



Amicus response to the Equalities Review
Interim Report for Consultation

Introduction

- 1.1. Amicus is the UK's second largest trade union with 1.2 million members across the private and public sectors. Our members work in a range of industries including manufacturing, financial services, print, media, construction, not for profit sectors, local government, education and the NHS.
- 1.2 We welcome the publication of the Equalities Review Interim Report which gives a further opportunity for organisations and individuals to comment before the publication of the final report later this year. As a trade union the main focus of our response will concern the labour market.

2. Executive Summary

- 2.1 Although the report contains much useful information and analysis Amicus is concerned that the focus has been on the individual and choice, with little focus on the institutional causes, barriers and discrimination that lead to inequality such as class, poverty and discrimination. If inequalities are to be tackled effectively there must be a systematic, co-ordinated approach to tackling all the factors that lead to inequality with a focus on equality of access and outcome.
- 2.2 The report could have gone into more detail on gender issues. In particular there is little reference to women and pensions, domestic violence and multiple discrimination. Additionally, too much emphasis has been placed on the penalties associated with being a woman with children, although Amicus acknowledges that this is a particular issue of concern. The final report needs to expand its focus beyond women with children to look at occupational segregation, discrimination and disadvantage faced by all women in the labour market.
- 2.3 There is no reference to migrant workers and asylum seekers in the report. The review needs to ensure that the final report does not

exclude these groups and recommends action that can be taken to aid migrant workers and asylum seekers.

- 2.4 There is a lack of information in the report about the discrimination faced by LGBT people. We would recommend that the review considers how the Government should start collecting data in this area. However, the absence of data should not mean that LGBT people are overlooked in this review. LGBT people are subject to persistent discrimination in society and this needs to be addressed.
- 2.5 The impact of the public sector duty on race should be analysed and monitored and the duty extended to all strands of equality and the private and not for profit sector.
- 2.6 The negative attitude of the report to equality lobby groups is disappointing presenting them as part of the problem rather than a central part of the solution. You cannot provide solutions to inequality without the participation of these groups.
- 2.7 An equitable labour market is of great importance in tackling inequality in society. There is a need to focus on tackling discrimination, ending long working hours and the strengthening of employment legislation to achieve equality in the labour market.
- 2.8 We hope that the final report will acknowledge that trade unions have a key role to play in making progress on equality and tackling discrimination. Any solution to inequality must fully involve the trade union movement at all levels.

3. Defining and measuring equality

- 3.1 We do not support the report's approach of defining equality by "capability". This is an individualistic approach to equality focussing on "what individuals are able to do in their lives". This approach ignores completely the impact of class, poverty, discrimination, occupational segregation and roles of people at home, which impacts greatly on "what they are able to do in their lives". A systematic approach needs to be taken in tackling all the causes of inequality and this will not be achieved by focusing on "capability". Amicus believes that the review should focus on equality of access and outcome. This does not mean as the report states an "equal share of the cake", but that people should have parity, equal access in areas such as education, health and work and be able to participate fully in society. Outcome cannot be ignored by the equalities review if we are to work towards equality. We need levers to achieve equality of outcome which will need to be analysed and monitored for their impact.
- 3.2 We would also emphasise that the absence of hard evidence should not lead the review to conclude that no action needs to be taken in certain areas of discrimination, particularly for LGBT people. The

report has identified that there are problems with homophobic bullying in schools and legislation needs to be introduced to tackle this issue. Additionally, Amicus is aware of the homophobia and discrimination faced by LGBT people at work, but the sensitivity of the issue means that we would not wish to disclose details of this publicly.

- 3.3 The report's focus on "vulnerability" and "trigger episodes" is not helpful. Firstly, many people would find it offensive to be described as "vulnerable" because of their class, gender, race, disability, age or sexual orientation. It is exactly this attitude that needs to change if we are to tackle inequality. Why should somebody be described as vulnerable because they are not a white, professional, middle-class, male with no perceived disability?
- 3.4 It is also inappropriate to focus on "trigger episodes" which is again concentrating on the individual with little emphasis on the institutional causes, barriers and discrimination that lead to inequality. This approach is asking the individual to change. People do not need to "be better prepared for trigger episodes, or more resilient to, trigger episodes", but have the barriers removed that cause discrimination and disadvantage. If discrimination is to be tackled effectively there must be a systematic, co-ordinated approach to tackling all the factors and barriers that lead to inequality.
- 3.5 The report states that "we may by choice travel life's road more quickly or slowly than others" and that "some groupsare forced along a tougher, less direct path, from which it becomes hard to rejoin the main road". This is a narrow and simplistic view. The review needs to consider why it is appropriate that we should be all be aiming to be on "the main highway" and who is defining that "highway". People should be valued for their contribution and participation in society which does not mean that we are all going to be following the same path or have the same aims in life.

4. Equality by strand

- 4.1 The report could have gone into more detail on gender issues. In particular there is little reference to women and pensions, domestic violence and multiple discrimination. These are key issues that need to be addressed if women are to achieve equality in society.
- 4.2 Additionally, we accept that women with children, particularly lone parents and women, who work part-time, are at a particular disadvantage when it comes to the labour market. However, the interim report does not place sufficient emphasis on occupational segregation and discrimination. Research commissioned by the EOC on Modelling Gender Pay Gaps found that 36% of the pay gap is due to gender differences in life-time working patterns. This is a significant figure and most women have different working patterns to men because of childcare or other caring responsibilities. However, the

research also revealed that 18% of the gap was due to the rigidities of the labour market, including occupational segregation and 38% to direct discrimination and differences in the labour market motivations and preferences as women as compared with men. Indirect discrimination and systematic disadvantage affect the choices of women in the labour market.¹ The final report needs to expand its focus beyond women with children to look at occupational segregation, discrimination and disadvantage faced by all women in the labour market.

- 4.3 The report identifies that poor children, particularly boys and certain ethnic groups “experience a less stimulating home learning environment” which impacts on their educational achievement. Additionally, black boys do not underachieve educationally until they encounter school. It is recommended that parents should be given support to improve the “home learning environment” which is important. However, it is necessary to tackle the root causes of this issue which are class, poverty and discrimination. Discrimination leads to BME people being employed in less well paid jobs, which leads to them living in poor housing, an environment that can lead to health problems and less access to good education, which then leads to unequal access to the labour market and low pay. It is this cycle that needs to be broken for some groups of BME people and all those living in poverty, if we are to make real progress to achieve equality.
- 4.4 We are concerned that there is no reference to migrant workers and asylum seekers in the report. Both these groups are very vulnerable, at high risk of poverty and of being exploited by employers. The review needs to look at these issues and how Government policy and improved legal protection can aid migrant workers and asylum seekers.
- 4.5 We do not agree with the report’s statement that “the employment penalties associated with disability and ethnicity look positively benign when set against those faced by women with children”. In making this statement the report has ignored that certain groups of BME people, such as those of Pakistani and Bangladeshi origin, are living in poverty and working in low paid jobs and sectors; that 50% of people who are disabled are not working, with one million wishing to work; and that some disabled people will never be able to work. Also, it ignores the issue of multiple discrimination – there are women with children who are also BME or disabled. Whilst acknowledging that women with children do face employment penalties, it is not helpful to “downplay” inequalities faced by other groups in society.
- 4.6 Amicus supports the “social model of disability” as barriers need to be removed if disabled people are to be given equal access and opportunities in areas such as education, transport and employment.

¹ Modelling gender pay gaps, Olsen and Walby, EOC Working Paper Series No 17, (2004)

The current focus in the Disability Discrimination Act on the individual's medical condition and the inability to participate in "normal" day-to-day activities is a negative approach and contrary to other discrimination law. Unfortunately, the report is mirroring the "medical model of disability" by talking of "capability, vulnerability and trigger episodes". This is not helpful for disabled people as it is an individual approach making their disability a problem rather than looking at removing the barriers to their equal access in society. We would ask that the Review looks in more detail at the "social model of disability" and levers to removing the barriers faced by disabled people.

4.7 The report emphasises the importance of educational achievement at school in improving "life chances in higher education and work". Amicus supports this view, but consideration needs to be given to those that do not, or are unable to achieve what the Government considers the appropriate level of education. In particular, it is ignoring people with learning disabilities who will not be able to obtain certain educational qualifications. More consideration needs to be given as to how people with learning disabilities can have as full a participation in society as possible and a good quality of life.

4.8 There is a lack of information in the report about the discrimination faced by LGBT people. We accept that this is a difficult area to collect data on, but as the TUC pointed out in their response, there is some statistical information at regional level, which the report could have analysed. There is little reference, in particular, to transgender people, which must be rectified in the final report. We would recommend that the Review considers how the Government should start collecting data in this area. However, the absence of data does not mean that LGBT people should be overlooked in this review. LGBT people are subject to persistent discrimination in society and this needs to be addressed.

5. Public Sector Duty

5.1 The report appears to conclude that the public sector duty on race has been a success. At present there is no real evidence to back up this view, due to the failure to conduct monitoring, auditing and impact assessments. The CRE has also reported that there have been problems with the implementation on the duty. Therefore, it is important that a thorough analysis is taken of the duty and recommendations made to ensure that the duty is working in practice.

5.2 Additionally, the public sector duty will have limited success if it is confined to certain strands of equality and the public sector. The duty should be extended to all strands of equality and the private and not for profit sectors.

6. Equality Lobbying Groups

6.1 The negative attitude of the report to equality lobbying groups is disappointing presenting them as part of the problem rather than a central part of the solution. Amicus equality structures and committees play a key role in our union. They ensure that we are consulting and listening to the issues and views of people who are facing discrimination and inequality in society. You cannot provide solutions to inequality without the participation of these groups and it is important that the review takes account of these views in its final report and recommendations.

7. Action in the workplace

7.1 Achieving an equitable labour market is of great importance to achieving equality. There is a need to focus on tackling discrimination, ending long working hours and the strengthening of employment legislation to achieve equality in the labour market. At present the focus is on the individual bringing a complaint of discrimination to an employment tribunal, rather than preventing discrimination in the first place. Even if an employee wins a case they are not reinstated to their job if they have left and it results in no change to the practices and culture in the workplace. It also leads to the employer complying with the legislation rather than taking action to achieve equality. Specifically Amicus is calling on the government to:-

- introduce a Single Equality Act;
- introduce mandatory equal pay audits for all employers in the public, private and not for profit sectors;
- that employers should take and report action on equal pay and equality in their annual reports;
- extend the duty to promote equality to all strands and all sectors;
- introduce the right for trade unions to take class actions on the behalf of groups of members
- lead on tackling inequality through public procurement;
- restore national collective bargaining;
- increase the minimum wage;
- strengthen the flexible working regulations;
- remove the opt-out from the working time regulations;
- introduce statutory trade union equality representatives;
- promote and publicise the business case for equality and;
- do more to ensure that both employees and employers are more aware of the rights under employment legislation.

7.2 We hope that the final report will acknowledge that trade unions have a key role to play in making progress on equality and tackling discrimination both for individual members and through collective bargaining. Any solution to inequality must fully involve the trade union movement at all levels.

We would welcome the opportunity to discuss the issues further.

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