

Trade union practices on anti-discrimination and diversity

Summary



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Trade union practices on anti-discrimination and diversity

European Trade Union Anti-Discrimination and Diversity study: innovative and significant practices in fighting discrimination and promoting diversity

Summary

European Commission

Directorate-General for Employment, Social Affairs and Equal Opportunities

Unit G.4

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Foreword

The Treaty on the Functioning of the European Union gives a clear mandate to the Union to combat discrimination based on sex, racial and ethnic origin, religion or belief, disability, age and sexual orientation when defining and implementing its policies, including employment.



The inclusion of the Charter of Fundamental Rights in the Treaty and Directive 2000/78/EC prohibiting discrimination in employment back up our mission to translate this purpose into reality in our labour environments.

We are, however, all conscious that discrimination still permeates all dimensions of employment from recruitment procedures to remuneration and career progression, which is particularly true in times of economic downturn.

Trade unions play a key role in fighting all grounds of discrimination, by means of a variety of actions and tools. These include negotiating with employers to ensure that discrimination in the workplace is eliminated and equal opportunities are promoted, supporting victims of discrimination, and monitoring discrimination in the workplace.

This is why the Commission launched this study, which provides a structured mapping of the most significant and/or innovative initiatives taken by trade unions to combat discrimination and promote diversity. I warmly thank the European, national and local trade union organisations for their decisive contribution to this work.

The 130 initiatives classified as being of particularly innovative or of particular significance cover all grounds of discrimination, including challenging issues, such as discrimination on the grounds of sexual orientation. They concern training, working with employers, adapting trade union structures, and co-operating with NGOs.

As Vice-President of the Commission, responsible for Justice, Fundamental Rights and Citizenship, I welcome this research, the wide dissemination of which will significantly feed the debate on equality and anti-discrimination in the workplace.

A handwritten signature in black ink, which appears to be 'V. Reding', written in a cursive style.

Viviane Reding

Vice-President of the European Commission
Justice, Fundamental Rights and Citizenship

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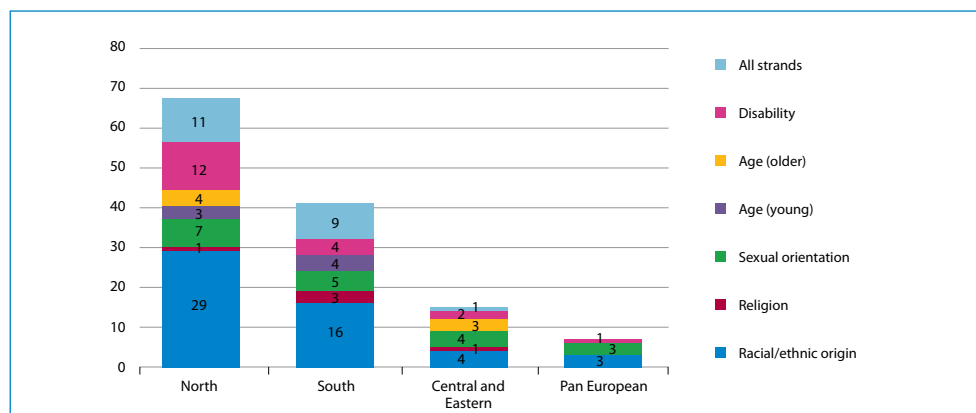
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1. The mapping study

This publication highlights key elements of a 34-country study, undertaken by the Working Lives Research Institute (WLRI) of London Metropolitan University and commissioned by the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. The aim was to map trade union practices in combating discrimination and promoting equality and diversity and 130 best practice initiatives were identified. Throughout the research, a project steering group (PSG) ⁽¹⁾ directed the study. From the 130 initiatives the PSG selected 15 upon which in-depth case studies were conducted.

Interviews with trade union representatives in all 34 countries were used to identify the relevant data. Supplemented by document and other searches, the study identified those initiatives, categorised as significant or innovative, covering five strands of discrimination — racial and ethnic origin, sexual orientation, religion or belief, age (both young and old) and disability ⁽²⁾. The figure below shows the distribution of the 130 initiatives.

Figure 1: Discrimination strands by geographical cluster ⁽³⁾



As part of the study a seminar was held in Madrid on 22 March 2010 where more than 60 participants discussed presentations based on the 15 good practice case studies. Those present reflected on ways in which trade unions could continue to develop effective and sustainable initiatives at national and at EU level to challenge discrimination, considering the challenges posed and how obstacles could be overcome.

⁽¹⁾ The Project Steering Group involving the WLRI, the Employment, Social Affairs and Equal Opportunities DG, the European Foundation for the Improvement of Living and Working Conditions, and trade union representatives of the European Trade Union Confederation (ETUC), the European Trade Union Committee for Education (ETUCE), the European Federation of Public Service Unions (EPSU), European Managers (CEC) and the Council of European Professional and Managerial Staff (Eurocadres).

⁽²⁾ The legal framework at EU level, adopted on the basis of Article 19 of the Treaty on the Functioning of the European Union – TFEU, consists of Directive 2000/43/EC, which implements the principle of equal treatment between persons irrespective of racial and ethnic origin. In addition, Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation on the grounds of religion or belief, disability, age or sexual orientation.

⁽³⁾ For the purposes of this study, north European countries were: Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Liechtenstein, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom. The south European countries were Cyprus, Spain, Italy, Malta, Portugal and Greece; the central and east European countries were: Bulgaria, Croatia, the Czech Republic, Estonia, Former Yugoslav Republic of Macedonia, Hungary, Lithuania, Latvia, Poland, Romania, Serbia, Slovenia, Slovakia and Turkey.

Four themes were central to the study:

- union practices to promote equality and combat discrimination;
- union training to promote equality;
- social dialogue and workplace practices to promote equality and combat discrimination; and
- working with NGOs against discrimination.

These four themes also form the basis of the first publication that extensively reports on the outcomes of the study.

2. Six key findings

The study demonstrates that trade unions at all levels in Europe have developed initiatives that combat discrimination and promote equality and that innovative and significant initiatives are not limited to one geographical area or to one strand of discrimination.

First key finding

The majority of initiatives concerned racial and minority ethnic discrimination, followed by age diversity, sexual orientation, disability, and religion or belief. Initiatives challenge long-standing discrimination issues as well as focusing on new areas for intervention and working with employers and other civil society organisations to promote equality in the workplace and beyond.

With regard for instance to racial and ethnic origin discrimination, in some unions the focus is on structural changes to accommodate or encourage minority ethnic participation. Examples include establishing standing committees on racial/ethnic origin, developing special structures or providing targeted training.

- Union strategies involve constructing partnerships with employers, community organisations and non-governmental organisations and these allow unions to engage with wider communities and to learn from one another.
- Strategies are also aimed at breaking down barriers between local and minority ethnic workers with a view to ensuring equal opportunities and equal treatment of all workers at the workplace, for example, through annual leave agreements that recognise the diversity of the workforce and its differing needs.

Second key finding

There are a number of examples of **social dialogue** on equal opportunities and equal treatment between trade unions and employers. This has commonly led to agreements, and in some cases such agreements are framed within a broader diversity strategy.

- Initiatives range from finding solutions to improve the situation of a disadvantaged group, for example, the provision of training for skills; access to jobs for ethnic minority or lesbian, gay, bi-sexual and transexual workers (LGBT) and collective agreements aimed at eliminating criteria that have a discriminatory impact, for example, age bars or age-based criteria.
- Trade unions favour an increasing role for the social partners in addressing equality issues, particularly in small- and medium-sized businesses.

Third key finding

A number of unions are **changing their structures** to respond to developing equality agendas. Initiatives include:

- adapting internal structures by establishing equality departments or offices; appointing officers with a specific discrimination ground responsibility;
- promoting self-organised groups; encouraging candidates for union office from members of more vulnerable groups; and reserved seats on union executive boards.

Fourth key finding

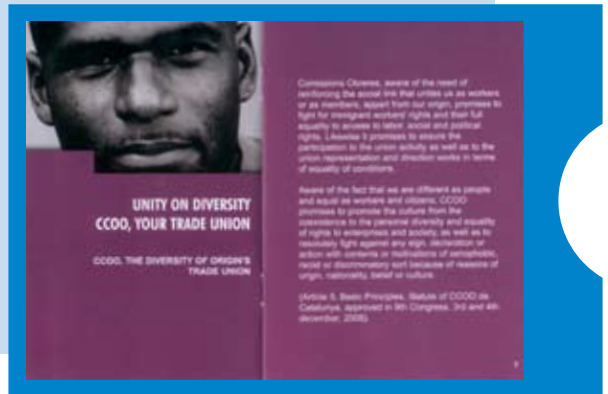
Many unions are **working effectively with NGOs**, notably on enforcing, or introducing new rights at national and/or EU levels and report that they bring to the initiatives their greater expertise in the strand of discrimination and their ability to put the union in contact with wider communities. Trade union campaigns with NGOs are most frequently against racism and xenophobia or in support of lesbian, gay, bisexual and transgender (LGBT) rights.

- Trade unions have initiated or supported forms of close cooperation with independent NGOs, for example, by participating in NGO-organised events, like Pride and by jointly campaigning on rights for the disabled or against racism and xenophobia.

Fifth key finding

Unions recognise that **training** is important in enabling them to develop strategies that effectively challenge discrimination. Forms that this can take include:

- raising the profile of union anti-discrimination policies to educate their members and, in some cases, the wider public;
- increasingly focusing on new ways to provide appropriate training to their activist members and union officials, for example, by producing training materials in different languages or by targeting training to members of disadvantaged groups.



A leaflet produced by the Spanish trade union CCOO provides member training in understanding diversity

Sixth key finding

A growing number of unions are **working on LGBT** issues often through partnerships with NGOs. Initiatives have involved:

- organising joint conferences, participating in LGBT events, including demonstrations and sporting events and bringing out joint publications and joint lobbying for legal changes;
- awareness-raising activities within their memberships;
- changing structures to encourage LGBT member participation within the decision-making sections of the union, for example, by encouraging the formation of LGBT groups within the union.

3. The good practice case studies

The study conducted 15 case studies. Five have been selected for this publication ⁽⁴⁾. There is one case study for each of the four themes while the fifth focuses on auditing initiatives.

- The first case study from Austria highlights a long-standing initiative but one that has developed and matured over the years.
- The second case study from Iceland represents a recent initiative. It is chosen because of the way that the union has campaigned for equal rights in the workplace and has changed its structures and methods of working to incorporate diversity and to build alliances between workers of different ethnicities.
- The third case study from Italy focuses on union engagement with NGOs. This shows how unions can benefit from working in partnership, whether dealing with newer or long-standing issues of discrimination.
- The fourth case study is from Lithuania and shows how trade unions can effectively engage in issues concerning older workers and their exclusion from the labour market.
- The fifth case study is from the UK and shows how unions have developed methods for auditing union equality policies to demonstrate their effectiveness.

First case study: Social dialogue and workplace practices to promote equality and combat discrimination

Youth representatives: supporting young people in companies and vocational training

Within the Österreichischer Gewerkschaftsbund (OEGB - Austrian Federation of Trade Unions) youth representatives occupy an important position in the social dialogue mechanisms. They have also been pioneers within the union in promoting gender equality at the workplace, calling for the recruitment of more female apprentices and encouraging the unions to address the under-representation of young women. The executive board of the OEGB's youth organisation now has a 50 % gender quota and the union is now actively organising in female-dominated sectors such as catering and hotels.



OEGB logo for youth representatives

⁽⁴⁾ For details of all of the case studies see "European trade union anti-discrimination and diversity study - Innovative and significant practices in fighting discrimination and promoting diversity - Report - ISBN 978-92-79-16259-6).

Youth representatives have also been able to operate beyond the workplace to make links with young workers, for example through visiting youth centres. The union is also supporting the introduction of youth representatives at training centres that are part of the government's Youth Employment Package.

There are currently more than 2 000 such representatives. Especially in large companies they form an essential part of the company's culture. The youth organisation is described as 'an engine to recruit members'. But it is also an important vehicle for identifying the needs of unions' young members.

The establishment of youth representatives encouraged legal amendments in the youth employment laws, such as the expansion of protective regulations with respect to probation and dismissal.

Further information:
<http://www.oegb.at>

Second case study: Union practices to promote equality and combat discrimination

Equal rights: no exceptions — campaign against social dumping

Alþýðusamband Íslands (ASÍ - the Icelandic confederation of Labour) began this initiative when it became aware that many migrant workers were working in the construction industry, being paid less, sometimes undocumented, working without social insurance and unaware of their rights at work. In 2005, it launched a campaign 'Equal rights — no exceptions', aimed at defending the conditions and rights of all wage earners on the Icelandic labour market. When the initiative started representatives from ASÍ approached local managements and asked to speak to workers. They established whether workers were being paid the agreed rates and where they were unable to negotiate settlements they took legal action against the companies.

The union focused on construction and on the food sector where minority ethnic workers were employed. The union also published brochures in 10 different languages and produced press releases to inform the public about their progress, findings and outcomes. At the same time they placed adverts in the mass media.



ASÍ leaflet for the campaign on equal rights

ASÍ emphasised that the campaign was aimed at companies that were abusing foreign workers in various ways, paying them less than their Icelandic colleagues and not informing them about their rights and that the campaign was not against the workers themselves. As a result of the campaign ASÍ gained new members. The union campaign is viewed as an important success. There is now a greater awareness of companies trying to abuse migrant workers, paying them less and taking advantage of their situation. This awareness has meant that discrimination on the basis of racial/ethnic origin is less common. More foreign workers now go straight to ASÍ to enforce their rights and Icelandic workers have also become more active in getting information to them and organising for their employment rights.

Further information:

http://www.asi.is/desktopdefault.aspx/tabid-382/521_read-1115/

Third case study: Working with NGOs against discrimination

A trade union organising for rights and against discrimination

Confederazione Generale Italiana del Lavoro (CGIL - Italian General Confederation of Labour) identified two key challenges. The first was how it should act in response to changes in immigration laws. The second was on the need to respond to homophobia in Italian society in general. It initiated legal action against the government while also campaigning for an effective transposition of the equality directives. Much of its work is on awareness raising through campaigns such as 'Same blood, same rights', based on the principle that all are equal, regardless of ethnic origin.

In the area of LGBT issues it has promoted legislation aimed at providing codes of conduct to combat discrimination. In the region of Emilia Romagna it has an agreement with Arcigay, an LGBT NGO, on changing perceptions in the union and in the workplace.



CGIL poster combating racism. *The skin has many colours, the sweat only one.*

A 'New Rights' section has been created within the union with the aim of coordinating different theme-based departments on the subject of sexual orientation and gender identity. At local level, there are 'New Rights' desks, whose management generally has been outsourced to gay rights associations.

The union reports an increasing number of migrants and young workers in its membership. The large number of events organised jointly with NGO organisations and civil associations throughout the years has contributed to the development and consolidation of local networks that have organised against renewed attacks on minority ethnic workers.

Further information: <http://www.cgil.it/>

Fourth case study: Union training to promote equality

Support network for the integration of older workers into the labour market

The initiative was conducted by Lietuvos profesinių sąjungų konfederacija (the Lithuanian Trade Union Confederation) (LPSK) on the issue of age discrimination. The project 'Support Network for Reintegration into the Labour Market in the Region of Utena and Vilnius' involved a partnership with regional and international bodies such as NGOs, equality bodies and educational establishments, working on the issue of age discrimination.

As part of the project, the LPSK Education Support Fund did considerable work in researching older people's reintegration into the labour market, recruiting them to training and requalification programmes, putting forward the issue of age discrimination, turning government, policymakers' and employers' attention onto the problems of older workers. Under the initiative several important surveys were carried out. To combat prejudice against older-age workers a live radio programme, 'From salary to salary', was broadcast. This programme not only made Lithuanian society aware of older workers' problems, but also motivated and recruited older people to join the initiative.

A significant outcome of the project was a set of recommendations brought to the Tripartite Council in 2008 and then accepted and implemented into collective agreements and brought into the Labour Code of the Republic of Lithuania. Recommendations include elements of job protection for those coming up to retirement and paid time-off for retraining, particularly for workers under threat of redundancy.

Further information: <http://www.lpsk.lt/en/>

Fifth case study: Auditing union equality work

In 2001 the UK Trades Union Congress (TUC) introduced a rule change committing the TUC and its affiliated trade unions to conducting regular equality audits.

The key challenge for the TUC has been to have an accurate account of what trade unions are doing to promote equality. A 2001 Congress decision to audit unions every two years has led to published reports. These are not only a way of the TUC collecting information on what its affiliates are doing on equality, but are also a tool for the unions to progress their own work in this area, by monitoring what they are doing, identifying any gaps and taking action to address these. The latest survey covers 99 % of the TUC's membership.

External evaluation of the first TUC Equality Audit concluded that overall the process of auditing union structures and equality work had been a valuable one for most unions. Many said that it had helped to integrate the union's equality and negotiating agendas and a majority felt it had brought to light gaps in union policy and action on equality which they planned to rectify. It also highlighted monitoring for equality and the ability to analyse sufficiently the membership database.

Further information: <http://www.tuc.org.uk>

4. Key suggestions for action

Publicise what works

Unions could do more to ensure that they incorporate dissemination into their anti-discrimination strategies.

- A website could be established and maintained where initiatives by trade unions and employers could be highlighted.
- Such a website could provide information on recent anti-discrimination initiatives; key cases of discrimination; recent developments or amendments in national and EU anti-discrimination legislation and in workers' rights; announcements; events and so forth and would provide an open portal to make equality practices more visible.
- Creating greater visibility for trade union activities can be achieved through the methods used to conduct the initiative. Surveys and other forms of opinion gathering can be both a means to collect useful data but also to bring issues to the attention of members.

Promote workplace diversity through addressing multiple forms of discrimination

Discrimination is not always addressed by trade unions in its multiple forms.

- The diversity of Europe's workforce means that for discrimination to be tackled effectively trade unions need to develop initiatives that challenge all of its forms.
- Unions could do more to improve awareness of the concept of multiple discrimination, by carrying out more training and other initiatives, aimed primarily at union officials.

Give anti-discrimination initiatives a human face

Publishing initiatives through focusing on the individuals whose position has changed as a result of the initiative both raises the profile of the union and the initiative. Members and the wider public can understand the value of an initiative when they can see who it is that has benefited directly from it.

Working together works better

The study shows that unions can be stronger where they work in partnership.

- Working with employers gives more credibility and sustainability to trade union initiatives. Joint working shows that discrimination is not welcome in the workplace. It is the best tool to prevent discrimination from taking place in the first instance. It can avoid resorting to costly and lengthy anti-discrimination litigation cases brought by unions.
- Working with NGOs brings trade unions into contact with new ideas. It shows that trade unions have a role with others in helping create an anti-discrimination culture throughout society, and gives the unions a higher and more positive profile generally.
- Cooperating more closely with other trade unions, either at national or at EU level, can also help generate new forms of organising that confirm the advantages of trade union unity.

Be ready to adapt and develop new structures

Developing new organisational structures that reflect the needs and aspirations of newer members or members from different communities can reinvigorate trade union organising.

- Unions that have specially involved members or recruited new members from discriminated groups have been able to use their energies to promote anti-discrimination.

Understand that mainstreaming gender is not just an additional option

Challenging gender discrimination is a fundamental principle of all equality actions.

- Unions do need to ensure that the concept is fully understood and that gender is not just a separate issue but is something that needs to be taken into account in tackling all other forms of discrimination.
- Gender mainstreaming should be given a higher profile, not just at European level, but also at national level as well as ensuring that it becomes a specific focus of union training and awareness-raising.

Recognise that equality and diversity are not just for the good times

Equality and diversity issues are not luxuries to be disregarded in times of economic crisis when the risk of discrimination in employment increases. Equality actually becomes more important when people's rights to equal treatment are more likely to be challenged.

- Taking specific initiatives against discrimination and for fair and equal treatment can be introduced as a way of responding to economic downturn, and indeed as a way of challenging the rationale of economic downturn, while promoting equality agendas.
- Mainstreaming equality and diversity in policy initiatives, as part of *ex ante* and *ex post* impact assessments, avoids the risks of discrimination and unfair treatment.

Know what works and what does not

For equality initiatives to be effective trade unions need to develop methods that monitor, evaluate and audit the initiatives on a regular basis.

- Monitoring and evaluation not only ensures that initiatives are effective but raises the union's equality profile.

Encourage exchange of information and support at EU level

Unions need to continue encouraging the European Commission and EU governments to promote social dialogue and provide the necessary support to facilitate cross-border exchange of experiences in the area of equality and anti-discrimination.

- Unions' strong role in tackling discrimination at the workplace needs to be better valued in policy consultations both at national and EU levels.

Raising awareness

The European Commission can highlight the work of Europe's trade unions through dissemination of the findings of this mapping study.

- Awareness-raising can also be accomplished by the Commission highlighting the role of the trade unions in exploring ways of combating discrimination.

Encourage engagement

Taking into account the autonomy of social partners, the European Commission can:

- Encourage Member States to engage with trade unions on issues of discrimination. This might include involving unions in a more systematic way when working to combat discrimination, by ensuring that they are party to any consultation or programmes addressing equality, given that they have demonstrated that they are relevant actors in tackling discrimination.

Promote research by and on trade unions

Promoting, encouraging and funding research that focuses on trade unions in Europe would provide important baselines from which trade unions could assess their equality agendas and learn further from the best practices of others.

- The financial support given by the European Commission in relation to equality activities promoted by trade unions should be continued. Additionally, seminars, such as that organised in Madrid and supported by the European Commission are a useful method of sharing knowledge and good practice.

European Commission

Trade union practices on anti-discrimination and diversity
European Trade Union Anti-Discrimination and Diversity study: innovative and significant practices in fighting discrimination and promoting diversity - Summary

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The summary of the European trade union anti-discrimination and diversity study highlights six key findings of the study, five selected case studies among the 15 presented in the study and key suggestions for action.

The full version of the study (ISBN: 978-92-79-16259-6) is also available. The study identifies 130 significant or innovative initiatives among 280 anti-discrimination and pro-equality trade union initiatives in 34 European countries. It maps out the geographical distribution of these initiatives and outlines the forms of discrimination they aim to combat. 15 case studies were selected and are presented in detail. The study also looks at the thematic areas covered and the role played by both legislation and equality bodies. Finally, gaps in the current action are identified and suggestions made for the future.

This publication is available in printed format in English, French and German.

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