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## Welcome

I would like to take this opportunity to introduce myself as UCU's Head of Equality. I look forward to working with UCU members to achieve equality in every workplace.

We are anticipating a busy time in the UCU Equality Unit over the next few months as the publication of the Single Equality Bill is imminent. This will represent a significant change to domestic equality legislation with implications for UCU members, activists and the way we organise and bargain on equality issues. Look out for regular updates in Equality News and on the equality pages of the UCU web site.

Equality News will be published regularly. We are very keen to hear about and publicise work on equality issues in your branch or region. Please send articles for inclusion in the newsletter to Sharon Russell [srussell@ucu.org.uk](mailto:srussell@ucu.org.uk)

Best wishes  
Rachel Curley

## 1. The Bradford Review

The review into race equality practices and procedures at the School of Health Studies in Bradford was launched in 2008 after close consultation between the university and UCU.

Terms of reference and the composition of the review panel were agreed jointly before the review being formally commissioned in July 2008. The review was charged with assessing the 'current policies, procedures and practices in relation to race dynamics in the Division of Nursing, with any implications for the University and the general staff student relationship.'<sup>1</sup>

The need for such a review arose from a series of race related grievances in the School of Health Studies. UCU pursued the issue of an independent review in the light of the successful grievances against the University, reaching agreement with the Vice Chancellor who had already conceded publicly that race discrimination had occurred.

The review took place between July and November 2008 and was comprehensive and thorough in its reach and scope. The work encompassed a review of organisational policies and practices, an overview of the grievances for contextual background and a staff survey. There was some slippage in terms of the final delivery of the report which nonetheless contained some challenging findings and far reaching recommendations for both the University and UCU.

Among these findings were 'a general lack of understanding of what constitutes bullying and harassment', 'a general lack of strategic leadership on the Equality and Diversity agenda' and 'a lack of understanding of how to deal with allegations of race discrimination'.

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<sup>1</sup>University of Bradford, Findings of the School of Health Studies Review 11 March 2009

The findings for UCU represent an opportunity to ensure we develop equality practices which could have wider significance across both the FE and HE sectors.

The next phase of the work is to be overseen by an implementation group chaired by the Vice Chancellor and charged with implementing the recommendations. UCU has two representatives on this group, one local and one national representative.

This is the first review of its kind and it is hoped that this will foreshadow similar work in the future with other institutions. The initiative shown by those who formulated the review, framework and style is to be commended.

## 2. UN Convention on the Rights of Persons with Disabilities

UCU has written to the Minister for Disabled People to welcome the Government's commitment to ratify the Convention but to outline our concerns about the announcement that the Government intends to record reservations in four areas. UCU fully supports the TUC position that the consequence of the adoption of the four reservations will be to undermine the effectiveness and impact of the UN Convention among disabled people in the UK. We are also concerned about the failure to consult and involve disabled people in the decision to record reservations.

## 3. Disability discrimination

There have been two recent significant case decisions under the Disability Discrimination Act 1995.

### **Coleman -v- Attridge Law**

This is the case which was referred to the European Court of Justice to determine whether the European Equal Treatment Framework Directive should properly apply to 'associative' discrimination, in this particular case on grounds of disability. Mrs Coleman took a tribunal complaint against her employer alleging that she had been directly discriminated against, and subject to harassment on grounds of disability – in this case, the disabled person was Mrs Coleman's son.

The European Court have ruled that the Framework Directive should indeed be interpreted as prohibiting associative discrimination on grounds of direct discrimination and harassment, across all aspects of discrimination that it applies to: age, disability, sexual orientation and religion or belief.

When the claim went back to the Employment Tribunal, it was ruled that it is possible to construe the Disability Discrimination Act so as to accord with EU law, as interpreted by the ECJ. An appeal to the Employment Appeal Tribunal has been filed by the employers.

### **Malcolm -v- Lewisham Council**

The Disability Discrimination Act differs from other discrimination legislation in two respects – the obligation to make reasonable adjustments and the concept of disability related discrimination.

'Disability related discrimination' refers to differential treatment where the reason for the treatment is a reason linked to a person's disability. The reason for the treatment is not the disability itself.

Up until now the leading judgment in this area of law was **Clark -v- Novacold**. This case, decided in 1996 in the Court of Appeal has stood the test of time and generally been accepted – until now.

The House of Lords set out a new, 'narrow' test and stated that the correct comparator is someone whose circumstances are materially the same as the disabled person's but who is not disabled. For example, if a disabled employee is dismissed because they have been on long-term sickness absence, the correct comparator will be a non-disabled employee who has also been on long-term sickness absence. Under **Novacold** the comparator would have been a non-disabled person who had not been absent on sick leave (and so would not have been dismissed).

In any future DDA case where disability-related discrimination is claimed, it will be vital to properly address the question of the right comparator at an early stage. For further information see [www.ucu.org.uk/equalitylegislation](http://www.ucu.org.uk/equalitylegislation)

## 4. Extension of flexible working

The Government announced on 27 March 2007 that parents of children aged 16 and under will be able to request flexible working from 6 April 2009. This is very welcome news, especially as there had been concern about reports that the Government were considering delaying this legislation.

The right to request flexible working was first introduced in 2003 for parents of children aged up to six and disabled children aged up to 18. It was extended to carers of adults in 2007. Six million parents and carers already have the right to request flexible working from their employers, with another 4.5 million now gaining the right from 6 April 2009 with its extension to parents of children aged 16 and under.

More information can be found on the BERR website:

<http://nds.coi.gov.uk/environment/fullDetail.asp?ReleaseID=396697&NewsAreaID=2&NavigatedFromDepartment=True>

## 5. Public consultation on violence against women

Home Secretary Jacqui Smith has launched a public consultation on violence against women - Together We Can End Violence Against Women and Girls Strategy! This is a major success for the End Violence Against Women coalition which has campaigned for a strategy for 4 years as a critical step towards creating a world without the threat or reality of violence against women. End Violence Against Women (EVAW) is a coalition representing 7 million individuals and organisations across the UK who believe we can and must create a world free from the threat and reality of violence against women.

An EVAW road show will visit shopping centres, universities, sports grounds, train stations etc on the following dates:

**Yorkshire and Humber: 16-18 April**  
**South West: 23-25 April**

**North West: 30 April - 2 May**  
**London: 7-9 May**

To have your say by responding to the consultation online, or attending a roadshow or stakeholder event in your area, visit the EVAW website at:

<http://www.endviolenceagainstwomen.org.uk/>

You can also download the consultation paper here:

<http://www.homeoffice.gov.uk/documents/cons-2009-vaw/vaw-consultation.pdf?view=Binary>

## 6. Fawcett Society

The Fawcett Society is surveying all trade union branches in Britain to ascertain how common it is for employees to be exposed to things such as pornography, 'lads mags', and lap dancing clubs in a work context. The results of this survey will be included in an upcoming report by the Fawcett Society. <http://www.fawcettsociety.org.uk//index.asp?PageID=891>

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The Equalities Bill is due to be introduced in Parliament shortly. But will it include anything to promote equal pay? Join the Fawcett Society campaign on equal pay and sign a letter to Peter Mandelson via: <http://www.fawcettsociety.org.uk/index.asp?PageID=728>

## 7. Events

### **DAN Activist Day for Black Members** **Make a difference!**

UCU Equality Unit and DAN (Developing Activist Network) will be delivering a series of one-day events specially designed for black members who want to get bit more involved in the union.

It's important that as a member you understand how the union works and how you can help to shape policy and decisions.

Details of events are:

**8 April UCU HQ, Carlow Street, London**  
**29 April Mechanics Institute, Manchester**

To register, contact Martin Whelton at [mwhelton@ucu.org.uk](mailto:mwhelton@ucu.org.uk)

**Black, Asian and Minority Ethnic Women Councillors Taskforce  
Friday 24 April 2009**

**Camden Town Hall, Judd Street, London WC1H 9JE**

**DON'T MISS OUT: WOMEN MAKE A DIFFERENCE IN YOUR COMMUNITY!**

Did you know that there are nearly 20,000 local councillors in England and Wales but sadly, only around 30.8% of these are women? Women from minority ethnic backgrounds make up less than 1% of all councillors, despite being over 5% of the overall population. We want to encourage more women, especially those from ethnic minority backgrounds to get involved and change this.

Join Baroness Uddin, Chair of the Women Councillors Taskforce and other inspirational speakers at a free event and hear about the steps they took in order to participate fully in public life. You will be given the opportunity to participate in two interactive workshops with experienced facilitators.

For further information, contact **BAME Women Councillors Taskforce Secretariat, Zone E8/5, Eland House, Bressenden Place, London SW1E 5DU** or email **BAME@livegroup.co.uk**

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**Education for Change Conference  
21 May 2009**

At last year's Congress the Women Members' Standing Committee put forward a motion, Education for Change, which stated that in order to redress the historic and ongoing inequalities experienced by women, education plays a vital role. The motion (which was passed) proposed a cross-sectoral conference which would launch the campaign and draw up an agenda for the future. This conference will take place on 21 May 2009 at the Women's Library in London.

For more information contact Charlotte Nielsen at **cnielsen@ucu.org.uk**

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**Black Members' Accredited Training  
21 May 2009**

**UCU HQ, Carlow Street, London**

This is an opportunity for members who have attended one of the DAN Activist event or those already active within their branch to take part in accredited training.

This 2 day course is aimed at new reps/caseworkers and activists who will be undertaking this role in the near future.

This module must be completed before any of the other accreditation modules can be attended.

This course will help you to:

- **Understand your role and legal rights as a UCU representative**
- **Develop the skills and knowledge necessary to enable you to undertake this role effectively.**

And will cover topics such as:

- **The purpose of UCU, its structure, functions and democratic processes and how you can get involved in these**
  - **Support that can be provided to you as a UCU rep**
  - **How organising and campaigning methods support your union role**
  - **How to build and sustain effective UCU branches.**

To register, visit the UCU website at **<https://www.ucu.org.uk/index.cfm?articleid=3721>**

**UCU training courses are open to all members who are new to being a UCU activist or that have never attended training. We recommend that all UCU representatives fulfil their rights to time off to train enabling them to achieve and receive an accreditation.**

## 8. The ECJ judgment in Heyday

On March 5th the European Court of Justice (ECJ) published its judgment in the case brought by Age Concern.

The central issue before the Court was whether the Equal Treatment Directive had been correctly transposed in to national law, in particular with regard to the imposition of a normal retirement age. It ruled that the domestic legislation fell within the scope of the Directive. Accordingly, the imposition of a normal retirement age was not unlawful.

The Court has remitted the matter to the High Court in the first instance, for determination of whether the legislation reflects a "legitimate aim" and, whether the means to achieve that aim were "appropriate and necessary".

UCU is developing a campaigning partnership with The Age in Employment Network (TAEN) to challenge the mandatory retirement age. More information about this initiative will be made available on the UCU Equality web pages. Contact Seth Atkin at [satkin@ucu.org.uk](mailto:satkin@ucu.org.uk)

## 9. LGBT History month

The UCU LGBT History Month conference was held at the end of February and explored difference between Lesbian, Gay, Bisexual and Trans people through well-received presentations.

Digging deeper into LGBT diversity there had been clear presentation of BME LGBT experience and the impact of HIV particularly for gay and bisexual men.

Although the different histories were quite clear there was significant common ground particularly in relation to heteronormative social structures and the challenges posed to LGBT lives by aligning LGBT rights with these structures. The Conference called for there to be continued emphasis on the diverse issues and needs within LGB and T communities. Conference suggested that the production of resources relevant to the different groups including ones focusing on BME, faith / belief, and health issues would be a significant asset.

In conjunction with the production of resources it was requested that UCU provide training drawing from the issues covered within the conference, especially around increasing visibility. The work of developing regional networks was welcomed and seen as a considerable asset for achieving these goals. For more information, contact Seth Atkin [satkin@ucu.org.uk](mailto:satkin@ucu.org.uk)

## 10. LGBT research in HE

The Equality Challenge Unit recently commissioned research on the experiences of lesbian, gay, bisexual and trans (LGBT) staff and students in higher education.

The report shows unequivocally that while higher education institutions provide a very positive space for many LGBT students, there is a real need for the sector to engage with this equality area and review how it provides support for, and addresses discrimination against, LGBT staff and students. The report includes sections on: **LGBT students' and staff experiences of higher education, Teaching, learning and the curriculum, Monitoring for sexual orientation and trans identity, Representation, consultation, training and communication, Sexual orientation and faith, Implications for HEIs**

You can download the research report from <http://www.ecu.ac.uk/publications/lgbt-staff-and-students-in-he>

## 11. Achieving good practice in sexual orientation equality

In November 2008 a DVD resource, Visible and Valued, was created in response to the 2006 Centre for Excellence (CEL) publication 'Equality and sexual orientation - the leadership challenge for further education'. The research identified high levels of homophobia in the sector, and recommended the creation of high quality, sector specific training materials to challenge it. Visible and valued was created with additional funding and support from DIUS, LLUK, LSC, QIA and UCU and provides case studies in good practice.

The DVD combines extensive documentary interviews with a wide range of learners and staff, and four dramatisations that will enable users to focus on key issues including effective responses to bullying and harassment. The flexibility of the DVD is further enhanced by an e-learning component. Copies of the DVD can be ordered from the Learning and Skills Improvement Service (LSIS). Please contact LSIS on 0870 060 3278 or at [konrad.paruch@lsis.org.uk](mailto:konrad.paruch@lsis.org.uk)

For a guide to good practice please see the sexual orientation checklist: <http://www.ucu.org.uk/index.cfm?articleid=2131>. We are collating examples of good practice so please send in any information about successes at your workplace to [satkin@ucu.org.uk](mailto:satkin@ucu.org.uk).

## 12. Get involved

If you would like to join one of our networks, please send an email to [eqadmin@ucu.org.uk](mailto:eqadmin@ucu.org.uk) stating your preferred email address along with the name of the network you would like to join. You should note that these networks are not discussion forums, but that you will be sent information relating to the area of equality. The networks available for joining are:

**Black Members Network**  
**Women Members Network**  
**LGBT Members Network**  
**Disabled Members Network**