jenny Lennox commenced by introducing herself and pointing out that the gender and disability pay gap has been carried out by the Bargaining and Negotiating team. There are several reasons why the pay gap for all the equality groups is still wide. There are structural discriminatory practices which need to be addressed in order to readdress the pay gap for the equality groups.
- 7.3 In FE there was a 10% mean gender pay gap across the work force and 7% pay gap in leadership and management. In HE in 2018 the mean gender pay gap was at 15.9%.
- 7.4 UCU has produced Rate for the Job online comparison tool which allows you to access the average salaries for men and women at any institution by contract level and gender, and allows you to compare up to five institutions at a time. It also allows comparison with VC pay and contains a toll for calculating the real hourly wages of hourly paid teaching staff.
- 7.5 There was a discussion at the Black Members Conference about using Freedom of Information (FOI) to get information about race pay gap which the Bargaining and Negotiating team are hoping to carry out.
- 7.6 A survey was done around casualisation and pay gap, showed that 36% of women as opposed to 32% of men are on fixed term contract and 31% of white academic staff were on fixed term contract as opposed to 42% of BAME academic staff being on fixed term contract.
- 7.7 Higher Education Statistics Agency (HESA) collects workforce data in HE.
 - HESA has ethnicity data for 94% of staff but not at an institutional level, so does not have information about how ethnicity impacts on pay gap.
 - HESA does not differentiate between declared not disabled and not declared in their reporting on disability, so it is difficult to know how many staff haven't declared their disability status
 - HESA has data on sexual orientation for 88% of staff. 21% have been asked but chose not to disclose
 - HESA has data on gender reassignment status for 26% of staff, a further 2% have been asked but chose not to disclose

7.8 UCU is the sole body (now working with Education Training Foundation) collecting workforce data in FE.

- Most Colleges have minimal/no information on LGBT+ staff
- Disability data is patchy
- The aim is to have Freedom of Information at branch level around race and pay.

7.9 **Gender pay**

7.10 A lot of the institutions are required to declare their gender pay gap. Equal Pay Act gives a right to equal pay between women and men for equal work. The Act implies a sex equality clause automatically into all contracts of employment, ensuring that a woman's contractual terms are no less favourable than a man's. It is illegal to pay a woman less than a man.

7.11 Gender pay gap is about mapping across an organisation and looking to see what is the difference between an average man and an average woman in terms of pay.

7.12 Women tend to occupy the lower end of the pay scales and men the higher end of the pay scale.

7.13 **The causes of gender and race pay gap includes:**

- Lack of transparency and unnecessary secrecy over grading and pay
- Discretionary pay systems
- Different non contractual pay/ terms & conditions for different groups
- More than one grading and pay system
- Long pay scales or ranges
- Labour market segregation
- Juggling life priorities
- Managerial discretion over starting salaries
- Job evaluation systems which have been incorrectly implemented or not kept up to date
- Overlapping pay scales or ranges
- Part-time work
- Access to Career progression and promotion.

7.14 The way institutions are structured tend to be the cause of discriminatory practices.

7.15 **The strategic objectives include:**

- To identify local issues

- To localise solutions
- To share best practice.

7.16 **The Bargaining objectives include:**

- To conduct an Equal Pay Audit
- To reduce/end casualisation
- To secure ongoing collective negotiations
- To develop a branch action plan that addresses the issues.

7.17 **The main aim from local negotiations should include:**

- **Joint statement of intent** – including a commitment to provide the necessary facilities time to support this work
- **Jointly agreed data set** – this needs to cover all UCU roles
- **Joint analysis with UCU Critique and analysis if needed** - has every employee been audited? Do you need more information?
- **Joint agreed action plan** - move to campaigning mode and exert pressure if employer resists
- **Identify local issues** – consider Rate for the job data, Tackling the Gender Pay Gap by using branch bargaining guidance, in HE New JNCHES guidance, and in FE 2016 AoC joint agreement.

7.18 To have an effective local collective bargaining, a local strategy needs to be developed in advance of submitting the claim.

7.19 The key phases are presenting the claim, reviewing progress and closing the deal.

7.20 It is important to engage members by:

- Keeping members informed on progress of negotiations
- Use branch motions at key points to keep engagement up and strengthen your negotiators
- Use your GTVO resources and techniques in communicating over your claim
- Keep building up your maps for recruiting around your claim, developing stronger organisation and building your capacity to mobilise at key points.

7.21 **Possible actions included**

- Resolving obvious pay inequities
- Job evaluation policy and process which involves the unions
- Reasonable adjustments budget and policy
- International working policies not penalising staff who can't travel to some

countries

- Flexible working and job sharing as defaults
- Recording of lectures and online presences by consent recognising the situation of individuals
- Review of internal and external recruitment policies, including starting salaries
- Review of career progression
- Draw up a policy for declaring protected characteristics
- Review of impact of career breaks
- Review of bonus policy
- Equality audit of Performance Management and Capability Procedures
- The questions which need to ask include what does a good policy and process look like for declaring protected characteristics and what are the barriers to your branch undertaking this work?

7.22 This was followed by question and answer session and comments included:

- Sheffield have made good progress by pushing management to collect data which includes pay gap and the gender pay gap has been expanded to look at the race pay gap
- The issues of LGBT+ data and disclosure remain
- Local collective claims will help close pay gaps
- The migrant members pay gap must be included
- Why has the grading system in the Russell groups universities not changed as this perpetuates race and gender pay inequality
- Need to get people to disclose disability and LGBT+ but people feel massively exposed at same time
- Career breaks have a massive impact on progression and women tend to take more career breaks
- Any claim has to ask for facility time as negotiations takes time.

The conference ended at 1.00pm.