



Equality & Human Rights Commission Strategic Plan Consultation

UNITE – the Union Response

December 2008

Equality & Human Rights Commission Strategic Plan Unite - the union Response

Introduction

This response is submitted by Unite, the union. Unite is Britain and Ireland's largest trade union with 2 million members across the private and public sectors. As the union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport, local government, education, health and not for profit sectors, we have extensive experience of representing men and women workers who are faced with discrimination on all grounds.

The unions that have come together to form Unite have a long experience of involvement in the Commissions that have come together to form the EHRC. Former General Secretaries and specialist Women, Race & Equalities National Union Officers have served as Commissioners on the EOC and CRE, and as a member of the ministerial Advisory Committee on Disabled People. We have also developed links and campaigned strongly with eg. Stonewall, Age Concern, Help the Aged, Churches, Mosques and Temples, Kalayaan and migrant domestic workers.

We strongly welcome the opportunity to comment on the EHRC Strategic Plan being drawn up as identified in the 2006 Equality Bill Part 1 Clauses 4 and 5 of the, and the EHRC Equality Scheme.

A1. Do you have any suggestions on how the Commission can improve contact with its stakeholders and share information more effectively?

Before identifying suggestions, we wish to state our serious concerns about how the transition from the former commissions to the EHRC has adversely affected previous very effective stakeholder contact and information sharing. We would call on the Equality and Human Rights Commission to recognise far more effectively the strong foundations laid by the Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission in terms of their stakeholder contact and information-sharing practices. The approach of the EHRC to date does not appear to have built on these strengths, and we are very concerned that the experience and expertise developed in these commissions has not to date effectively transferred into the new commission.

The EOC, CRE and DRC used to be the first source of authoritative information and expertise for us as a trade union, and for many organisations, on the area of equality for which they were responsible – on legal points as well as policy and campaigning. This is no longer the case now the EHRC has replaced them. Rather than consolidating these existing links and building on them to include the additional equalities areas covered by the EHRC, and its broader overarching remit, the

impression created is of a new organisation that is very generalist, going to take a long time to become established, create links or provide a high level of quality accessible information and specialist support.

Finally, we would state at the outset our concerns that the EHRC has achieved media headlines with a series of statements that place it on the fringes of a controversial debate, rather than at the centre of a core agenda for our communities and society as a whole. This has shaken the confidence of many potential stakeholders. For example : expressing sympathy for employers required to provide family friendly policies, with barely a mention of the benefits they bring; attacking the Labour Party's record on selecting black MPs and attacking trade unions without acknowledging Labour has by far the largest number and is the only party committed to positive action, and the positive role played by trade unions; appointing a commissioner who is openly hostile to lesbian, gay, bisexual and transgender people, an area of equality for which the commission is responsible.

We would make the following specific suggestions :

1. Rebuild the contacts with stakeholders and information-sharing practices that existed within the former commissions, and extend this to the other areas of equality, diversity and human rights now covered by the EHRC.
Examples of how effective contact was made previously with commissions include :
 - using the web-site
 - ringing in to the helpline
 - making contact with specific staff with whom longer-term links had been established
 - the involvement of the commission in many stakeholder activities as a key player
 - more localised community activities through eg race equality councils
2. Set up positive initiatives which worked well in establishing strong links with stakeholders in the former commissions. There is no better way than direct personal contact, and the following are examples which worked well in our experience :
 - EOC transfer of expertise outreach activities, which ensured their information systems were presented to key stakeholders (particularly those involved in providing advice) in groups and individually, and then developed to meet needs identified, and finally promoted at events identified by stakeholders
 - Bringing together key stakeholders at eg "breakfast" events involving trade unions, employers, campaign and support organisations to discuss key issues, particularly around the development of the final priority documents produced by the EOC, CRE and DRC

3. Develop two-way communication :
 - a. Organise briefings and seminars on new developments
 - b. Set up a system so that relevant organisations will post their campaigns, research, publications, events, etc
 - c. Ensure email subscribers receive regular alerts covering ongoing EHRC and other relevant organisations' research, new case law, information on the work of relevant organisations

4. Make the web-site much more user friendly. The colours of the EHRC pages and the very plain layout do not have the encouraging, campaigning and positive design features of the former commission sites. It is very helpful to be able to access the former commission web pages, but it is very concerning that they are not being kept up-to-date, and therefore cannot be relied on as previously. For the longer-term, rather than trying to cover everything together on the EHRC pages, presumably allowing the "legacy commission" web-sites to gradually fall into disrepair, we would call for these pages to become EHRC pages on eg women and gender equality, race equality, disability equality, which are kept up to date; and new EHRC pages to be added on sexual orientation, age, religion or belief/non-religion or non-belief, and other issues as appropriate.

5. Raise the profile of anti-discrimination and promotion of equality again, through the campaigning materials that used to be available through the commissions eg posters, coasters, leaflets, stickers. Booklets debunking discriminatory myths and setting out the facts used to be produced annually by the EOC on "Men and Women in Britain" and were extremely helpful, as were CRE and DRC equivalent booklets that could be used to counter race and disability discrimination. Not only would we call for them to continue to be produced, but we would also call for other such short accessible user friendly booklets. Posters too have been well-received in the past. We would call for the best anti-discrimination/pro-equality posters of the past to be reproduced as EHRC posters, as well as creating new images – to be sent out widely for use in a range of settings. Two particularly powerful posters we would highlight :
 - EOC "pocket money" poster ("Prepare your daughter for the world of work, give her less pocket money than your son")
 - CRE "babies" poster ("No racism here")

B1. Do you have any comments on the general approach to the equality scheme?

The Equality Scheme of the EHRC needs to be the very best practice, meeting the current legal requirements in terms of gender, race and disability, but also extending this to the areas due to be covered in the new Equality Duty in the Equality Bill, and recognising multiple discrimination in a constructive way. The requirement to involve trade unions set out in the Gender Equality Duty should apply across all areas.

It is also absolutely vital that every area of equalities is adequately resourced in the Equality and Human Rights Commission. Nothing could be more

detrimental to the equalities agenda than competition for resources and for a campaigning profile between different areas.

C1. Do you have any comments on the general approach to the strategic plan?

Our overriding concern is to ensure that the strategic plan of the EHRC prioritises the core activities of assisting those facing discrimination and promoting equality, fair pay, diversity, human rights and good relations. There needs to be far greater identity for specific forms of discrimination, and less concentration on a generalist approach. People and organisations need support and help from the EHRC on a particular form of discrimination or inequality they are facing, and to feel that there will be support, understanding and expertise. The replacement of the EOC, CRE and DRC by the EHRC has lost this essential core role, including the people with expertise and in-depth knowledge of specific areas who previously provided essential and valuable support in the former Commissions. If they are no longer available, then it is essential that training and shadowing by experienced staff is available. We have had a number of experiences of calling to clarify a point of law, for example, to assist in representing a trade union member/group of members, and were passed on to people who did not seem absolutely certain about the information they were providing which meant we had to go somewhere else for this. Similarly, we have looked to the EHRC for a response on a key equality policy issue, or good practice in disability access, and have not had the response formerly readily available from the commissions.

We recognise that the key points set out in the Equality Bill 2006 provide an excellent framework for setting out major areas of work, with activities, timetables and priorities, but, as set out above, without the strong foundations of the core functions working effectively, and confidence with stakeholders restored, achievements will be limited. We would therefore stress the need to :

- begin with the key programmes set out by the EOC Gender Agenda and the final documents of the CRE and DRC
- add to these the priorities for the areas not previously covered by commissions
- add further overarching priorities from the Equalities Review, including on multiple discrimination
- underpin all these clear strategic priorities with the main priority of ensuring the EHRC can deliver the specialist advice, knowledge, help and support needed by those facing discrimination or seeking to promote equality, diversity and human rights.

Finally, we remain deeply concerned that the very strong and positive involvement with individual trade unions as well as with the TUC that the former commissions had is not a strong feature of the EHRC. The ultimate reduction of trade union commissioners to one, and the lack of trade union representation on the Disability Committee is a powerful example of this.

C2. As the Commission is here to support all 60 million people living in Britain, where should it focus its resources for the greatest public benefit?

As set out above, we do not believe it is a helpful approach to suggest no work has previously been carried out by the former Commissions in identifying priorities in terms of gender, race, disability and transgender equality. The final documents of all three commissions set powerful strategic priorities which were drawn up in conjunction with stakeholders and warmly welcomed. They all included multiple discrimination and a community dimension.

The EHRC provides the vital opportunity to extend and build on this, both in terms of sexual orientation, religion/belief and age, and in terms of broader overarching themes. The bottom line remains, though – if an individual or group is/are facing discrimination, unequal pay or a breach of human rights, or if an employer or service provider wants to carry out best practice, they expect the very highest level of expertise and knowledge from the EHRC. The priorities of the Strategic Plan must reflect this, or support for the EHRC will continue to diminish.

The EHRC also has very specific legal functions in relation to anti-discrimination, equal pay and human rights law, the Equality Duties and Community cohesion. It also has specific powers and responsibilities, such as production of Codes of Practice, carrying out Inquiries and Investigations, set out in the Act which established it. The Strategic Plan must properly reflect this, rather than suggesting priorities will be set in a totally open-ended way, as these questions tend to do.

C3. Do the seven protected grounds (age, disability, gender, gender reassignment, race, religion or belief and sexual orientation) in the Equality Act adequately describe the drivers of inequality that persist in Britain?

These seven protected grounds provide a very important core set of priorities for the EHRC. However, it is essential that this is driven by the understanding and recognition that discrimination is not even-handed and neutral. It is the discrimination, under-representation and inequality faced by women, black, Asian and ethnic minority people, disabled people, younger and older people, LGBT people, and those with a particular religion or belief or none has led to the laws and to the development of the EHRC's role. The EHRC additionally provides a strong focus for addressing eg specific discrimination faced by black women, not instead of the seven protected areas, but as well as them. Additionally, we recognise that caring responsibilities are a vital area that needs to be included, together with poverty and class discrimination, and these need to be integrated into the work in relation to the seven protected areas.

The Commission must continue to look at the most vulnerable groups of workers who face day-to-day discrimination. To achieve equality they must engage those affected through trade unions. To that end, we strongly welcome the EHRC's recognition of the growth of migrant workers and the

potential discriminatory impact of employer-contracting practices in the meat industry, initially brought to the commission's attention by Unite the Union, and the decision to conduct an EHRC Inquiry into this.

C4. In what ways will changes in the economic and political landscape over the next three years impact on equality and human rights in Britain?

Research shows that the recession has a disproportionate impact on black, Asian and ethnic minority people, women with caring responsibilities, disabled workers and on all workers most vulnerable to exploitation. It is vital for the Commission to :

- continue to counter divisive myths that may be promoted to blame or scapegoat sections of the community or workforce
- carry out research to monitor eg people who are made redundant, pay gaps
- ensure that the "business and service delivery case" for equality is widely promoted, so that the opportunity is not taken to stop good practice on eg flexible working, dignity at work, equality monitoring and fair pay
- ensure migrant workers who face different forms of discrimination and racism are not used by the BNP to gain support and votes around the country. The Commission should look closely at how this effects the human rights of individuals and groups of people for example Polish or Muslim

Elections will highlight the potential for negative arguments to be promoted. They also provide the EHRC with an excellent opportunity to make the positive case for equality and human rights; and we would expect the EHRC to carry forward important work on tackling under-representation in political and public life carried out particularly by the EOC and CRE.

Legislative developments in the Equality Bill must be part of the work throughout the EHRC over the next three years, developing the best practice across both private and public sectors.

C5. Over the next three years, what are likely to be the most significant forms of disadvantage that the Commission should focus on?

As stated above, we would call for the EHRC to properly reflect the long-term strategic work carried out by the EOC, CRE and DRC prior to their replacement with the EHRC in relation to the most significant forms of disadvantage to focus on in terms of women and men, race equality, disabled people and transgender equality. This can then be built on in terms of sexual orientation, age and religion or belief.

The Women, Race & Equalities sector priorities across areas of discrimination in our union have highlighted the following as key priorities :

- Equal and fair pay and pensions
- Dignity at work/Harassment and Violence

- Working time and family policy, including childcare and social care
- Migrant and Agency workers
- Under-representation in public life
- A legal right to trigger pay/equality audits and statutory rights for union equality representatives

We also have specific priorities for each areas of discrimination eg. undervaluing of work done mainly by women, tackling lack of progression of black, Asian and ethnic minority workers in general and black women in particular, retention in work of disabled people and addressing the impact of stress and an older workforce, unfair pay rates for young workers, ensuring respect at work on grounds of religion and an environment where lesbian and gay workers can “come out”.

Equal and fair pay in local government and the health service needs to be addressed as a priority, particularly in view of the numbers of legal cases, and the importance of ensuring the developments do not prevent issues such as equal pay being settled through negotiation involving trade unions.

C6. What can the Commission uniquely do to tackle these forms of disadvantage?

Again, as stated above, we would call for the EHRC to properly reflect the long-term strategic work carried out by the EOC, CRE and DRC prior to their replacement with the EHRC in relation to the unique role of the Commission in terms of women and men, race equality, disabled people and transgender equality. This can then be built on in terms of sexual orientation, age and religion or belief.

Our experience of the Commissions would lead us to highlight the following :

1. Provision of accurate, reliable, widely-respected expertise and legal advice and support on the key protected grounds of discrimination
2. Access to all the Acts, Codes of Practice, Questionnaires and Guidance on the key protected grounds of discrimination
3. A source of best practice and access to practical experience of implementing positive action eg carrying out pay audits, establishing union equality representatives, dignity at work policies and flexible working, auditing for disability access and best practice in terms of written, electronic materials, meeting and conference facilities, provision of support on childcare and caring responsibilities
4. Facts and figures to challenge myths and provide accurate information
5. General and regular updates on implementation of the Equality Duties by public bodies : if they have done one, what the result was, and action needed, so trade unions and others can be involved in ensuring these are more than paper exercises. We also want details of bodies not complying with their duties, and how enforcement has been

addressed. The EHRC should seek to encourage this across the private sector, not just through procurement practices

6. A high profile for the impact and outcome of EHRC Inquiries when they are completed, such as the Meat Industry contracting and migrant workers Inquiry, and the Finance Sector Equal Pay Inquiry and Construction Industry Inquiry. In the past, the EOC part-time workers rights legal challenge and the CRE Formal investigation into the army for example, have had a major impact. The EHRC can take forward such cutting edge issues
7. One strong argument in favour of establishing a single Commission was the opportunity to address multiple discrimination, and yet we have not seen much evidence of this being addressed. Commissioning in-depth research into particular areas of equality eg black women's pay gap and definitive up-to-date information on causes of the gender pay gap specific to black women eg hours, caring responsibilities, industrial and job segregation; commissioning definitive research on progression at work, particularly lack of progression women, black workers, and disabled workers
8. The devolved and regional parts of the EHRC require greater identity, including eg a clear link from the web pages. Everyone should know this is the place for the community to go to when they are discriminated against. This used to be the case, but is not so currently.