

The Equality Bill – good in parts.

On 26th June, the Government finally published its White Paper on the Equality Bill, which will be included in the Queen's speech in November. On July 21st, a much more detailed paper containing the Government's response to its consultation was published. They reveal that the consultation did have an impact, in that the content of the Equality Bill will be much stronger than originally proposed, but there is still much to fight for. The main features of the Bill that will affect UCU branches and members are as follows:

- All existing discrimination legislation will be swept away, and replaced by a single Equality Act, covering all the protected grounds – sex, race, disability, sexual orientation, religion or belief and gender reassignment.
- The three existing equality duties (for gender, race and disability) will be replaced by a single equality duty placed on public authorities (including colleges and universities), covering all seven of the grounds listed above. The equality duty will have much the same framework as the existing ones, with general and specific duties retained. It will NOT be extended to the private sector, but will clarify and strengthen the equality requirements when the public sector is purchasing goods and services from the public sector.
- Protection from discrimination in the provision of goods and services will be extended to cover age, the only ground not currently covered. If fully implemented in relation to health services for example, this will be a very expensive provision!
- Public bodies will have to report annually on their gender pay gap, and levels of ethnic minority and disability employment. Comparisons will be made between similar authorities. There is still no absolute requirement to conduct equal pay audits.
- Employers can take under-representation of any groups into account when selecting between two equally qualified candidates.
- Employment tribunals will have new powers to make recommendations to employers in discrimination cases, to benefit the remaining work force. Consultation is ongoing about whether to allow representative actions in discrimination cases. The signs here look positive, and this would be a great step forwards.
- There is a promise to continue supporting the development of trade union equality representatives. There is no firm commitment to giving them statutory rights, but it is implied that this might happen soon.

A more detailed UCU summary can be found at <http://www.ucu.org.uk/equality>

and the Government documents can be found on the home page of www.equalities.gov.uk
Watch this space – this is the culmination of a decade of rapidly changing equality legislation.

UCU equality conferences 2008

For the second time, UCU will be holding its annual equality conferences this Autumn. Motions for the conferences have to come from branches/LA's three weeks before the Conference is held, and nominations for the Committee two weeks before.

The timetable for this Autumn is as follows:

Equality Conference timetable

Conference	Date of Conference	Motions in	Names in
Black Members	Friday 17 October	26 September	3 October
Disabled Members	Friday 24 October	3 October	10 October
Women Members	Friday 14 November	24 October	31 October
LGBT Members	Saturday 15 November	25 October	1 November

All four conferences will be held at UCU Head Office, Britannia Street, London, from 10.30am to 4.30pm, and will consist of a mixture of speakers, workshops and formal business. More detail about the method of application to the conferences will be sent out in a branch circular in early September. In the meantime, any member interested in going on a provisional list for any of the four conferences should email eqadmin@ucu.org.uk

Equality issues at UCU's annual congress

Equality was again the first subject of debate at our Congress in late May. Motions were passed on the following issues:

- campaigning to get colleges and universities to implement the equality duties properly.
- opposing any restrictions to existing abortion rights and campaigning to improve them.
- researching women's access to and participation in education
- building black activism within UCU and across the trade union movement
- working on building community cohesion in FE and HE through promotion of good relations between different races rather than any attempt to spy on students
- building up and resourcing support for disabled members through networks, training and formal structures, and producing a single equality scheme for UCU
- lobbying the Government to give statutory rights to trade union equality reps

Rule Changes removed the need for members to go through branches in order to attend the equality conferences, and increased the motions that the equality standing committees can send to Congress from one to two (rather than one as currently).

There will now be two reserved seats on the National Executive for disabled members and LGBT members, bringing them in line with the current provision for black members.

In addition, each of the four equality standing committees ran a successful fringe meeting. The Equality Fringe featured Sheila Rowbotham, speaking on decades of equality activism 'from sexism to ageism', and was packed out, as was another fringe meeting on Bullying and Harassment. Work is now underway to implement decisions, and build on the initiatives suggested.

New equality resources for branches/LAs

Two significant new agreements were reached in the AOC/Joint Union Equality Working Party in May. Firstly, an updated agreement on sexual orientation equality was reached. This has been sent out to FE branches, but as with all these agreements, only needs very slight changes to make it useful as a model to negotiate on in HE. It can be found at www.ucu.org.uk/media/docs/5/m/fe_sexoreg_may08.doc

The second agreement is an extensive and detailed one on Harassment and Bullying, an issue of great concern to many of our members. Hopefully, this should be of great use in both sectors. It can be found at www.ucu.org.uk/media/docs/4/1/feagrhar.doc It compliments the toolkit document 'Stopping bullying and harassment at work' which was launched at Congress and sent out to branches in hard copy. It can be found at www.ucu.org.uk/index.cfm?articleid=3314

In addition, the Forum on Sexual Orientation and Gender Identity in post-school education, which UCU chairs, has produced 'Guidance on Trans Equality in Post-School Education.' It can be accessed at www.unison.org.uk/file/A7002.pdf

Quotation corner

'Don't change your body. Change the rules.'

Jacky Fleming. Cartoonist and Illustrator.

Some good news from Europe

The April edition of Equality News reported that the European Union seemed to be back-peddalling on its promise to extend legal protection in the provision of goods and services beyond the current position, which only covers race and gender. The campaigning on this issue has paid off. After a campaign in the European Parliament led by Liz Leyne MEP, on 2nd July, the Commission announced a proposal for a 'horizontal framework directive' on equality, extending full protection to cover disability, age, sexual orientation and religion or belief. This means that the European Union is gradually edging its way towards a position where there is no hierarchy of equality, at least in law. The United Kingdom already has legal

protection in relation to provision of goods and services for all grounds except age. This omission should be rectified by the Equality Bill. But a united approach to non-discrimination across the whole of Europe is symbolically of great importance, and this is very welcome news.

Update on forced retirement

The Heyday Challenge to the UK position of giving legal sanction to employers to keep a 'default' retirement age of 65 was heard by the European Court of Justice on July 2nd, somewhat earlier than expected. Heyday (an off-shoot of Age Concern) report that the hearing was positive, with a representative of the European Commission making a series of points in support of their arguments. The judge apparently seemed sympathetic. The next stage will come on 23rd September, when the Advocate General will publish his opinion on the case. (He gives guidance on judgements which the Court will usually follow.) It is hoped that the judgement of the court will be published before the end of 2008.

In the meantime, many of our members are challenging their institution's decisions to forcibly retire them at 65, and a number have lodged cases with employment tribunals which are 'stayed' pending the outcome at the European Court.

The tide is clearly turning on this issue – its time the management of colleges and universities caught up with this.

Landmark case will give new rights to carers

Sharon Coleman, the mother of a disabled child, has won a landmark victory in the European Court of Justice. She claimed she was being discriminated against because of her association with her disabled child, and was refused the right to work flexibly. Her case, funded by the Equality and Human Rights Commission, was referred to the ECJ by an employment tribunal to determine whether 'disability discrimination by association' is unlawful. On July 17th, the ECJ ruled that it is. This is being widely seen as a very significant case, which should lead to new rights for Britain's 6 million carers, 60% of whom are women. It is expected that the judgement will also cover carers of the elderly. The British government will now have to consider what changes in domestic law are needed to comply with the judgement. Their current statement that the Equality Bill will not specifically cover carers will probably need to be immediately revised.

Editor's last word

I have been editing 'Equality News', first for NATFHE, then for UCU, since I started working for NATFHE in September 2000. This is my last edition.

In those eight years, the landscape in the field of equality has changed out of all recognition, at least in terms of legislation. Depressingly, in the 'real world', change is much slower to happen.

When I started in 2000, the new legislation in force was the Human Rights Act, from which much was expected. As it turned out, this has so far had very little impact in the field of equality.

In 2000, there had been little real change to discrimination law since the 1970's. The Race Relations Act, The Sex Discrimination Act and the Equal Pay Act were still in force, little-changed since then. The Commission for Racial Equality and the Equal Opportunities Commission were the only enforcement bodies. True, the Disability Discrimination Act 1995 had become law, but it was a very weak and inadequate piece of legislation. The Disability Rights Commission was in the process of being set up.

There was no legal protection or supportive body at all in relation to sexual orientation, religion or belief or age.

Then came an astonishing raft of equality laws, starting with the Race Relations Amendment Act, which introduced the revolutionary concept of a duty to promote equality. This duty was later extended to cover disability and gender. Soon it will be extended further.

A plethora of other legislation followed. Section 28 was abolished. Civil Partnerships became legal. Regulations outlawing discrimination on the grounds of sexual orientation and age were introduced for employment and training and then for goods and services (yet to happen for age). A range of positive changes were made to disability laws, and to 'family-friendly' policies, including paternity leave, flexible working, and improvements to maternity rights. BSL was recognised as an official language. The Gender Recognition Act was passed. In 2006, the three existing commissions were abolished, and the Equality and Human Rights Commission, an enforcement body for all the protected grounds, came into being. Now we await the instigation of the Equality Act.

In 2000, many of the areas of activity we now take for granted did not exist. The Commission for Black Staff in FE was just being set up. Later came the Equality Challenge Unit for HE, with whom the unions have worked closely. There were no equality agreements with the AOC for FE, and now we have a complete set.

A Charter for Women, which was largely NATFHE's initiative did not exist. Unite against Fascism, which UCU still houses, had not been born. The Commission for Disabled Staff in Lifelong Learning and the Forum on Sexual Orientation and Gender Identity in post-school education, in both of which UCU plays a prominent role, had not been dreamt of.

The events which were to change the world, - 9/11, the invasion of Iraq and the 'war on terror' had not yet happened. With these came a whole new set of equality issues - the rise

of Islamophobia and the government attempts to appear 'tough on terror' [thinly disguised as 'community cohesion' strategies for colleges and universities] became major concerns for us.

Despite all the change, some things remain stubbornly the same. The gender pay gap shifts agonisingly slow. Despite some legislation, the position for fixed-term workers, hourly-paid staff and agency staff improves at a snail's pace. Hate crimes in relation to race, disability, sexual orientation and religion appear not to diminish.

There have been some entirely unwelcome changes, the greatest of which is the astonishing growth of religious fundamentalism around the world. Who would have predicted that the 21st Century would see a return to the kind of religious bigotry and intolerance which we thought had been left behind long ago, and the influence of which on the progress of equality is extremely negative?

Recently, there has been the emergence of a new scapegoat, in the relentless criticism and degradation of 'obese' people. It seems society always has to have a group that it feels justified in rejecting and stigmatising.

But there is much to be optimistic about. We have nearly all the legislative tools to create a fair and equal society. All we need to do now is make it a reality in every college and university in the land!

I wish you well.

Kate Heasman. Equality Official.

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Get in touch

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