Equality in the Workplace

Ireland, Europe and Beyond –
the role of unions in securing equality for all workers
Equality is a core value of trade unions – it must therefore be given the political importance it deserves in trade union policy and practice. This resource explains what equality means to the trade union movement. It describes our work against discrimination in the Workplace, in Society and in the World. Our challenge is to make equal opportunity and equal treatment the norm, and not the exception.

Article 1 of the Universal Declaration of Human Rights states one fundamental truth that “All human beings are born free and equal in dignity and rights”. And yet, the International Labour Organisations 2007 ILO Global Report on “Equality at work” reminds us of the harsh reality; billions of our fellow human beings are being discriminated against only because of their sex, race, social origin, religion or disability. This also flies in the face of two of the Fundamental Conventions of the ILO:

**Convention No 100**
Equal Remuneration (1951)

**Convention No 111**
Discrimination (Employment and Occupation) (1958)

“Addressing gender inequality is about implementing the fundamental human right to equality. It is also essential to effective poverty reduction”

White Paper on Irish Aid, 2006

In 2004 the Quarterly National Household Survey (QNHS) in the Republic of Ireland included a module on equality, which showed that over 12 per cent of respondents experienced discrimination in the last two years and that almost 60 per cent of people who experience discrimination take no action (CSO, 2005).

Notwithstanding advancements made by the Trade Union movement here, indicators point to the emergence of a more unequal society:

- Low education attainment of hundreds of thousands of workers limiting their potential to access better quality job opportunities;
- Poor levels of participation of people with disabilities;
- The barriers that deny the vast majority of lone parent the chance to work or receive further education;
- The unacceptably high levels of unemployment among members of the Travelling Community;
- The denial of rights and benefits to same-sex couples;
- The experience of those facing long-term economic disadvantage ...their exclusion and marginalisation;
- The continued inequality of women manifested by their absence in senior roles and positions of power and their over representation in low-paid, part-time work and in jobs with poor advancement prospects;
- 14% gender pay gap;
- The above issue exacerbated by the absence of comprehensive childcare provisions and supports, that place Ireland at the wrong end of every comparative chart in relation to the policies and measures that facilitate the participation of those with caring responsibilities;
- The emergence of a migrant worker pay gap of 18%, which rises to 31% for those coming from non-English speaking countries.

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What is discrimination?

The ILO defines discrimination as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

Discrimination is codified in two key international instruments namely:

- Convention 100 on “Equal Remuneration” for men and women workers for work of equal value

- Convention 111 on “Discrimination” covers the different grounds of discrimination and promotes equality of opportunity and equal treatment in respect of employment and occupation.

2007 Global Report on “Equality at Work – tackling the challenges”

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE

This 2007 Report pays attention to three different patterns of discrimination at work, namely long-recognised forms of discrimination; newly recognised forms; and emerging manifestations.

Long-recognised forms of discrimination cover discrimination on the ground of gender, race, ethnicity, religion, and social origin. One observes a persistence of these more “traditional” forms of discrimination.

On gender the report paints a mixed picture. Whereas women’s participation in the labour force and in paid employment continues to increase in almost all regions, the working conditions of women are still a cause of concern. More women are in paid jobs but many are still working without pay. The pay gap between men and women, for work of equal value, persists – despite the striking
advances made by women in educational attainments relative to men. For instance, women in Europe still earn less than men. Throughout the EU, the difference in average gross hourly earnings between women and men has remained high at 15%. In other regions, the pay gap is even higher – as much as 55%. Some countries have seen a reduction in the gender pay gap but in others countries the pay gap has rocketed. But where the pay gap has narrowed it has essentially been due to declines in male wages. The report notes that imbalances between work and family responsibilities remain a major constraint facing women because of inadequate workplace family policies. Finally, women are still all too often concentrated in low status and precarious jobs.

On racial discrimination, the report reminds us also that it continues to be a major problem. Despite a slow decline in a few countries (Brazil and South Africa), many countries are still living in denial (Japan, Russia) and it remains resilient in countries that have long recognized it (USA). Victims of this form of discrimination characteristically include people of African origin, indigenous people and the Roma people.

Another resilient form of discrimination is based on social origin. For instance, the system of caste keeps large numbers in low-paid jobs and forms of forced labour like bonded labour.

Globalization and the new international security context is also placing a new accent on some forms of discrimination notably race, religion and ethnic origin. One of the strongest vectors of this is international migration.

The report underlines the fact that certain categories of people suffer from multiple forms of discrimination – for instance because of their sex, skin colour and social origin. This double or triple discrimination tends to keep them in poverty and creates socio-economic inequality. So policies to promote equality actually contribute to poverty reduction.

The 2007 Global Report also analyses newly recognised forms of discrimination covering issues such as disability, HIV/AIDS status, age, and sexual orientation. Discrimination based on age happens at both ends of the age spectrum. According to the report, 10% of the world’s population or around 650 million people live with a physical or mental disability. Yet not enough progress is being made to address their needs. Also actual or perceived HIV/AIDS status is a growing form of discrimination.
Finally the Global Report identifies **emerging manifestations of discrimination.** This concerns discrimination on the grounds of genetic predisposition or lifestyles choices (e.g. being overweight or a smoker). The main challenge here is striking a balance between employers’ interference in employees’ private life and the right of employees to lead the life they wish.

**What policies are working and needed?**

The Global Report shows that an increasing number of laws and policies are in place to fight discrimination. Some of the policies that work and need to be reinforced include the following:

- **Anti-discrimination policies:**
  - More laws prohibiting discrimination and promoting equality are needed. These laws also need to be devoted to specific issues like HIV/AIDS-based discrimination, gender equality, and sexual harassment. Sanctions are an important element of this policy mix but incentives and promotional mechanisms are also important.
  - However laws are not enough - the application of these laws remains a key challenge. In most countries there are relatively few discrimination cases brought to ordinary courts or labour tribunals and when complaints are tabled they are rarely acted upon and there are few convictions
  - Specialized bodies with a broad range of powers are needed to promote equality

- **Affirmative or Positive Action policies work.** They can improve representation of protected groups in the workplace and promote more inclusive workplaces. However success depends on employers’ commitment and enforcement mechanisms.
  - The use of procurement policies to further equality is another promising area to be promoted
  - Active and passive labour market policies are also needed. These include employment generation programs to create temporary wage employment for unskilled workers with few prospects to enter formal wage employment; and building the employability of members of under-represented groups
  - Special attention needs to be paid to promoting Pay Equity which is a persistent problem. Job evaluation methods that are free from gender bias need to be developed and used
  - Finally there is a need for policies to reconcile paid work and family responsibilities (working schedules and location; leave policies; child care facilities; etc)

**How can trade unions tackle the challenge of equality at work?**

Equality is a core value of trade unions – it must therefore be given the political importance it deserves in trade union policy and practice. This means that unions must tackle the challenge of equality at least at four different levels, namely within their unions, at work, in society and lastly through international solidarity.

Tackling the challenge of equality **within trade unions** calls for a fresh drive towards making the membership base and all levels of the leadership
reflect the diversity of the societies unions exit in. This calls for different programmes aimed at all equality-seeking groups and must include leadership training to make the leadership reflect the diversity of the country. Trade union policies also need to reflect this renewed emphasis on equal opportunity and treatment.

Congress has passed a number of equality related motions in relation to equality within unions at recent conferences. These commit each affiliate union to adopt the Model Equality Clause which was approved at the ICTU Special Delegate Conference in September 2004. The adoption of the Equality Clause will guarantee that each affiliate is committed to the promotion of equality within the union’s employment practices, and the promotion of equality in relation to access to and membership of all its internal structures through the following measures:

i. ensuring that its recruitment and selection process is open and transparent and that any position in the organisation is open to candidates regardless of gender, marital status, family status, sexual orientation, religious belief, political opinion, age, disability, race or ethnic origin or membership of the traveller community;

ii. monitoring its work force to identify if under representation from any of the categories listed at (i) above exists across the range of posts available and putting in place lawful positive action programmes to address any such under-representation;

iii. providing a range of work-life balance policies to attract and retain those with caring responsibilities or those with a disability that prevents them from working fulltime;

iv. monitoring the make-up of its lay representatives to identify if under-representation from any of the categories listed at (i) above exists and putting in place policies and practices to address any such under representation;

v. The promotion of equality for its members through collective bargaining, publicity material and campaigning, representation, union organisation and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities.

There is also an Audit process on ‘Gender’ issues and a commitment to develop the Survey on the ‘other grounds’.
Congress has also had a number of equality within unions related projects including:

**LIFT** – a project to increase institutional understanding across Congress affiliates of the prevailing barriers to the engagement and participation of women in unions and develop understanding of the strategic importance of deeper involvement, including leadership, of women in union organisations. ([www.lift.ie](http://www.lift.ie))

**Disability Champions** - a project is concerned with the recruitment and training of disability champions throughout the trade union movement in Ireland. It is concerned with designing best practice approaches to social inclusion in the workplace and there is an emphasis within the project on the recruitment of people with disabilities into the trade union and also the retention of current employees. ([www.disabilitychampions.ie](http://www.disabilitychampions.ie))

The ITUC also has the following objective as part of its most recent action plan to tackle racism and xenophobia:

To increase the involvement of workers from ethnic minorities or majorities discriminated against in trade union activities.

Trade unions have the following commitments to achieve this:

Integrate the fight against racism into trade union policies and programmes and consolidate democracy within national trade unions, in particular by:

- Raising awareness among and mobilising trade union leaders in order to ensure equal treatment and equal rights among all workers within their own ranks.
- Ensuring the real integration of workers of foreign extraction, of colour or from ethnic minorities (for example through recruitment and organising campaigns targeted at migrant workers and workers from discriminated groups).
- Creating new structures within the trade unions to ensure the representation of all categories of workers, to gain a collective view of the problem, to find out more about the issues, to launch new action strategies and to ensure adherence to and the implementation of the plan of action. Specifically, there would be a Committee to Combat Racism and Xenophobia.
- Working closely with people from the populations concerned on drawing up a list of demands to be used in collective bargaining.

Examine whether national level legislation foresees equality for all upon recruitment, irrespective of race, ethnic origin, nationality, sex or religion.

Define the work that needs to be done in terms of political decisions as regards:

- citizenship (access to identity documents),
- the recognition of specific cultural characteristics,
- policies to facilitate access to the labour market and equal working conditions (protection of people working in the informal economy).

Participate in drawing up migration policies that respect migrants’ rights.

Put in places procedures to denounce cases of discrimination within the trade unions and in the workplace, and ensure the effective defence of the wronged workers (discriminatory hiring practices, unequal pay for work of equal value, discrimination in forms of work organisation and with respect to participation in decision-making, etc.).

Such policies and actions will help trade unions to be stronger everywhere.
Tackling the challenge of equality at the workplace calls for engaging with employers on this issue. This means among other things, addressing employers’ discriminatory hiring practices; establishment of complaint procedures for discriminated workers; including equality concerns in collective bargaining agreements; and promoting pay equity and policies aimed at reconciling work and family responsibilities; discussing procurement policies that include clauses on equality. It also includes using any equality legislation available to take cases which ensure peoples’ rights are respected. For example, the Irish Nurses Organisation won a case (Equality Officer Decision DEC-E2007-016 (Coyle G.) 29th March, 2007) on behalf of a member from South Africa who is non-white and lost a promotion competition despite being better qualified and having more experience than the successful candidate. The Equality Officer found that the respondent had failed to implement fair, open and transparent procedures in the interview process for the position of Rheumatology Clinical Nurse Manager II position. The Equality Officer noted that the respondent had found that the complainant was both better qualified and had more experience than the successful candidate. The Equality Officer held that in these circumstances the respondent has failed to adequately discharge the burden of proof in this case. The Equality Officer awarded the complainant €20,000 in compensation for the discriminatory treatment and €5,000 in respect of loss of earnings in not being appointed to the promotion position. The Equality Officer also ordered the respondent to introduce fair and transparent selection procedures and she ordered the respondent to notify candidates of the results of interviews in writing as opposed to by telephone.

The Communication Workers Union has negotiated three days paid paternity leave with An Post and are also currently working on a new code of practice on part time working with the Company.

Globalisation and the transnational companies’ constant search for cheap labour has caused extremely difficult conditions for the workers in many countries in the global south. The discrimination against women makes their situation even worse. One example is the East African horticulture farms where a majority of the workforce is women. They are producing flowers and vegetables for the European market. These women are not only extremely low paid and are working without contracts, fearing to lose their jobs. They are also exposed to pesticides leading to breathing problems and often forced to do overtime. Sexual harassment is frequent, and permanent contracts have been offered in exchange for sexual favours. But also in extreme conditions like this, there are concrete examples showing that it is possible to improve the working conditions. In a special project promoting women workers rights in African horticulture, the network “women working worldwide” trained more than 6000 women workers to understand their rights as well as the confidence to demand them. These women joined trade unions in their countries and increased their participation in the union’s structures and committees. The results of their common efforts are very important; several farms are now providing contracts as well as maternity leave for permanent workers, also protective clothing to stop harmful effect of the pesticides and the creation of health and safety committees. Collective Bargaining agreements with particular regard to gender have been negotiated in several farms. In some farms sexual harassment police are in place.

Another example which proves that it is possible to change for the better, is coming from the Cambodia textile factories. Thanks to the ILO “Better Factories Cambodia” program, many textile factories in the country are monitored, aiming to raise labour standards and stop discrimination of
women. The textile industry has always had a female dominated workforce. Before this program most women in Cambodia lost their jobs if they got pregnant. Now more than four out of five monitored factories have some form of paid maternity leave, and three out of four are in full compliance meaning they pay their workers half wages during maternity leave and offers benefits like breast feeding breaks and day care.

These examples show the importance of the ILO core labour standards, and also the call for strong trade unions in the struggle for equality in the global south.

Tackling the challenge of equality in society calls for greater trade union engagement with government on the host of policy issues needed to fight discrimination. Where there are problems, governments have to stop living in denial and make incremental progress towards non-discriminatory societies. This calls for trade union advocacy, and the creation of networks against all forms of discrimination. The stress on all forms of discrimination is important in order not to tackle only specific grounds of discrimination but to build fully inclusive societies.

Congress was instrumental in achieving the establishment of the Equality infrastructure now present in the Republic of Ireland and continues to seek better resourcing of this so that people can use it to obtain their rights in an effective manner.

Studies carried out for Congress indicate a range of areas in which specific changes to the legislation are required. A key issue identified by Congress is the need for a more proactive approach to implementing equality and, in particular the need for a positive duty requiring private sector organisations to be planned and systematic in their approach to equality and for public sector organisations to have due regard to equality in carrying out their functions and the need to further develop a support infrastructure to assist organisations in implementing this proactive approach to equality.

Northern Ireland has had to try to tackle its long-standing community dissent by developing a significant legislative armoury – known generally as Section 75, after the section in the Northern Ireland Act 1998 which laid down the state-recognised areas of possible discrimination. Following the endemic and systematic discriminations that led to the overt conflict of the
last 30 years or so, Northern Ireland has had to look much more carefully than most societies at all the possible areas of discrimination, and consequently has more comprehensive and more robust legislation in this field than many other states.

There are 9 areas where all public bodies in Northern Ireland have to actively promote equality of opportunity, and not just comply with the law:

a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;

b) between men and women generally;

c) between persons with a disability and persons without; and

d) between persons with dependants and persons without.

(Northern Ireland Act, 1998, Article 75, paragraph 1)

The ITUC has a campaign for Strong standards of maternity protection for all women workers which calls for measures promoting an increased involvement of both parents in tasks related to caring for and educating children.

Seven years after the adoption of ILO Convention 183 on maternity protection, only a minority of countries have ratified it (13) and the “developed” countries do not form a majority within that group.

The protection provided by the Convention meets the individual needs of mothers whilst fully recognising the vital social function they fulfill.

• reaffirms the vital and crucial importance of strong standards of maternity protection for all women workers.

• calls on governments and all the relevant players to make every effort to ratify and implement ILO Convention 183 on maternity protection and its associated Recommendation 191 which calls, amongst other things, for 18 weeks of paid maternity leave.

• insists that governments amend their legislation and put in place effective measures to ensure that all women workers are entitled to maternity protection and paid maternity leave. Given the expansion of the informal economy and of jobs in atypical sectors, it is vital that legislation

• is adapted and that maternity protection is also applied to the women working in those sectors of the economy.

• calls on employers to assume their responsibilities in this area by adopting appropriate policies and practices with respect to health matters, pay and employment. Ensuring that maternity is not a source of discrimination should be the guiding principle of these policies and practices.

• calls on all trade union organisations to prioritise maternity protection by negotiating the application of ILO Convention 183 and its associated Recommendation 191 in collective agreements and labour legislation. In addition to this, they should organise collective activities in their countries to raise awareness among political leaders, employers and society as a whole about the vital importance of maternity protection and paid maternity leave.
The ITUC has a campaign for Strong standards of maternity protection for all women workers which calls for measures promoting an increased involvement of both parents in tasks related to caring for and educating children.
Finally, the challenge of equality has to be tackled through international solidarity. The cancer of discrimination is eating away at many countries throughout the world, sparking wars and keeping millions of workers in exploitative conditions and slavery. Through international trade union solidarity, not only is the value of equal opportunity and equal treatment made a universal imperative, but you are also able to support other unions working in more hostile conditions, to tackle the challenge of equality.

Gender inequality remains a significant barrier to achieving progress. It has a negative impact on societies and hinders development for both men and women. Gender inequality negatively affects women more than men. Research in Africa indicates that reducing gender inequality could increase agricultural yields by more than 20%. These additional agricultural yields would adequately nourish an additional 1.7 million children in sub-Saharan Africa. Gender Equality means equal access to and control of resources and benefits, equal participation in decision-making and equality under the law for men and women. Gender equality is about valuing men and women as equal human beings and ensuring that their rights are fully met. The achievement of gender equality is an important part of Trade Unions overall strategy to tackle poverty. Solidarity actions need to take account of men’s and women’s different interests and needs while also supporting specific programmes that empower women, improving their position and status. The impact of our actions will be greater if issues of gender equality are taken into account at the outset and if the realisation of the human rights of women informs everything we do.

Congress is pleased that Irish Aid have decided a new partnership programme - July 2008 to June 2011- worth 9 million Euro the aim of which is:

“To contribute to the realisation of Decent Work for All, with a focus in a number of selected countries, by promoting and supporting women’s entrepreneurship, working to improve employment opportunities for people with disabilities and implementing action against forced and child labour.”

Among the components are:

- **WEDGE**: Women’s Entrepreneurship Development and Gender Equality;
- **INCLUDE**: Promoting Decent Work for People with Disabilities through a Disability Inclusion Support Service;
- **PEPDEL**: Promoting the Employability and Employment of People with Disabilities through effective Legislation;

In December 2007, the ITUC adopted the following resolution:

**Development Cooperation**

The General Council is requested to:

Endorse the proposed approach on development cooperation, and in particular:

- The continuation of work on the development of a coherent policy and programme of action, aimed at strengthening the trade union movement in line with the Programme adopted at the Vienna Congress;
- Close cooperation between the ITUC’s global and regional structures to move towards a strategic, demand-based approach in bilateral and multilateral programmes, including through the collection and sharing of the necessary information as a basis for improved cooperation with the Solidarity Support Organisations;
• Development of further project proposals, in cooperation with the SSO’s and Regional Organisations, in order to support the implementation of the Vienna Programme; and,

• An increased focus on ITUC work around influencing and developing access to the development cooperation policies and programmes of international agencies and the European Union, in close cooperation with affiliates and the ETUC.

Call upon all affiliates and Solidarity Support Organisations to give their full support to the realisation of these objectives.

The creation of the ITUC (the new International Trade Union Confederation) in November 2006, has given a new impetus for the work on trade union development cooperation. The ITUC, born from the unification of the two previous existing International bodies- International Confederation of Free Trade Unions (ICFTU) and World Confederation of Labour (WCL) and a group of independent unions, has set specific objectives both for the development of cooperation programmes, as well as, for elaborating a common trade union policy on development issues. Congress has recently joined a network which will respond to the specific needs that have been gathered throughout a consultation process amongst the national organisations in the North and regional partners in the South. These are:

– exchange of information between the organisations on current programmes and projects and organise international/European benchmarking on trade union development cooperation schemes as developed and implemented at national level

– exchange best practices and promote common approaches on programming, monitoring and evaluation

– promote donor coordination initiatives where appropriate,

– improve exchange and dialogue with the regional organisations and other relevant partners from the south, to improve local ownership and promote donor alignment

– establish a common platform for dialogue and consultation on international development questions in particular with the EU on development policy as the major player at world level, and with the other individual and platforms of Civil Society Organisations and Non State Actors

– ensure trade union input on development related questions such as the Aid Effectiveness debate, the International Aid Architecture, Decent Work for all Development Strategy etc.

Congress will be an active member of this network and will seek to use its experience in equality and development issues to ensure that anti discrimination measures form a significant part of trade union development cooperation programmes. We have developed a capacity programme with trade unions in Lesotho which pays particular attention to the specific need of women workers in the textile industry there.

The International Labour Organization is launching a one-year global campaign to highlight the central role of gender equality in its Decent Work Agenda and in the work of its constituents – governments, employers’ and workers’ organizations. The campaign is built around 12 different Decent Work themes. The awareness-raising campaign will be conducted for one year and will lead into a general discussion on gender equality at the heart of decent work, during the 2009 International Labour Conference.
UN Commission on the Status of Women

PSI, Education International and the ITUC sent a delegation of 40 women to the 52nd session of the UN Commission on the Status of Women (CSW), which took place in New York from February/March 2008. The main theme under discussion was “Financing for gender equality and the empowerment of women”. This was therefore a key opportunity for trade unions to make the link between decent work, gender equality and development, ahead of the Review Conference on Financing for Development to be held in Doha late 2008. Lobbying work by the trade union delegation yielded some positive outcomes, with governments finally recognising the link between gender equality and access to “quality, affordable and universally accessible health care and services” (including education and social services), as well as access to “full and productive employment and decent work for all”.

Yes indeed, “all persons are born free and equal in dignity and rights” and yet billions of our fellow human beings are marginalised and discriminated against the very minute they are born. Our challenge is to make equal opportunity and equal treatment the norm, and not the exception.
Women account for **two thirds** of the world’s poor, earn only **10%** of the world’s income and own less than **1%** of the world’s property.