

# Completing

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the **revolution**

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the challenge trade unions  
face in tackling sex inequalities

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Jenny Watson

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**Unions21**

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## **Biography**

Jenny Watson is Chair of the Equal Opportunities Commission (EOC).

Jenny is a founding director of Global Partners and Associates. She is a member of the Advertising Standards Authority's Advertising Advisory Committee, a former Deputy Chair of the Banking Code Standards Board and of the Committee on Radioactive Waste Management.

At the EOC, she was a Commissioner from 1999, Deputy Chair from 2000, Acting Chair from July 2005 and appointed Chair in November 2005.

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## Debate

Unions 21 exists to provide an 'open space' for discussion on the future of the trade union movement and help build tomorrow's unions in the UK.

We are mainly resourced by contributions from trade unions and others who work with trade unions that recognise we need to keep the movement evolving in an ever changing world. We encourage discussion on tomorrow's unions through publications, conferences, seminars and similar activities.

The Debate series of publications present opinions upon the challenges trade unions are facing, solutions they may consider and best practice they may adopt. These opinions are not endorsed by Unions 21, but are published by us to encourage the much needed, sensible and realistic debate that is required if the trade union movement is going to prosper.

Please read and consider this publication, forward it to others connected to the trade union movement and debate the content within your own organisation.

### Sue Ferns

*Chair of the Steering Committee*

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## Introduction

*Completing the revolution*

Jenny Watson

As the Equal Opportunities Commission's (EOC) life as an organisation draws to a close, and it takes on a new guise within the Commission for Equality and Human Rights, now seems a good time to assess what's left to deliver for sex equality, and to look at the role the unions might have in taking this agenda forward. And so I wanted to give a personal perspective on these issues from my experience over the last few years, first as a board member, and latterly as Chair, of the EOC.

The EOC is proud of the work it has done with the trade union movement over the past 32 years. The trade union movement itself has a long history of fighting for all forms of equality. In fact, we might not even have the Equal Pay Act were it not for a group of women workers at Ford who took action in 1969 with the support of their union to win equal pay. The women who made the seat covers in the Ford factory, earned only 92% of the pay of the unskilled men who swept the floors and just 80% of what the semi-skilled men took home.

When they felt that their claim for equal pay and re-grading was not being taken seriously they voted for industrial action. No car coming off the line could be sold without a seat cover so they were able to demonstrate the value of their work. The dispute was resolved after an intervention by Barbara Castle, the then Secretary of State for Employment, who clearly understood the argument these women and their trade union were making. She later introduced the Equal Pay Act, partly as a result of the impact the women's argument made on her.

Today, trade unions continue to play an important role in challenging discrimination; from supporting individual members, taking equal pay and sex discrimination cases, to working with the EOC on landmark cases that have helped change the law.

But the trade union movement's equality journey has not always been an easy one. Many ordinary members, and some exceptional women, have fought to shift entrenched attitudes within their unions from the early days when the struggle was almost exclusively focused on the rights of the working man and his 'family wage' to today's struggles for equal pay for women members. Translating this aspiration into practical achievement at local level is always a challenge. Trade unions are only one part of the negotiating partnership, and employers will always continue to hold the balance of power. Local union representatives need to find the right point of compromise to get the deal done. A balance must be struck that delivers improvements for members but also suits the employer; an agreement that benefits all and doesn't mean cost cutting or potential job losses. And this is all in the context of a changing union membership.

For the third consecutive year, a higher proportion of women than men were trade union members. This trend will continue as union density amongst men is falling faster than amongst women; from 1995 to date it has dropped 8.1 percent for men, compared to just 0.2 percent for women. The changing make-up of trade union membership undoubtedly reflects the changes in Britain's economy and the decline in manufacturing and occupations traditionally dominated by men. But it also indicates that if the trade union movement is to survive, let alone thrive, it needs to recruit from sectors of the workforce where women predominate and it needs to address the issues that matter to women. In part, this greater density is caused by more women than men working in the public sector, which has a higher take up of union membership. But this could change as more public sector jobs, particularly in the care and catering sector, are outsourced to the private sector. The growing private service sector, such as the hotel and catering trade, presents a great opportunity for trade unions as it employs a huge number of, often young, women and currently has a very low penetration of trade union membership.

In the past it might have been enough to say 'recruit more women and you'll be OK'. But modern life is changing at such a rapid pace that trade unions must deliver differently to cope with the challenges in today's workplaces

# The unfinished social revolution

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I would argue that we are living through a social revolution. Evidence of this revolution is everywhere. The world of work has changed, as has the shape and size of families, along with the way we interact with friends, family and work. Women now make up nearly half of the workforce, fathers play a more active role in looking after their children and more of us care for older relatives. Less than one in three new families are based on the traditional model of male breadwinner and female homemaker.

The social revolution is on a similar scale to Britain's industrial revolution, the great social ferment that brought combinations, the forerunners of today's unions, into being, illegal though they then were. Industrialisation changed almost everything about Britain. It separated work from home life, something that had a profound impact on women's lives. Working time came to be organised more rigidly. It brought mobility and the growth of urban centres and tremendous scientific advances. Underpinned by slavery it created enormous wealth for a few and it also created terrible misery; in workhouses and in the creation of a new poor, and for those ripped from their families and treated inhumanely for the sake of profit.

We have been living through changes in today's social revolution for nearly half a century. But despite changes in Britain's workforce, the organisation of work, preserved as a fixed working day since the industrial revolution, still remains. Competition gets fiercer and the pace of change gets faster, work becomes more intense and many struggle to cope. For many of us, technology and globalisation don't bring the benefits that they could, they instead bring increased pressure.

This pressure is putting our time at a premium. We don't have the time to create new bonds in our local communities. We struggle to serve both our employers and our families. People in this situation have no means of keeping all the balls in the air and life can feel as if it is out of control. Britain's families and our communities feel this unsustainable pressure. The choices we make are felt individually, which makes the scale of the change more difficult to recognise. But they have an impact on the nation as a whole.

The consequences of failing to complete this social revolution are damaging and people are concerned about it. Recent ICM polling found that eight out of ten people believe that it is difficult for parents to balance work and family life and a shocking 96% of people believe that it is hard for carers to do the same. Even more worrying is that both men and women feel overwhelmingly that things are going to get worse. Seventy per cent of us think it will be harder for parents to find this balance in 10 years time. This concern is felt more strongly by those on lower incomes. Politicians need to engage with these personal fears, symptomatic of the pace of change in the social revolution, if politics is to have relevance to people. People are crying out not only for a good salary, but for more time to spend with their partner, children and parents; to be able to see the children together without shift parenting because it's the only way to make ends meet. People want time to get involved in local community activity, to campaign for safer streets, to keep a local park, to be active in a union, to work for colleagues. And they want time to do all of this without feeling that there is too much to cram into life and that nothing will get done well as a result.

## **The new dynamics of sex equality**

Women have often borne the brunt of this unfinished revolution, which has generated huge inequalities. But in one key aspect, time spent with family, it's clear these inequalities are affecting men as much as women. The changing demographics of society, notably our ageing population, give the issue of caring even greater poignancy.

Traditionally women have juggled different caring responsibilities in their own and their husband's family. But with one in three marriages ending in divorce, we will start to see a whole generation of men who are suddenly single and are having to care for dependent relatives including their parents. Increasingly, unions will need to respond to the demands put upon them by men as well as women who need their working lives to accommodate their personal obligations.

Our ageing population is one of the biggest changes in society and how we cope with this is a good example of the challenge we face. As we age we tend to need more help and support to maintain our quality of life. By 2010 we will need 10 million informal carers. Women have a 50% chance of becoming a carer by the age of 59. Even women who have chosen not to have children and do not need flexibility or childcare can find themselves becoming carers in any case, when Mum breaks her hip or Dad has a stroke, they suddenly need some latitude around working hours, some support from public services.

All this comes on top of other pressures on the world of work. Intensifying global competition, where companies face a squeeze on their profit margins leading to a constant drive to cut labour costs, means that in some industries technology is used to underpin 'command and control' methods of management rather than increasing delegation and discretion at work. These obvious job concerns can easily push the social revolution into second place. It is imperative for unions to respond to both if they are not to become less relevant to those who need them most.



*Completing the revolution*

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# The role of trade unions in completing the social revolution

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This social revolution presents just as much of a challenge to the trade union movement as it presents to politicians or to employers. It's not only about tackling the old problems that we know about, equal pay for example. It's about rising to the new challenges, helping trade union members benefit from greater flexibility at work, organising new sectors of the workforce, recruiting more part-time members, challenging the persistent undervaluing of women's work which leaves a legacy of low wages, and addressing the concerns of women members as well as those of men (recognising that at times the two-will conflict).

This is easy to say and much harder to do. As so many trade unionists know, particularly those tasked with organising and recruiting members, some of the areas which predominantly employ women are areas where it is hard to organise. Smaller employers, nurseries and childcare settings for example, or the hotel and catering trades where staff are very mobile, and don't tend to stay in one job for very long. Women may be working very few hours and be less accessible for meetings or discussions about what help and support they need. They may never have considered joining a union before, or be suspicious of unions, and they probably won't have memorised the rule book enough to be confident at meetings.

But some unions are very good at organising many workers that are typically seen as 'hard to recruit'. They have already started to organise amongst workers from newer EU accession states, setting up offices in these countries as well as working with churches and other organisations to make sure that colleagues from countries such as Poland have access to membership, and can get help and advice about their rights. It's just as vital to use some of these methods to organise amongst young women working in the childcare sector, or older women returning to work after time out to look after their own family.

And there are new tools at the unions' disposal too. Greater flexibility in employment can tackle inequalities at work and help secure freedoms outside of the workplace, such as enabling people to spend more time with their families. Flexibility has not always had a positive press within the trade union movement, perhaps understandably, as it has sometimes meant creating a more malleable workforce with fewer rights. But in today's changed culture this is a key issue for trade unions.

Flexible working is in high demand, 52% of the working population say they want it, but it remains out of reach for many men and women today. And for those who are able to work flexibly, it often leads on to the 'mummy track'; a dead-end route to low paid part-time work with no training or promotion prospects. But by fighting for flexibility and equal pay for women workers, trade unions can solve both of these problems.

The dramatic growth of flexible working in recent years has been driven by the right to request flexible working. Today, parents of young children under the age of six, disabled children under the age of 18 and carers have the right to request flexible working; making a business case and entering into a negotiation with their employer. The EOC believe that extending this right to everyone will help to change workplace culture and ultimately contribute to completing the social revolution.

In my view, the trade union movement must play a key role in promoting the right to request flexible working, particularly to fathers who are less likely to take up their rights. We know that many men take on caring responsibilities while they are in full-time work, perhaps for a wife or partner who's had cancer, or been diagnosed with a condition such as multiple sclerosis. But it is still hard for men in many work environments to say to their colleagues that they want to be at work less and at home more. It goes against a prevailing stereotype, and in some workplaces it's a risky thing to do and can mean that you are subjected to derision and passed over for opportunity. Recent TUC research found that men were more likely to have their requests declined.

Trade unions could lead the way on promoting awareness of carers' rights and enabling members to exercise these rights. Some have done so and these unions need to be credited for the work they have done to create change in the organisations in which they operate.

## New challenges, enduring issues

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As unions tackle the new issues facing workers today, it is crucial not to lose sight of some of the enduring issues of discrimination and inequality that continue to blot our workplaces. Thirty-two years after the Sex Discrimination and Equal Pay Acts came into force, the gender pay gap has been reduced significantly but still remains at 17%. Meanwhile the part-time pay gap is stuck resolutely at around 38%. Sex equality remains a 'thin veneer' for many women, which can too easily be destroyed. A fundamental change is needed in both our attitudes and laws are needed to stamp out these issues for good.

### Equal pay for work of equal value

Despite a history of unions battling for their female members to get equal pay, in some cases many of the landmark legal struggles could have been avoided if past pay agreements negotiated by local unions had not entrenched unequal pay by giving higher rates of pay or different bonus structures to male workers than women.

One case the EOC took in recent years, which received very little publicity, illustrates this principle. We supported Dawn Ruff, a cleaner. She had worked for Hannant Cleaning Services in Norwich for eight months and was earning £4.00 an hour when she discovered a 60 pence difference in pay per hour with her male colleagues. When she raised it with her supervisor she was told that a woman would never earn £4.60. Her employer later told her that the difference was because she was not trained to use certain pieces of machinery that the male cleaners used. But the courts found that this could not be justified, and that the difference in grading between the men's jobs and the women's jobs was purely in order to be able to pay the men more money.

The same principle applies in equal value cases where jobs of equivalent skill level, but in very different fields, are graded so differently that it is difficult to see what justification exists. Both the EOC and trade unions, and in future the CEHR, have a vital role to play in continuing to challenge preconceptions about the value of work that has traditionally been done by women. Together we can expose the assumption that caring is something that women do naturally and therefore is unskilled. This assumption is plainly wrong; how can anyone suggest that work in the care sector is unskilled and should not be valued equally with men in other parts of a local authority, as bin men for example? Working in a residential care home with older people who may be doubly incontinent and living with dementia requires skill and is not always pleasant. Working with young children, planning activities that help them learn and develop, is mentally and physically demanding skilled work. We must all work together to secure equal value pay settlements in local authorities, and end the historic undervaluing of women's work.

The unforeseen consequence of no win no fee lawyers' intervention in equal pay has put unions themselves in the firing line in a situation that is yet to be resolved in the courts. But I hope that as the EOC closes its doors in October, unions continue to step up to the plate on this issue, and that the CEHR continues to assist trade unions to take this issue forward, including through funding critical legal cases. Many women in the trade union movement have pushed and pushed for this issue to be taken seriously for many decades and the addition of male voices in support of this issue must be welcomed. All of these people know from their many thousands of women members how unequal pay corrodes trust between an employer and employee, and they see its negative impact on low paid public sector workers delivering services on which we all depend.

### Modernising equality laws

A quarter of a million sex discrimination cases and 67,000 related to equal pay in the last thirty years have failed to end discrimination, which proves that a change in the law is needed. The ongoing Discrimination Law Review presents a unique opportunity to secure this modernisation. The EOC sees three key practical changes that can be made to improve equality legislation; making it fit to cope with modern methods of service delivery, to bring in representative actions and oblige organisations to undertake pay reviews.

The first change is vital in light of the ever increasing contracting-out of services. The law needs to be able to cope with situations where, for example, one agency supplies cleaners to a local authority who are overwhelmingly women and who receive a lower hourly rate than the men working as security guards who are supplied by another agency to the same authority. Representative actions on behalf of a group of employees would help to challenge organisation-wide pay inequalities and free employers from responding to thousands of individual tribunal claims. We would also like to see an obligation on all employers to check their organisation for all three causes of the pay gap through a pay review. In return for accepting that obligation employers should be given some breathing space in law, a protected period within which to put problems right. If we are to learn anything from the experience of pay in local government it must surely be that it is difficult to put historical anomalies right overnight.

### **Mistreatment at work and home**

There is also much that trade unions can do to speak out about abuses of power by individuals that have a disproportionate impact on women. Sexual harassment, sadly all too common at work, is the fifth most common call to our helpline. No woman wants to be sexually harassed, and few men want to work in a place where colleagues think it is fun to pick on women. I particularly welcome the voices of those male trade union colleagues who speak out about sexual harassment as they help to show that this is a workplace culture issue. Surveys show this is behaviour that is much more common in male dominated workplaces where women are isolated. So trade unions will play a vital role in making it possible for women to come forward to speak up about harassment and support them when they complain, even if that complaint is against a fellow union member. One thing that unions can watch for in particular is abuse of power from managers; for example making sexually explicit remarks or behaviour that can, in some of the cases we have heard about, constitute criminal assault. This can be particularly difficult for women to speak up about, and trade union support here can make all the difference.

The same applies to domestic violence too. The TUC has done some great work to raise the profile of domestic violence at work. Some might think this isn't a workplace issue, but it is. Work may be one of the only places where a woman feels safe, away from a violent partner. Her experience at home will almost certainly impact on her ability to do her job and on her sickness record too. Who wants to come to work with bruises clearly visible? Who can come to work with broken ribs, or a broken jaw? Trade unions can give women members vital help and advice about how to tackle violence at home. They can take a stand about this abuse of power and ensure that perpetrators of domestic violence are not protected by the union. Trade union leaders can speak out against it. No one should be under any illusions that domestic violence is something whose time has passed. A recent survey showed that two thirds of young men thought it was acceptable to hit a woman if she made them angry. This is a struggle that will be with us for years to come and it is essential that trade unions are part of the strategy to end it.

### **Sex and power: the need for women at the top**

Finally I want to tackle a very difficult issue to raise in my position outside the trade union movement, the number of women at the top of the unions, or active within the unions beyond simply paying for their membership. Across Britain as a whole, men and women do not share power. Eighty percent of MPs are men. Only one third of managers are women, despite the fact that the majority of graduates are female. Some things are looking up: in the TUC itself both the Deputy General Secretary and the Assistant General Secretary are female, for the first time ever. The TUC has had a succession of female presidents, including the first Black woman last year.

At the end of April this year, twenty-two of the unions affiliated to the TUC had a female majority membership. Ten had a female general secretary. The TUC itself points out that it is over 10 years since there was a female general secretary of any of the UK's largest unions, though Chris Keates at the NASUWT and Sally Hunt at the

UCU are helping to change that. Of course representation depends on who stands for election. But if women are not coming forward to stand is there more that unions could do to provide support and encouragement, training and networks, to increase the numbers?

The TUC equality audit shows that women are also under-represented at branch level. This really matters; it's important for women to see that their union represents them as well as to be told it does. Women might also bring a different perspective to the discussion, suggest a different starting point for negotiations, champion different issues than their male colleagues. And it matters because trade unions themselves offer opportunity.

The key to attracting more women to stand for election within their union may lie in changing aspects of union culture; thinking about the culture of meetings, the places and times where meetings are held, and making them more convenient for and open to women trade unionists. It's easy for any of us, who've spent a large part of our lives in a particular working culture, to forget how strange and forbidding it might have once seemed, how confrontational it might have appeared, all comments that I have heard from women in the trade union movement.

Often, trade unions are where people who haven't had so many opportunities earlier in their life see what they could achieve, and develop through their union activity. In my case, I realised that though I was the shop steward representing my members in pay negotiations, disciplinary cases, the day-to-day round of a union rep, I was one of few non-graduates in my workplace. Eventually I worked out that if I could be a union rep, I could get a degree. So I left to go to college. I am certain that I would not have achieved what I have in my life without that early union experience and there are many others like me.

The voice of female union members must be heard, for them to be able to actively participate at all levels of the trade union structures and for women to see themselves in positions of power in the trade union movement; for them to be able to highlight issues that are relevant to their lives and see these acted upon by all their colleagues. If that happens, then it is likely that in the future more women will join trade unions, helping to ensure their survival. As men's lives become more like women in their involvement with the family, a greater emphasis on some of those issues that women raise, like flexibility, may also attract more male members. And it is also likely that many more women will continue to discover from their experience within the trade union movement that they are capable of a different role to that which they currently hold and set off to see what they can make of their life.

Trade unions have done much to further sex equality over the past half-century but massive inequality between women and men still exists and some of the biggest tests are still to come. How will the trade union movement respond? I will watch with interest to see the results.

*Completing the revolution*

Jenny Watson

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