



## **The Office for Equality and Opportunity - Equality Law Call for Evidence**

**Unite the Union**

**Response**

**June 2025**

## About you

### **Question 1. Please tell us in what capacity you are primarily responding:**

I am responding in the capacity of Equality Research Officer at Unite the Union.

### **Question 2. If you are responding on behalf of an employer or another organisation, what is its name?**

Unite the Union.

Unite is the UK's largest trade union with over 1.2 million members across all sectors of the economy, including health, transport, manufacturing, financial services, food and agriculture, information technology, service industries, construction, energy and utilities, local government and the not-for-profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

Equality is a pivotal element of Unite's comprehensive agenda, which encompasses job security, equitable pay, and favourable working conditions. To ensure that these values are actively promoted and upheld, we have established a dedicated equality department. This department supervises multiple Equality Committees, each designed to address the specific needs and challenges faced by various groups, including Women, individuals with disabilities, members of the LGBT+ committee, as well as Black and Asian, Ethnic Minorities (BAEM) groups, in addition to young workers. These committees play an essential role in advocating for inclusive practices and fostering an environment where every member can thrive, thereby enhancing the overall integrity and fairness of our organisation.

Unite has consistently championed the cause of equal opportunities, striving to eliminate barriers in the workplace and throughout all facets of society. As part of our commitment to this mission, we have conducted a thorough consultation process to gather comprehensive insights and concerns from each of our dedicated equality committees. Through this effort, we aim to amplify the voices of underrepresented groups and ensure that their experiences shape our advocacy for a fairer and more inclusive environment for everyone.

This call for evidence aims to gather comprehensive insights and perspectives from various stakeholders to enhance and inform the development of effective equality legislation. Our submission examines current challenges, best practices, and recommendations for enhancing equality and opportunities for all individuals, including those in industry and the wider society. Our contributions from Unite members will play a crucial role in shaping policies that promote fairness and inclusivity in our workplace, society and wider communities.

Unite has requested that the Office for Equality and Opportunity extend our deadline to allow Unite to collect the evidence required to populate the 50-plus questions in this consultation; however, this request was refused. Unite also allocated time and resources to participate in a virtual roundtable with the Office for Equality and Opportunity to

discuss workplace sexual harassment, as part of this consultation, disappointingly the Office failed to attend its own meeting, and we did not have an opportunity to present our views and help shape the Government's approach.

Considering the above points, we are unable to provide specific evidence to answer all the questions in this consultation. However, Unite would want to make the following points:

- In 1888 the trade union movement first agreed to organise for equal pay. The right to equal pay only became law in 1970, and in the 21st century, we are still struggling for pay justice. All the major advances in equal pay have been achieved by trade unions - the Ford equal pay struggle led to the Equal Pay Act and the long running Speech Therapists case also made a big difference – both are a proud part of the history of Unite. The pay gap in trade union-organised workplaces is smaller than where there is no union.
- Unite is taking a proactive stance in the trade union campaign for equal pay, advocating for the inclusion of equal pay as a fundamental priority in our collective bargaining negotiations. The representatives of Unite are vital in driving initiatives and strategies aimed at bridging the wage gap across various sectors. Achieving equal pay is not just a matter of fairness; it has significant implications for family incomes, enhancing the standard of living for countless households and, consequently, boosting the wider economy. By addressing pay disparities, we not only promote equity in the workplace but also contribute to a more stable and prosperous society as a whole.
- In order to effectively address the substantial pay disparities faced by Black and Asian ethnic minority workers, as well as disabled workers, the government should take proactive measures to encourage employers to systematically gather and analyse data on these pay gaps. This data collection should also encompass wage variations among younger and older employees to provide a comprehensive view of the workforce landscape.
- Currently, public bodies already collect this vital information, which could serve as a benchmark for private sector employers. By requiring employers to examine their own pay data, the government can facilitate a better understanding of the specific factors contributing to these disparities. Following this analysis, employers should be prompted to develop and implement targeted strategies aimed at closing these pay gaps, thereby fostering a more equitable workplace for all employees.
- Government should address the issues regarding working hours and patterns, namely casualisation, zero-hour contracts, precarious work, long hours' culture and presentism. These lead to poor productivity and ill health, and keep women's pay down and undervalued. Pay data needs to include these details to make it transparent.

- Unite identifies several critical factors contributing to the elevated unemployment rates, the expanding pay gap, and the limited opportunities for advancement among Black and Asian ethnic minority (BAEM) workers. These factors include systemic discrimination, which creates barriers to employment and equitable pay, as well as job segregation that often confines BAEM workers to lower-paying, less secure positions. Additionally, a lack of clear pathways for career progression exacerbates these challenges, while geographical location plays a significant role in accessibility to job opportunities and resources. Together, these elements create a complex landscape that hinders the professional growth and economic well-being of BAEM workers.
- Unite has been a steadfast advocate for its members who encounter discrimination in various forms. Our dedicated representatives engage in rigorous negotiations to establish fair agreements and comprehensive policies that aim to prevent discrimination and promote best practices within the workplace. Despite our unwavering commitment, the Trade Union Act of 2016 has posed significant challenges to our organisation, particularly by limiting the facility time allocated to our representatives. This restriction hinders our ability to effectively support our members and address their concerns. In response, Unite has been actively campaigning for the repeal of this Act, emphasising the critical need to empower trade unions to fight against discrimination and ensure equitable treatment for all workers.
- Union equality representatives play a vital role in fostering equality and inclusivity within workplaces across a diverse array of sectors. These dedicated individuals advocate fair treatment and equitable opportunities for all employees, regardless of their background. Despite their significant contributions, current legislation does not grant union equality representatives essential statutory rights, such as paid time off to fulfil their duties, access to appropriate training programs, or necessary facilities within the workplace.
- Unite, a prominent trade union, has been at the forefront of efforts to secure these rights, emphasising the importance of formal recognition for equality representatives. Their expertise and activities have been acknowledged in various official documents, including the Advisory, Conciliation and Arbitration Service (ACAS) guidance on trade union representation, the Equality and Human Rights Commission (EHRC) Employment Statutory Code of Practice, and the Equal Pay Statutory Code of Practice. These resources highlight the critical role that equality representatives play in addressing and mitigating workplace disparities.
- As societal inequalities become increasingly pronounced, it is imperative that the recognition of trade union equality representatives is no longer delayed. The government must take action to affirm its commitment to equality by responding positively to calls for the formalisation of rights for these representatives, thereby

empowering them to effectively advocate for fairness and equality in the workplace.

- Unite expresses deep concern that the Equality and Human Rights Commission (EHRC) is increasingly compromised in its fundamental responsibilities to promote equality and diversity, eliminate discrimination, and safeguard the human rights of all individuals in Britain. This erosion of effectiveness is largely due to additional cuts to its budget, which has already been significantly reduced in previous years.
- We firmly believe that enhancing the capacity of the EHRC is vital for it to fulfil its mission effectively. To achieve this, the government must not only restore financial support but also consider increased funding to empower the Commission. This entails strengthening its authority and ensuring its independence so that it can operate without undue influence, ultimately enhancing its ability to uphold and advocate for the rights of every individual.

**Unite is urging the Government to implement a series of critical measures aimed at achieving greater pay equity and accountability within the workforce.**

**The proposed actions put forth by UNITE encompass the following initiatives:**

1. **Mandatory Equal Pay Audits:** Instituting compulsory audits for all employers to assess their pay structures and identify pay gaps for race, disability and sex, ensuring transparency and accountability in compensation practices.
2. **Publication of Pay Bands:** Requiring employers to publicly disclose the salary ranges or pay bands associated with each role will promote transparency and help workers understand their potential earnings compared to those in similar positions.
3. **"Right to Know" Legislation:** Adopting legislation that empowers employees to request information regarding pay data for similar roles, akin to the laws established in Ireland and certain parts of the European Union. This measure aims to enable workers to make informed decisions and advocate for fair compensation.
4. **Consideration of Hypothetical Comparators:** Allowing employees to use hypothetical comparators, not limited to existing employees in the same

organisation, thereby broadening the scope for evaluating pay discrimination.

5. **Reinstatement of the Statutory Equal Pay Questionnaire:** Bringing back the equal pay questionnaire outlined in Section 138 of the Equality Act 2010, which enables employees to inquire about pay practices and supports transparency around compensation disparities.
6. **Accountability Across the Supply Chain:** Ensuring that all employers within the supply chain are responsible for adhering to equal pay standards, thereby holding companies accountable for the practices of their suppliers and contractors.
7. **Strengthening Public Authorities' Accountability:** Mandating that public authorities take decisive action against suppliers that breach discrimination laws. This includes enforcing minimum equality standards rigorously and prohibiting organisations found to be in serious violation from tendering for public contracts.
8. **Enhancing the Powers of the Equality and Human Rights Commission (EHRC):** Amending the EHRC's powers to align with the provisions in **Section 32 of the Equality Act 2006**. This enhancement would empower the EHRC to enforce compliance among employers, monitor their adherence to action plans, and impose fines on private sector employers who fail to comply with official notices.

These comprehensive actions are crucial for creating a fair and equitable workplace environment, ensuring that all employees receive equal treatment regarding pay.

## Part 1. Prevalence and patterns of pay discrimination on the basis of race, disability and sex in Great Britain

### Pay inequality

Unite recognises that more women are in employment than ever before but is also aware that women (as well as BAEM and disabled workers) are more likely to be trapped in lower paid work and to suffer unequal pay gaps, poverty and income loss from austerity. It is commonly cited that women ‘choose’ these jobs because of flexibility, which allows them to fulfil caring responsibilities that they just can’t find in better paid roles. But women should not be financially penalised for having children; they should be supported so that they and their families can progress out of low pay.

While Unite recognises the positive role of the level of the NMW in addressing pay inequality gaps in the low paying occupations, Unite remains concerned about the discrimination and lack of progression of BAEM workers and calls on the government to legislate to tackle ethnic disparities in the workplace by introducing mandatory ethnicity pay gap reporting for all employers and a requirement to take action to close it.

In 2022 Unite commissioned a report from Landman Economics, into the National Living Wage (NLW/NMW), the report found increasing the NLW/NMW to £15 per hour would greatly benefit women and have a greater distributional impact in households with female workers and increase their earning potential to save more and invest money in training and progression which in turn would allow them greater competitiveness in the labour market.

Women and BAEM workers are disproportionality represented in lower paying occupations such as hospitality, cleaning, retail and social care. Unite is concerned about the patterns of wage inequality, which impact BAEM workers. Black and Asian ethnic minority workers are disproportionately represented in low paid and insecure work, and they face higher levels of unemployment and racism at work. Unite recognises the positive role of the level of the NMW in addressing pay inequality gaps but remains concerned about the discrimination and lack of progression of BAEM workers and calls on the government to legislate to tackle ethnic disparities in the workplace by introducing mandatory ethnicity pay gap reporting for all employers and a requirement to take action to close it.

While low paid jobs have more structural inequality, the highest inequality in pay is among high earners due to occupational segregation, where senior roles are more likely to be occupied by men. According the latest data (April 2024) from Office for National Statistics on gender pay gap show the gender pay gap among the 90<sup>th</sup> percentile (high earners) in 15.5 per cent<sup>1</sup>.

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<sup>1</sup> ONS Statistical bulletin: Gender Pay Gap 2024.

## Evidence of pay discrimination based on sex – industry-specific evidence

In 2021, more women than men were furloughed; this was the opposite in 2020. This increase was more pronounced among full-time workers, where the hourly pay gap went up by 0.9 per cent. Women's Budget Group analysis shows that women made up 72% of all part-time workers in 2021. This "*part-time pay penalty*" is one of the biggest contributors to the gender pay gap, followed by occupational and sectoral segregation.

In 2023, Unite conducted a poll of nearly 700 women members working across the finance sector. The union received hundreds of statements from staff working in banks and insurance companies working in a range of functions, from bank branches, processing centres and contact centres. Employees from the finance sector reported alarming rates of sexism, prejudice, poor treatment, misogyny, and discrimination related to gender.

Of those women who responded to the poll, over 60 per cent told Unite that they were deterred from progressing in the sector due to the lack of flexible working, part-time opportunities and childcare challenges. The examples set out below were widely echoed and reflect the comments repeatedly made by staff in the financial services sector:

- *"When my children were starting school, I tried to change my hours from 3 full days a week to the same hours worked over 5 days (i.e. working school hours). My formal request was not approved (back in 2000), so I ended up taking voluntary redundancy. I returned to the same business 2 years later - working part-time hours, I needed to drop off and pick up children, but to a money purchase pension (I previously had a final salary pension) and non-continuous service. This still annoys me now as I have suffered."*
- *"Being able to work successfully part-time is a key requirement when I look for a new role."*
- *"There was an instance where I was required to work weekends when I had no childcare."*
- *"Some positions require evening and weekend working, and while there can be some flexibility it isn't really sufficient."*
- *"I was told I had to be full-time to apply for a senior role."*

Unite members also reported race and ethnicity as reasons for their lack of progression within the financial services sector. One member said: *"I think race is a major barrier for women who are ethnic minorities. Firms would rather hire a white male with zero experience on their CV than hire an ethnic minority woman which often leads to them being overlooked and not promoted. Once ethnic minorities see these behaviours/culture, this is a barrier to applying for the role."*



In our poll, nearly 500 respondents said that they believe that employers could do more to ensure their organisation promote the progression of women, BAEM and disabled workers. The most common comments focused on: more job share opportunities, mentoring, shadowing opportunities and better training.

Some of the specific experiences reported to Unite are:

- *“We lose good people at the stage where they have young children and then again at menopause, when you have qualified capable women choose to leave their roles due to the lack of understanding and willingness to work through the issues and keep that good person in the role.”*
- *“I was very specifically told in my previous role that due to my part-time status, I would not be able to participate in a 'future leaders' program. I was on this program before having children and dropping to part-time. I could have picked up more hours at work and even done full-time, but the lack of flexibility in shifts made it impossible (6-week rolling rota, 1 Saturday every 6 weeks, shift times to finish at 6:30 pm some weeks, start at 8 other weeks). This made it impossible to find childcare, especially with the expectation to work in the office for at least 50% of the time. It's a literal roadblock to helping women progress in their careers.”*
- *“Proper experienced/external coaching for women at all levels not just the most senior - although this sends a message that it's the women who need the help not the company culture that needs to change, so not answer on its own. Hands-on inclusion training for senior and executive leadership (not just some modules on Workday). Flexible working options for all that don't come with a long list of exclusions and conditions so that marginalised groups don't feel even more othered by having to ask to be accommodated.”*

Unite was amazed by the large number of examples women members from the financial services sector shared with the union about the barriers to progression in this sector. The examples below demonstrate a range of appalling experiences.

- *“I needed a lot of time off work with gynaecological problems. I had a full hysterectomy. It was 3 surgeries in one day and a long, hard recovery, in fact, I am still in recovery. It wasn't till this stage that I felt I had the support of my employer and the department I worked in. In the years running up to the surgery, I had managers dismiss what I was saying, I was embarrassed and had to over-explain myself in situations I felt were very private, especially to men. I had 2 disciplinarys in this time, one for my sickness and another for my bathroom usage. I felt I was never believed in what I said, and that I was making excuses for being lazy. It made me depressed and anxious, and I didn't enjoy my job. The stress they put me under affected my health and made me feel worse. My bonus was affected when they marked me down from not being a 'role member' of staff. I have evidence of this on my end of year when even in 2021 I was noted as lying as to why I needed to be off, even when I had mentioned to the manager I was on*

*the waiting list for a Hysterectomy. This operation was delayed due to covid. I have since moved departments as I felt so ostracized in the department / team I was in. I had even started to look elsewhere for work.”*

- *“Direct and indirect discrimination is rife in all companies I have worked in in Financial Services. In my twenties, a lower performing male colleague was promoted above me. The colleague who interviewed me alongside the hiring manager later told me that this was because the male colleague was a new dad and had a need to look after his family financially. I have never heard of a new mum being promoted for the same reasons. There is still such a 'boys club' attitude. Men all of out to play golf, build relationships and talk business. Women not even invited. It is sickening how much harder a woman must work to achieve the same as a man.”*

Many women members also reported a lack of support or understanding around their health issues linked to the menopause.

Despite having equal pay legislation for over 50 years, there is still a gender pay gap of 13.1% (for all employees) between men and women workers<sup>2</sup>. Equal pay is an important trade union issue, and Unite strongly believes that we must tackle this inequality.

There have been many studies setting out reasons why women workers continue to lose out on pay, these include, but are not limited to:

- Sex discrimination;
- Gender Job segregation – men and women concentrated in different jobs;
- Lower paid jobs from a young age – concentration of young women in lower paid jobs;
- Caring responsibilities affecting women’s choices and opportunities;
- Complicated equal pay legislation;
- Lack of transparency in pay systems for implementing equal pay;
- Social and economic policy measures which have not kept pace with women’s changing role in the labour market.

Unite is clear that these are challenges that employers can and must address in order to ensure women can progress in the workplace; these challenges also extend to race and disability pay gaps.

### Systemic racism and pay inequality

Unite remains deeply concerned about the pervasive systemic racism that Black and Asian Ethnic Minority (BAEM) individuals experience in the workplace<sup>3</sup>. This issue manifests in various forms, including discrimination in hiring practices, unequal opportunities for career advancement, and underrepresentation in leadership roles.

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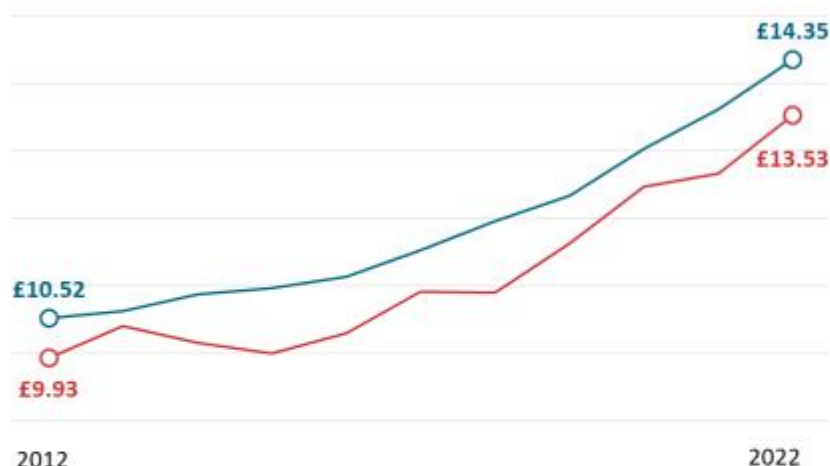
<sup>2</sup> ONS: **Gender pay gap in the UK: 2024.** [Link](#).

<sup>3</sup> TUC: *Dying on the job Racism and risk at work.* July 2020. [Link](#).

Unite advocates for comprehensive measures to address and eliminate these injustices, ensuring a fair and equitable work environment for all employees.

Black, African, Caribbean or Black British workers earn 6% less than white workers<sup>4</sup>. This has been consistent since the ONS first started recording such data in 2012. Bangladeshi and Pakistani employees are also paid less than white British employees<sup>5</sup>. Furthermore, the industrial and political struggles of Black, Asian and Ethnic Minority (BAEM) workers over time have been crucial to addressing racism and inequality in our society. But we still have a long way to go to eradicate the root causes.

The figure below illustrates that Black, African, Caribbean or Black British workers (red) have consistently earned lower median hourly pay than white workers (blue) since data was recorded.



**Figure 38 Black, African, Caribbean or Black British workers (red) have consistently earned lower median hourly pay than white workers (blue) since data was recorded. Source: ONS**

Unite understands all workers have experienced substantial real-terms pay cuts over this period, as a result of earnings not keeping up with inflation, but BAEM workers are also losing out on pay due to racism and discrimination.

Unite is alarmed by recent TUC analysis, which found<sup>6</sup>:

- BAEM workers face double the rate of unemployment than white workers (7.7%, compared to 3.5% for white workers);

<sup>4</sup> TUC: Still rigged: racism in the UK labour market. 31<sup>ST</sup> August 2022. [Link](#).

<sup>5</sup> ONS: Ethnicity pay gaps, UK: 2012 to 2022. Released 29<sup>th</sup> November 2023. [Link](#).

<sup>6</sup> TUC: BME unemployment rate over twice as high as white workers – with gap widening through pandemic. 6<sup>th</sup> May 2022. [Link](#).

- BAEM workers are more likely to be in insecure work than their white counterparts (14.1% of BAEM workers, compared to 10.7% of white workers);
- 2 in 5 BAEM workers have experienced racism at work in the last five years;
- Black workers are more likely to be disciplined, unfairly criticised, and suffer harassment, violence and bullying at work; and less likely to get access to training and development opportunities, or to be promoted.

Unite asserts that the pay gap experienced by Black and Asian Ethnic Minority (BAEM) workers stems predominantly from systemic discrimination. This discrimination erects significant barriers that hinder BAEM individuals from both entering the labour market and achieving upward mobility within their careers. The foremost barriers include inequitable pay structures that reflect historical biases, job segregation that limits BAEM workers to low-paying and less desirable positions, and prejudiced recruitment and selection practices that overshadow merit-based hiring. Additionally, the lack of clear pathways for career progression, combined with geographical disparities that often confine BAEM workers to specific regions with fewer opportunities, exacerbate the situation.

In 2018, it was estimated that this racial pay penalty essentially the cumulative income loss due to these systemic inequities amounted to a staggering sum, highlighting the urgent need for comprehensive reforms to rectify these injustices and promote equality in the workplace to £3.2 billion per year, a staggering amount of lost pay across the economy<sup>7</sup>.

Unite has been actively working to address the persistent inequality in the workforce, making it a priority to hold employers in organised workplaces accountable for their obligations. We advocate for mandatory reporting of the pay gap specifically affecting Black, and Asian, Ethnic Minority (BAEM) workers at all companies with over 50 employees. This initiative aims to prevent disparities and tackle ongoing discrimination in compensation practices. Additionally, we emphasise the importance of involving small employers in this effort. Given that they represent a substantial portion of the workforce, it is crucial for these businesses to not only publish their pay gap data but also take concrete actions to improve equity and inclusivity within their organisations. By promoting transparency and accountability across all sectors, we can create a more equitable labour market for everyone. Small and medium-sized businesses account for 99.9 per cent of the private sector<sup>8</sup>. A Unite regional officer in the Food, drink and Agriculture (FDA) sector has told us;

***“Racism remains fundamentally present in the areas in our region that are rurally more isolated - all aspects for employment, from recruitment, to absence of parity***

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<sup>7</sup> Resolution Foundation: *The £3.2bn pay penalty facing black and ethnic minority workers*. December 2018. [Link](#).

<sup>8</sup> Business population estimates for the UK and regions [Link](#).

***or equity in contracts, pay, substantive contracts, sick pay, access to statutory leave etc resulting in structural inequity.”*** – Unite regional officer – FDA sector

Unite has launched the “Race Forward” campaign aimed at addressing and eliminating race and racial discrimination in the workplace. This initiative is governed by Unite's British, and Asian, Ethnic Minority (BAEM) structures, which ensure that diverse perspectives are integrated into the campaign's strategies. The “Race Forward” campaign outlines specific, actionable steps that all workplaces can implement to foster an inclusive and equitable environment for employees of all backgrounds.

These actions are designed to create awareness, promote diversity, and establish accountability, ultimately contributing to a workplace culture that values and respects every individual.:

- Close the ethnic minority employment gap;
- Tackle the pay gap for black workers;
- Fight for equality of opportunity in promotion;
- Deal effectively with racial harassment, discrimination and bullying;
- Promote fairness for Black women workers;
- Negotiate for Union Equality representatives;
- Ensure fair treatment of migrant workers;
- Organise and recruit BAEM workers into the union;
- What to do if the employer will not monitor or conduct an audit.

### **Insecure work**

The experience of insecure work differs between different ethnic groups, but the overall pattern is one in which BAEM workers are significantly disadvantaged, resulting in many living on the margins of the labour market<sup>9</sup>. Recent TUC analysis found that nearly one in six (15.7%) of BAEM men and 12.4% of BAEM women are likely to be in insecure work<sup>10</sup>.

Unite is alarmed by TUC analysis, which reports BAEM women are around twice as likely as white workers to be employed in insecure jobs, with many of these roles being in vital front-line services like health and social care<sup>11</sup>. BAEM workers are not only disadvantaged in terms of the quantity of work they have access to, but also in the quality of jobs. When in employment, one in three BAEM workers in insecure work had asked for a fixed-hours contract but only one in three of those were successful<sup>12</sup>.

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<sup>9</sup> TUC: *Jobs and recovery monitor - Insecure work*. July 2021. [Link](#).

<sup>10</sup> TUC: *Insecure work Special edition of the TUC's Jobs and recovery monitor*. July 2021. [Link](#).

<sup>11</sup> TUC equality briefing : BME women and work. October 2020. [Link](#).

<sup>12</sup> Ibid.

Another Unite regional officer in the FDA sector told us:

***“Workers from black, Asian, mixed race and minority ethnic backgrounds earn 16 per cent less compared to their white comrades. Most don't say anything as they are just grateful they have a job and don't want to rock the boat. There is a lot of insecurity in their jobs.”*** – Unite regional officer – FDA sector

Unite has been calling on the Government to put an end to the current two-tier workforce and reform the rules on employment. Unite supports a new universal status of ‘worker’ to replace the current definitions which make workers who are not ‘employees’ eligible for fewer rights than ‘employees’. The onus should be on employers to prove a contractor is self-employed, rather than workers having to prove they are not self-employed.

Unite calls on the Government to outlaw all zero-hours contracts and tackle the exploitation faced by all workers, and particularly BAEM workers in non-permanent work, by taking action to create decent jobs and stop the growth of insecure working that is consigning millions to in-work poverty and exploitation.

### **In work poverty**

The 2024 Joseph Rowntree Foundation (JRF) UK Poverty report discusses ethnicity and poverty, and as in previous years, black, Asian and ethnic minorities (BAEM) were significantly more likely than those in white households to be in poverty in the UK. Households headed by someone from black Caribbean backgrounds were 50% more likely to experience poverty than those in white households (28% versus 19%), while households headed by someone from an Asian background other than Indian, Pakistani, Bangladeshi or Chinese, or by someone from Black African backgrounds, were twice as likely as those in white households to be in poverty (39% and 42% respectively)<sup>13</sup>.

According to statistical data highlighted in the JRF report, BAEM households have higher in-work poverty and higher child poverty rates because many BAEM workers, particularly Pakistani and Bangladeshi workers, are more likely to have the types of jobs (elementary jobs, service sector and or process and plants and machine operative jobs) and working patterns (precarious jobs) that are associated with in-work poverty<sup>14</sup>.

The Unite-commissioned Landman Economic report argues that an increase in NMW/NLW to £15 per hour would reduce ethnic inequalities in gross earnings and that this rate would be distributionally progressive for BAEM households, more so than for white households, with especially large gains in the bottom half of the income distributions<sup>15</sup>.

### **Unite calls for:**

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<sup>13</sup> JRF: UK Poverty 2024; *The essential guide to understanding poverty in the UK*. 23<sup>rd</sup> January 2024. [Link](#).

<sup>14</sup> Ibid.

<sup>15</sup> Landman Economics: *The economic impact of increasing the National Minimum Wage and National Living Wage to £15 per hour*. June 2022

- Mandatory reporting of the pay gap for BAEM workers, including regular pay audits and the dissemination of findings, with a stipulation that these are reviewed and monitored to address any disparities. Additionally, a standardised method of calculating the data shall incorporate employers within the supply chain. Trade unions must be comprehensively consulted and actively involved throughout the process of reporting the pay gap for BAEM workers.
- Mandatory equality audits and equality impact assessments are to be conducted to identify and address discrimination and barriers contributing to pay disparities, facilitating the implementation and monitoring of agreed actions.
- Private and public sector employers to establish BAEM monitoring systems.
- An authority should be established to enforce the reporting of pay disparities and action plans, as well as for those who fail to comply. The EHRC should be endowed with the powers to impose fines on non-compliant entities and should receive sufficient funding to effectively execute these responsibilities.
- An end to casualisation, zero-hours contracts, precarious work, and long hours' culture, which impact the BAEM pay gap.
- Robust collective bargaining. Evidence indicates that workplaces with a recognised trade union and collective bargaining mechanisms exhibit reduced pay disparities, increased pay transparency, and equitable practices concerning remuneration, terms, and conditions. Governments and employers should acknowledge that collective bargaining constitutes an effective means to diminish the pay gap for BAEM workers across all employment sectors.
- Statutory rights for union equality representatives include specific obligations concerning race equality and measures to promote the advancement of Black and Asian ethnic minority individuals in the workplace.

**Finally, aggregate terms like BAEM/BAME/BME, widely used to describe non white British people, are unhelpful, dated and inadequate to deal with structural racism and essentially monitor equal pay gaps, as the term will inevitably obscure important differences and hinder efforts to address specific inequalities<sup>16</sup>. Such terms are frequently utilised to group all ethnic minorities and can disguise huge differences in outcomes between ethnic groups, allowing organisations to “average out” and hide a lack of representation or overlook issues faced by particular ethnic groups<sup>17</sup>.**

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<sup>16</sup> Commission on Race and Ethnic Disparities: Independent report Summary of recommendations. Updated 28 April 2021.

<sup>17</sup> Birmingham University: BAME: A report on the use of the term and responses to it Terminology Review for the BBC and Creative Industries. Link: <https://bcuassets.blob.core.windows.net/docs/csu2021325-lhc-report-bbchighres231121-1-132828299798280213.pdf>



Instead, we should use the specific ethnic classifications of the Census<sup>18</sup>. Specifically in equal pay monitoring, this would add accuracy, transparency, ensuring the process effectively identifies and addresses pay inequality.

Where it is necessary to group people from different ethnic minority backgrounds, we should say ‘*people from minoritised backgrounds*’ doing so will help current and future governments, their agencies, employers and all those with an active part to play to close the gaps in a meaningful and sustainable way. This was agreed by the previous government's Race Disparity Unit (RDU, now the Race Equality Unit) under **Recommendation 24: Disaggregate the term ‘BAME’**<sup>19</sup>.

### Disabled workers and low pay

According to the latest government data, there were 16 million disabled people in the UK, equating to 1 in 4 people (24%) – and just over a third of all families contained at least one disabled person<sup>20</sup>. The current poverty rate for disabled people is 31%, 12 percentage points higher than the rate for people who were not disabled<sup>21</sup>. The disability pay gap is bigger than a decade ago<sup>22</sup>. Recent analysis by the TUC found that the pay gap between non-disabled and disabled workers is now 14.6%<sup>23</sup> – higher than it was a decade ago.

Disabled people are also more likely to be excluded from the job market and are facing an unemployment rate of 6.7% compared to 3.3% for non-disabled workers. The situation is worse for BAEM disabled workers, where 1 in 10 BAEM disabled workers are unemployed, compared to nearly 1 in 40 white non-disabled workers<sup>24</sup>. Disabled women face a bigger pay penalty of 30%, equivalent to £6,780 a year<sup>25</sup>.

The latest ONS figures on disability pay gaps in the UK reveal that disabled workers earn on average £1.93 per hour less than non-disabled employees<sup>26</sup>. This is of added concern when you consider the latest JRF UK Poverty report identifies significant barriers to accessing work for disabled people, these include childcare costs, accessibility issues and working patterns as well as regional inequalities in the availability of work and access to transport<sup>27</sup>. As with last year, this year’s JRF report continues to record higher poverty for disabled people in comparison to non-disabled people, with a greater difference for working-age adults, whereby disabled working-age adults are almost twice as likely to

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<sup>18</sup> Gov.UK: **Writing about ethnicity**. [Link](#).

<sup>19</sup> Commission on Race and Ethnic Disparities: Independent report Summary of recommendations. Updated 28 April 2021.

<sup>20</sup> House of Commons Research briefing: UK disability statistics: Prevalence and life experiences. 23<sup>rd</sup> August 2023. [Link](#).

<sup>21</sup> JRF: UK Poverty 2024; *The essential guide to understanding poverty in the UK*. 23<sup>rd</sup> January 2024. [Link](#).

<sup>22</sup> Ibid.

<sup>23</sup> TUC: *TUC slams “zero progress” on disability pay gap in last decade*. 13<sup>th</sup> November 2023. [Link](#).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> ONS: *Disability pay gaps in the UK: 2021*. [Link](#); [Link](#).

<sup>27</sup> JRF UK Poverty Report 2024: *The essential guide to understanding poverty in the UK*. 26<sup>th</sup> January 2024. [Link](#).

<sup>27</sup> Ibid.



live in poverty compared with those who are not (35 per cent and 18 per cent respectively)<sup>28</sup>.

***“Many disabled workers are part-time workers and suffer a lot to make ends meet. They mainly don't say anything as they feel it will be hard for them to find another job that will be as accommodating.”*** – Unite regional officer – FDA sector

Unite represents many disabled workers in workplaces throughout industry and opposes discrimination against disabled people and supports practical action for disability equity.

Unite call on the Government to bring in mandatory disability pay gap reporting for all employers with more than 50 employees. The legislation should be accompanied by a duty on employers to produce targeted action plans identifying the steps they will take to address any gaps identified, including ensuring disabled workers with invisible impairments and neurodiverse conditions feel confident in completing workplace equality monitoring.

Unite will work with employers to review disability monitoring policies and practices to ensure any barriers to disabled workers confidently sharing information in equality monitoring exercises are identified and removed. Unite calls for decent work and income and full support for disabled people in work and when unable to work - fit the job to the worker, not the worker to the job.

According to a new analysis of official statistics published by the TUC, 69% of disabled employees earn less than £15 an hour and are much more likely to be paid less than that amount per hour than their non-disabled peers<sup>29</sup>.

#### **Unite supports the calls from the TUC report on disabled workers for the Government to deliver<sup>30</sup>;**

- *An emergency budget to boost pay, pensions and universal credit, and cut energy bills through a windfall tax on energy company profits.*
- *Mandatory disability pay gap reporting for all employers with more than 50 employees. This should be accompanied by a duty on employers to produce targeted action plans identifying the steps they will take to address any gaps identified.*
- ***Enforcement of reasonable adjustments:*** *The Equality and Human Rights Commission (EHRC) should get specific funding to enforce disabled workers' rights to reasonable adjustments and should update their statutory code of practice to include more examples of reasonable adjustments, to help disabled workers get the adjustments they need quickly and effectively. This will help*

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<sup>28</sup> Ibid.

<sup>29</sup> TUC – disabled workers face “living standards emergency”. April 2022. [Link](#).

<sup>30</sup> TUC – disabled workers face “living standards emergency”. April 2022. [Link](#).

*lawyers, advisers, union reps and human resources departments apply the law properly.*

### LGBT+ workers and low pay

Unite is also concerned that on average LGBT+ workers are paid 16% less than their peers which translates to LGBT+ workers being paid £6,703 less per year<sup>31</sup>. With respect to trans workers, 60% earn less than £20,000 per year, and are much more likely to be unemployed<sup>32</sup>. According to a recent TUC poll, only 1 in 8 of the workplaces polled by the TUC currently monitor the pay gap between LGBT workers' pay and non-LGBT workers' pay<sup>33</sup>.

Unite calls on the Government to introduce a statutory requirement for large employers to report on their LGBT+ pay gaps with a code of practice detailing how employers should address these inequalities. Unite further calls on the Government to consult with unions on a strategy to make sure workplaces are safe for all LGBT+ people.

### Outsourcing

There is an issue around outsourcing where employers outsource lower-paid workers so that they are not included in the pay gap reporting, which usually applies to directly employed workers. For this reason, employers should be required to include subcontracted workers in their calculations. Women and workers from minoritised groups are more likely to be employed in outsourced services such as facilities management and contract cleaning with lower rates of pay, therefore, to effectively tackle equal pay gaps, employers should be encouraged to insource rather than outsource jobs.

Additionally, the mechanisms for pay gap reporting should be designed in such a way which makes it easier to compare pay with outsourced staff, across departments, or with archived data.

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<sup>31</sup> Pink News: *LGBT employees paid £6,700 less a year than straight colleagues*. 2<sup>nd</sup> July 2019. [Link](#).

<sup>32</sup> UK Government Equalities Office: National LGBT survey 2019. Published 4<sup>th</sup> January 2022. [Link](#).

<sup>33</sup> TUC: 1 in 5 workplaces do not have any policies to support LGBT staff – TUC poll. Issue date 30<sup>th</sup> June 2022. [Link](#).

Furthermore, the government should amend the Equality Act 2010 to clarify the *single source* rule for outsourced or agency workers.

### Creating effective equal pay rights

The equal pay provisions within the Equality Act 2010 need an overhaul, as they are just too slow to reach any sort of conclusion, especially the equal value process and/or when in cases dealing with multiple claimant/comparator comparisons.

By way of example, the Sainsbury equal pay claims were lodged by Unite in 2019, however the independent experts have just this year been ordered to provide their report on whether the first 6 claimant roles are of equal value to the comparator roles by June 2026, with a Stage 3 hearing (at which the tribunal will decide whether the roles are of equal value) not taking place until late 2027/early 2028. The parties then must move on to look at the employer's overall defence to the claims, and it is likely that any tribunal decision will ultimately be appealed, adding further delay.

This timeline is unfortunately not unusual, for example, there are ongoing equal pay claims against Asda and Tesco, which have been ongoing for even longer. Employers are aware of this and can use it to their advantage to delay matters as much as possible in the hope that claimants either run out of willpower and/or money and will then either withdraw or settle for the first amount offered. As a result, Unite believes the current provisions have no teeth, and it's doubtful whether they effectively motivate employers to address and rectify equal pay issues within the workplace.

Equally, the requirement for tribunals to consider ordering an equal pay audit with any successful equal pay claim seems futile. The overwhelming majority of equal pay claims never reach a stage where the tribunal has to consider this (where equivalence has been determined, and an employer's material factor defence fails, then they will settle the claim before it reaches a remedy hearing, where the equal pay audit point is considered. Unite is only aware of 2 instances where the tribunal has had to consider this issue since the requirement was introduced in October 2014, and in both cases, the tribunal decided no audit was required (in the first, no written reasons for the decision were provided, in the second, the tribunal determined the employer had already rectified the pay issues within the workplace, so there was no risk in future claims being brought).

### Creating effective equal pay rights

#### i. Equal pay audits

**Unite believe regular and transparent pay audits will create an effective equal pay culture in the workplace. In Unite's experience, equal pay audits have been very effective in finding out if there is unequal pay in the workplace, identifying the reasons for the discrepancies and using the information to negotiate for equal pay.**

**Through our unionised workplace structures, Unite carried out pay audits in the finance and food and drink industries, which resulted in major improvements for women members.**

### *Case study 1. Food Distribution Company*

During a pay audit, it was discovered that 85 people (90% women) were doing a job where the pay rate varied between £8-24. After negotiations, the Company agreed to equalise pay on the grade over a period of time.

### *Case study 2. Finance sector*

An equal pay audit revealed some pay anomalies at senior levels, but the major issue was the concentration of women in the lower grades and their under-representation in senior management. After negotiations, an action plan was drawn up in which included a commitment to carry out regular equal pay audits, regular monitoring of starting salaries and managerial guidelines on equal pay.

### *Case study 3. Chilled Food company*

In this case 12 canteen workers (women) were found to be paid at a rate that was not even included on the pay scale. Following negotiation, this situation was rectified, and they received an extra £1.63 per hour pay rise and £480 back pay.

## **Equal pay audits can identify unequal pay among other workers**

### *Case study 4. Transport operator*

The Company signed an agreement with the Union to have an annual equal pay audit “health check” of overall basic pay and earnings; have an in-depth 3-yearly equal pay audit; continue monitoring of equality and pay; equality proof recruitment, promotion, progression, training and other HR processes as well as develop the audit in relation to ethnic origin, disability and age.

### *Case study 5. NHS*

The Company’s job evaluation scheme was designed to ensure all jobs were evaluated fairly without any bias, but Unite found that discretionary pay points in nursing were awarded in a way that seemed to discriminate against black, Asian and ethnic minority staff. Now the union is involved at every stage of decision making and implementation.

#### **ii. Job evaluation schemes**

**Conducting job evaluation schemes has proved to be a successful way of improving equality in the pay structure. This works best where trade unions and their representatives can work with employers through collective bargaining to in the development of equal pay and job evaluation schemes**

### *Case study 6. Cleaning company*

Although tribunal claims for equal pay were lodged, the company agreed to do a job evaluation. In agreement with the union, ACAS trained all the representatives involved in drawing up the scheme and the Company also agreed to paid release for the Union Reps and other members (mainly women) to go on an assertiveness and confidence-building course to assist with job descriptions and understanding equal pay and equal value. Using a job evaluation scheme tailor-made for their workplace, the women workers benefited enormously in their pay rate.

Unite warns that job evaluation schemes which have not been specifically designed for a particular workplace tend to undervalue work done by women, and such schemes should be developed in collaboration with trade union representatives, specifically union equality representatives.

Negotiating on equal pay can lead to formal joint working between employers and unions. Unite is committed to tackling unequal pay and closing the gender and equality pay gap through carrying out Equal Pay Audits in all workplaces and negotiating for equal pay. Equal pay is a trade union issue, and Unite trains all reps to ensure that women's work is valued and they receive equal pay to men that they deserve. Individual women and men members may also have equal pay issues that require union representation.

#### *Case study 7. Car industry*

Pay audits have taken place at a car manufacturing plant every year after the union approached the company with the idea. Managers and Union Reps were trained together. The site now has an Equal Pay Review Committee, including Union Reps, supported by the union officer.

#### *Case study 8. Health sector*

National negotiations led to the setting up of a joint *Knowledge and Skills Framework* to ensure the union was involved at all stages of pay auditing, and that there is joint training, joint leads on job evaluation and joint reviews.

## Part 2. Improving enforcement, including through the implementation of the Equal Pay Regulatory and Enforcement Unit

### Repeal of section 124(3)(b)

Unite is strongly opposed to the repeal of both section 124(3)(b) and section 138 Equality Act 2010. Unite believes that the protection provided under legislation means that any worker who is discriminated against will be able to make use of a questionnaire procedure and that employers must answer questionnaires, or face having adverse inferences of discrimination made against them. This has been a positive replacement to the previous open-ended system that did not assist applicants and unfairly advantaged respondents.

Submitting questionnaires has assisted our members in establishing whether there is a case for discrimination in the first place. The questionnaire procedure has, in our experience over many years, on occasions assisted in ensuring an issue of discrimination is taken seriously and addressed, sometimes positively preventing the need to engage in a tribunal case.

Using the questionnaire procedure has also provided Unite with evidence to defend members against discrimination. For example, by using the questionnaire, one of our members won her sexual discrimination case when she was dismissed by her employer, a cargo services company at Manchester Airport.

## Repeal of section 138 Equality Act 2010

Unite strongly supports the retention of wider powers of the Employment Tribunals to make recommendations. This is vital for equality of opportunity for all employees and for creating a fair workplace. These recommendations will ensure that other employees do not suffer the same or similar forms of discrimination.

In our experience, Tribunal recommendations can help avoid future stressful, lengthy and costly discrimination cases. For example, Central Manchester University NHS Foundation Trust will be able to address institutional racism by putting in place the Tribunal recommendation after our member, Elliot Brown, won his case of systematic racial bullying and harassment.

Unite believes that maintaining these recommendations will ensure that employers take action on eliminating discrimination and equality proof all their policies, procedures and practices. Reinstatement of the employment tribunals' power to make wider recommendations in issues of discrimination and harassment, more seriously, often resolving them without the need to proceed to lengthy and costly tribunals. Both these measures can help avoid future harassment cases.

## The role of the EHRC

Fundamentally, what is needed to improve enforcement is a well-resourced EHRC. The EHRC needs to have a stronger and more direct approach to the private sector. This should include all those organisations that break the equality law, and not just those committing the so-called worst and most persistent kinds of discrimination and abuse. Additionally, the Commission's enforcement and preventative powers are vital to hold public authorities to account.

The previous government's damaging agenda of cuts and political interference in the enforcement authorities, such as the EHRC and HSE has reduced their powers to investigate, effectively regulate and enforce the law and good practice. The Labour government should sufficiently fund all enforcement authorities to enable them to provide support, advice, and safeguards for workers and employers, thereby improving jobs, pay and conditions in the workplace.

## Implementation of the Equal Pay Regulatory and Enforcement Unit

Considering the proposals set out in the consultation document regarding the institutional home and function for the Equal Pay Regulatory and Enforcement Unit, Unite suggests the following:

- **The Unit should sit within the Fair Work Agency, and trade unions and key stakeholders should participate in regular roundtable discussions and or advisory boards to influence the development of the Unit.**
- **Setting up a specialised Equal Pay Tribunal Panel with judges experienced in pay discrimination.**
- **The current employment tribunal process has become protracted and is difficult for individuals to enforce equal pay claims. It is likely that the new**

**Employment Rights Bill, when it comes into force, will probably mean an increase in tribunal claims, thus introducing early resolution procedures within ACAS or tribunals to speed up claims.**

Unite also recognises the benefits of the following proposals suggested in this consultation:

- undertaking litigation by providing legal advice and representation to others, bringing legal proceedings in its name, or intervening in legal proceedings brought by others;
- making use of other enforcement powers, such as by pursuing investigations, entering into statutory agreements with employers, seeking injunctions, issuing compliance notices and similar;
- offering non-legal advice and assistance to individuals or groups who think they may have suffered from pay discrimination;
- facilitating informal dispute resolution, such as through mediation, arbitration or collective conciliation;
- providing training on equal pay and good practice for employers, HR professionals and employees;
- undertaking research, monitoring and publishing reports and guidance to build understanding and best practice in relation to equal pay.

Concerning building capacity within allied sectors, organisations and communities to support them in challenging pay discrimination, **Unite believe this should be achieved through collective bargaining arrangements.**

### Part 3. Improving pay transparency

In Part 1 of our response to this consultation, under the section *Creating effective equal pay rights*, Unite has detailed the benefits of adopting regular and transparent pay audits, which create an effective equal pay culture in the workplace.

Unite has considered the measures proposed in this consultation to improve pay transparency, and we agree with the following:

- providing the specific salary or salary ranges of a job on the job advert or before the interview;
- employers should not ask candidates about their salary history;
- publishing or providing employees with information on pay, pay structures and criteria for progression; And employers should be required to **publish of pay bands** for roles;
- providing employees with information on their pay level and how their pay compares to those doing the same role or work of equal value;



- identifying actions that they need to take to avoid equal pay breaches from occurring or continuing.

Additionally, Unite calls for legislation to include a requirement for employers to have **clear, anonymous grievance mechanisms** for pay complaints.

## Part 4. Creating and maintaining workplaces and working conditions free from harassment

### Effective steps to prevent workplace sexual harassment

Unite is extremely concerned with the scale of sexual harassment in the workplace. Unite has conducted sector specific surveys in the hospitality, civil aviation and ambulance sectors to gauge the scale of sexual harassment and sexual violence that workers, especially women, experience in the workplace. All our surveys revealed alarming records of sexual harassment and sexual violence across these sectors.

More recently Unite conducted an 19 sector survey sent to all our members working across industry to identify varying forms of sexual harassment at work and on the commute to and from work. The results revealed that sexual harassment is endemic in UK workplaces.

The survey, which received **6,615 responses from women in our membership**, is part of Unite's Zero Tolerance to Sexual Harassment campaign<sup>34</sup>. The survey revealed:

- A quarter of women members had been sexually assaulted, while 8% had been a victim of sexual coercion - when a person pressures, tricks, threatens, or manipulates someone into engaging in sexual activity without genuine consent - at work.
- Over half, 56% of women members, had been the recipient of sexually offensive jokes, 55% had experienced unwanted flirting, gesturing or sexual remarks, 43% had been inappropriately touched and 28% had been shared or shown pornographic images by a manager, colleague or third party.
- Of those who had been sexually harassed at work, 48% had had it happen more than twice, while 36% had experienced it more than once. However 75% of respondents did not go on to report incidents.

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<sup>34</sup> Unite Zero Tolerance to Sexual Harassment 2025. Link here:

<https://www.unitetheunion.org/campaigns/zero-tolerance-to-sexual-harassment-know-your-rights>



- Women are being failed by the Worker Protection Act. They feel unable to report incidents, with 75% going unreported, while those many of those who do report felt disbelieved, had to carry on working with abusers or were penalised at work.
- Unite's survey found just 26% of respondents felt their employer had done enough to promote a sexual harassment zero-tolerance culture within the workplace, while 34% did not believe there was a zero-tolerance approach to this behaviour at their place of work.

And while the issue is endemic across all sectors, some were more badly affected than others. Areas which had higher levels of staff experiencing harassment include construction, civil air transport, passenger transport, food, drink and agricultural and road transport commercial, warehousing and logistics, which all saw high percentages of incidents and many of these going unreported.

Many respondents to the survey said they didn't report harassment they had experienced or witnessed as they worried they wouldn't be believed or it would put their job at risk. This was backed up by the experiences of many Unite members who had reported incidents - the union received several comments on how they had been disbelieved or accused of lying, while others said perpetrators had been allowed to remain at the workplace and in some cases had even been promoted. Other victims of harassment at work said they had been let go from their roles after reporting it to line managers.

Last October, The Worker Protection Act 2023 became law. This means employers must take measures to prevent sexual harassment from happening in the workplace and at work events such as conferences. However Unite's research shows this is not being implemented fully and workers are being failed.

Unite's survey found just 26% of respondents felt their employer had done enough to promote a sexual harassment zero-tolerance culture within the workplace, while 34% did not believe there was a zero-tolerance approach to this behaviour at their place of work.

Testimonies from members who filled in the survey:

Woman member in the civil air transport industry:

***"Two of my friends were sexually assaulted on a work trip. I was involved in the investigation for months. The man in question is still flying in a managerial position. BA did nothing to support my friends or keep them safe by keeping this man in the company."***

Woman member in the construction industry:

***"I was sexually harassed by my manager in a previous job for several months. I finally built up the courage to confide in the company owner who reassured me that I'd done the right thing by telling him. He sacked me the following morning... it***

***devastated me and drove me away from working in the construction industry for many years."***

Woman member in the road transport commercial industry:

***"The difficulty is reporting it to managers, as it is a very male environment. There are few women managers, managers do not believe unless it can be viewed on CCTV. Reporting feels pointless. They turn the complaint around against the woman, and move us to other work sections."***

Woman member working in passenger transport:

***"I was sexually assaulted by a colleague outside of work, the police were involved. All I asked from the company was to be kept out of a particular area that he goes in regularly, but apparently this could not be done. It would not have affected my work in any way whatsoever. So I have to see the person who assaulted me, because they won't allow me to go to a different space on these occasions."***

Woman member in the food, drink and agriculture industry:

***"I reported disgusting behaviour and sexual comments from contractors which I had put up with for over two years and nothing was ever done about it. I refused to work with them in the end and they were still given work for over 12 months afterwards until another female colleague reported them and then action was finally taken. It made me feel worthless knowing that nobody had taken any notice of what I had said, and action was only taken after the reports from another female colleague."***

Unite has been representing and supporting members experiencing sexual harassment and sexual violence at work and on the commute to and from work. Our workplace representatives work tirelessly to negotiate agreements and policies to prevent discrimination and establish best practices. Our union equality representatives have been ensuring equality in workplaces across various sectors. They work with employers to prevent sexual harassment and to establish best practices. They can and do resolve problems at the sharp end.

Statutory rights for Union equality reps will ensure prevention and therefore avoid legal cases. Unite has been calling for statutory rights for union equality reps for many years. At a time when existing inequalities in society are increasingly evident, statutory recognition of trade union Equality Representatives must no longer be deferred, and the government should show its commitment and respond positively to these demands.

Unite works with employers to negotiate dignity at work policies with a positive approach to conducting workplace relationships, based on an organisational commitment to restrict all forms of unacceptable behaviour, including bullying and harassment, and to treat all employees with respect.

To fully adopt a strategic **zero tolerance** approach to inappropriate behaviour and encouraging dignity at work, companies need to implement a clear set of values that deal

swiftly and effectively with bullying, harassment or any other form of unwanted behaviour and to reduce the number of incidents that occur.

Unite supports this government's commitment to strengthening protections against sexual harassment and harassment in the workplace and measures laid out in the current Employment Rights Bill:

- strengthening the legal duty in section 40A of the Equality Act 2010 so that it requires employers to take all reasonable steps to stop sexual harassment before it starts ('the preventative duty')
- requiring employers to create and maintain workplaces and working conditions free from harassment, including by third parties

**Unite is now calling for greater protections to end the scourge of workplace harassment. Measures we are urgently calling for include:**

- The introduction of a standalone sexual harassment policy
- Mandatory training on sexual harassment for all employees and more paid time off for equality reps
- The deadline for being able to make a claim in an employment tribunal to be extended from three months after the incident occurred to six months as a minimum for lodging a claim
- The government to put in extra legal protections, for example third party harassment and sexual harassment should be treated by the Health and Safety Executive as a workplace injury

While the 2021 Women and Equalities Unit (formerly the Government Equalities Office) published literature review of evidence on workplace sexual harassment was a positive step towards collecting evidence to inform policy, Unite believe the government should launch **a public inquiry to determine the scale of sexual harassment and sexual violence in the workplace which looks into each sector.**

As a union representing 1.2 million workers across all areas of industry, we are acutely aware that sexual harassment and even sexual violence are prevalent across all areas of industry; however, we are also aware that workers in specific sectors such as hospitality and civil aviation are more exposed to this. In addition, Unite recommend statutory guidance on equality law to **include mandatory workplace harassment surveys and workers should have whistleblower protections when reporting sexual harassment.**

**Evidence on effective steps that can be taken by employers to reduce/prevent sexual harassment in the workplace?**

Unite has negotiated agreements with many companies to prevent and tackle harassment, discrimination, bullying for example, at Sainsbury, IMI and NHS.

## Retail

A member who is a shop worker was sexually harassed by her team leader. He made lewd comments to her. He was consequently disciplined, and the employer suggested moving her to a different department, which was not what she wanted. With union intervention, the perpetrator was moved.

## Sexual harassment issues in the City of London

Unite was involved in several sexual harassment cases, which included inappropriate advances and behaviour towards a junior colleague, where recommendations included a final written warning and Dignity at Work training.

Women cleaners are the hidden workforce in major financial institutions in the City. They are mainly migrant workers and have been organised into Unite. Unite's Justice for Cleaners campaign has been successful in negotiating and tackling low wages, lack of sick pay and holidays, health and safety, bullying and harassment, housing, transport, immigration issues and unfair deductions from pay.

## Supporting survivors

Unite is of the view that survivors of sexual violence/sexual harassment should have access to specialist support such as ISVAS (Independent Sexual Violence Advocates) as part of a signposting service when they suffer sexual violence at work. Government should therefore increase funding for women's organisations providing ISVA services and where an employer has failed its preventative duty, the legislation should include a financial penalty which could be used to provide such specialist services. If the law imposes significant financial penalties for companies breaching GDPR, the same impetus should apply to companies which fail their preventative duty to protect their workers from sexual harassment.

## Unite Hospitality - Not on the Menu campaign

Unite has exposed and campaigned against sexual harassment in the hospitality sector. In 2018, we surveyed hospitality workers on sexual harassment. The '*Not on the Menu*' campaign was designed as a consequence of this survey. This was followed up with a new survey in 2021 to find out if anything had changed, and sadly, it has not; in fact, it has gotten worse for hospitality workers. The survey, which received over 2000 responses, largely from women members working in the hospitality sector, revealed **68%** of respondents typically witnessed and experienced sexual harassment, including sexual violence at work.

Campaign demands developed from the campaign include:

- Strengthening the law around sexual harassment and reinstating an employer's duty to protect staff from abusive clients.
- Safe, secure workplaces free from bullying and sexual harassment.

- Safe transport home after late shifts.
- Effective anti-sexual harassment policy
- Support Fair Hospitality Charter, which includes an anti-sexual harassment policy and paid transportation past midnight

More information can be found on  
<https://www.unitehospitality.org/notonthemenu/>  
<https://unitelive.org/14506-2/>

### *Get Me Home Safely*

Unite's Get Me Home Safely campaign is now a global campaign, which started as a joint campaign developed between the Passenger and Hospitality sectors has now been extended to cover all sectors of industry.

The background to its development was rooted on a concern for the safety of women who work late and unsocial hours which emerged from the *Not on the Menu* surveys (mentioned above), particularly those in low paid jobs who cannot afford taxi travel home and rely on buses and other forms of public transport which are often scarce or simply unavailable after midnight.

The guiding principal of the Get Me Home Safely campaign is that every worker must have access to safe transport at all hours of the day and we are actively lobbying employers, local authorities, transport operators and the government to develop safe transport home solutions for ensuring workers who work late and unsocial hours can travel to and from work safely. Unite is acutely aware of the dangers workers, especially women and workers from protected characteristics, face on the commute to and from work at late and unsocial hours, and we have had a number of reports from our members who had been sexually and violently assaulted.

#### **The campaign seeks to:**

- Highlight the lack of enforcement regarding sexual assault on public transport
- Highlight the cost of travel, which is often unaffordable to those who work shift patterns and are on low pay and zero-hours contracts
- Call for local authorities and licensing boards to change regulations so employers are required to provide safe transport policies/support for workers' working late and unsocial hours.
- Call for public ownership of buses to improve bus service provision especially at late and unsocial hours.

- Identify workable solutions to facilitate safe travel home, such as getting supplemented taxi travel for late shift workers.
- Full implementation of the ILO Convention 190 by the government.
- National minimum standards for the taxi and private hire sector to address safety issues.
- Compulsory training on sexual harassment/gender based violence for workers in passenger transport. This training would better equip transport workers to report and take steps against sexual harassment where it occurs on our buses, tubes and trains.

Unite continues to call for this Labour Government to fully support *Unite's Get Me Home Safely* campaign as an effective preventative measure to reduce sexual harassment and sexual violence on the commute to and from work, ensuring all workers have access to safe commute, which will benefit employers, communities and the wider economy.

Our clear asks, detailed below, are achievable and complement the Government's bold ambition to tackle gender-based violence.

#### **We call on:**

- 1. Councils to make free transport a licensing condition for new hospitality venues.**
- 2. Employers' duty of care extended to the daily commute.**
- 3. Better buses and public transport – safer, more frequent and reliable, and decent toilets for bus workers.**
- 4. Zero tolerance to sexual harassment and gender-based violence on public transport.**
- 5. National minimum standards for taxis and private hire.**
- 6. Tax legislation updated so that no one is penalised for providing regular taxis home.**

More information can be found on <https://www.unitetheunion.org/campaigns/get-me-home-safely-campaign/>

#### *Toilet Dignity*

Unite has long been campaigning for workers to have safe access to decent toilets and sanitary facilities, and identifying and including the equalities aspects of this campaign.

Our surveys throughout Passenger Transport and Road Transport & Logistics, as well as in Construction, in particular, have uncovered tens of thousands of workers across the UK still suffering a lack of “toilet dignity”.

This has included ensuring access to toilets for women, particularly in male-dominated industries and among mobile workers, disability access, additional gender neutral toilets, as well as exposing discriminatory attitudes and the lack of implementation of the health and safety requirements for drivers visiting a workplace to have access to sanitation and toilet facilities.

More information can be found on:

<https://www.unitetheunion.org/campaigns/toilet-dignity/>

## Additional points

### New legal duty to prevent sexual harassment

- Unite supports an easily enforceable legal duty requiring employers to prevent and protect workers from sexual harassment.
- One of the main problems is under reporting of sexual harassment. Many of our members say that sexual harassment is difficult to report and is increasing. This legal duty should tackle the current under-reporting as well as prevent it from taking place in the first place.
- Currently, it is only after a serious incident of sexual harassment has taken place and reported that action is taken by the employer and therefore, we agree with the *“shift from employer liability after the incident of harassment, to a proactive duty before any unlawful conduct has taken place.”*<sup>35</sup>
- Unite strongly supports the introduction of a Statutory Code of Practice clearly explaining what employers need to do to prevent sexual harassment, whilst recognising the practical steps required from employers. This Code should include: mandatory training for all staff, including managers, on what sexual harassment is, how to prevent and tackle incidents and procedures; putting safeguards on social media and having safe reporting routes for all workers, including self-employed, freelance and agency workers.
- Also, appropriate amendments or additions to Chapter 7 of the Equality Act 2010 Employment Statutory Code of Practice are needed.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/816116/Technical\\_consultation\\_-\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/816116/Technical_consultation_-_FINAL.pdf)

- Prevention should be the aim, and these measures assist in this process, ensuring employers take positive steps to provide a safe environment for their employees as well as their customers or clients.
- The new duty should apply to public, private and voluntary sectors and through the chain. It should also be a precursor in procurement.
- The government should also ensure nightclubs and hospitality venues put effective measure to prevent and tackle spiking of drinks and injections.
- The sanctions for employers who do not comply with a new preventative duty need to be clear and effectively enforced through a strengthened EHRC. In our experience, such clear legal requirements are necessary to ensure action. Additionally, Unite believes that positive encouragement of employers to put measures in place to prevent sexual harassment also has an important role alongside these legal requirements. For example, good practice awards, government supported events involving employers, trade unions and other interested organisations.

### Third party harassment

- Since the mandatory duty to take all reasonable steps to prevent harassment applies to all forms of harassment, including third-party party, therefore, the defence of having taken '*all reasonable steps*' to prevent sexual harassment should also apply to cases of third party harassment.
- Unite has been strongly opposed to the removal of section 40(2)-(4) of the Equality Act 2010. The harassment of people at work by a third party can be deeply distressing, harmful and dangerous. Unite believes that all parties involved should welcome such provision to ensure that it is both unlawful and can be addressed.
- More crucially, Unite welcomed the inclusion of protection from third-party harassment in the Equality Act 2010 as well as its extension to all areas of equality. However, we were and still are strongly opposed to the '*three strikes*' element of this provision. Unite will continue to raise with the government the issue of the removal of this element since harassment is, harassment and unlawful, whether is the first time or the second or the third.
- Unite believe the government should take this opportunity to provide better protection for employees by removing the 'three strikes' element instead of providing them with no defence or protection from harassment by third parties.

See <https://www.unitetheunion.org/campaigns/zero-tolerance-to-sexual-harassment-know-your-rights>



## Stalking legislation

- Unite has been concerned about the gaps in stalking legislation. All too often victims are not believed or taken seriously. Often, the one place where stalkers can find women is the workplace, and this is a key issue for women at work.
- Stalkers should, as a routine, be assessed and managed through a holistic multi-agency stalking intervention programme. Without an effective intervention, the stalking will continue.
- There are barriers to access justice, legal aid, and there are also issues around cross-examination of witnesses where the woman's wishes are not always followed and in many cases, women are not believed. All these should be addressed.
- Government should introduce a stalkers and domestic violence perpetrators register to enable the police to proactively identify, track, monitor and manage perpetrators. Unite supports Paladin, the national stalking advocacy service, in its call for a register of serial stalkers and domestic violence perpetrators.

Paladin states:

***Currently there is no existing framework which can track or monitor serial stalkers and domestic violence perpetrators. Instead police rely on a series of victims to report multiple crimes and often it is the victims who are forced to modify and change their behaviour, flee their homes and disappear themselves in order to stay safe. This is the reason why refuges are in demand and victims continue to be moved around the country. Multi agency risk assessment conferences also tend to focus on the victim too rather than the perpetrator. We track victims when they move but not the problem – the perpetrator.***

***This needs to change. It is the perpetrator's behaviour that is the problem. There needs to be a positive obligation on them to change their behaviour and take responsibility. They are the ones who need to be tracked, supervised and managed and not the victim.***<sup>36</sup>

- Laws and enforcement surrounding the use/abuse of social media need to be stricter considering the shocking increase in online bullying, stalking and 'trolling'. People also need to be educated and told what is acceptable and what is not. Internet providers/social media companies and controllers must be made to face up to their responsibilities.
- Putting safeguards on social media with stronger abilities to identify and prosecute abusers of such media.

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<sup>36</sup> <https://paladinservice.co.uk/serial-perpetrator-register-and-order/> accessed 8 September 2020

## Employment Tribunal time limit and powers

- Unite believes the statutory time limit for all employment claims relating to the Equality Act 2010 should be extended to a minimum of six months. Also, the Employment Tribunals should be given powers to extend the six-month time limit when it is necessary in some cases. The pressure on someone who is suffering from sexual harassment can be very severe and this can impact on a person's ability to report that it is taking place. Additionally, procedures in the workplace can mean that the three month deadline makes the situation worse because it escalates to a legal case to meet the deadline.
- Government should also reinstate the employment tribunals' power to make wider recommendations in discrimination cases; and the questionnaire procedure, which encouraged employers to take issues of discrimination and harassment more seriously often resolving them without the need to proceed to lengthy and costly tribunals. Both these measures can help avoid future harassment cases.

## ILO C190 Convention

- In March 2022 the UK and Northern Ireland ratified the ILO C190 Convention. Now, it is time for the governments to fully implement C190 by making sexual harassment part of the public policy on violence against women, which requires the government to adopt an integrated plan of action that includes better inter-agency working, raising awareness of the issues, more effective legislation and policies and innovative practice. Additionally, educating and raising awareness on these important issue both in schools and in our wider society.
- Unite has been involved in global campaigns against sexual harassment and violence against women, including at the ILO, in particular the ILO C190 Convention and campaigned for its ratification. Our longstanding involvement in representing women transport workers facing sexual harassment, both as bus and lorry drivers, where they are under-represented, and as cabin crew, where their role as safety professionals is undervalued and often unrecognised. As part of our global campaigning, we have recently signed a pledge with IndustriALL, the global union representing workers in manufacturing, energy and mining sectors, a dignity at work policy at the European Transport federation and a joint commitment with the food and home/consumer products manufacturer Unilever, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association and IndustriAll on preventing sexual harassment at the workplace.

## Collective bargaining and trade union rights

- Unite strongly supports the role of sectoral and workplace collective bargaining. It is widely acknowledged that workplaces with a trade union where collective

bargaining takes place are more likely to have measures in place to prevent sexual harassment.

- Unite also believes that there should be a duty on employers to negotiate with the trade unions to establish anti-harassment policies, ensuring prevention and action.
  - Central to the zero tolerance approach is recognition by the company from the Chief executive through to all managers and customers to give confidence to employees that harassment will not be tolerated; that complaints will be dealt with confidentially and swiftly, that inappropriate behaviour is a disciplinary offence, and that they have a positive strategy which is resourced and integrated in to the day to day operation of the business.
  - in sectors where precarious employment practices and lack of access to trade union representatives prevail, workers will continue to lack confidence that if they make a complaint to their manager, whether their complaint will be dealt with at all, and worse still, would they risk losing their job. The previous Tory governments have continuously chipped away at employment rights, the new Labour government should reinstate the right to organise collectively in trade unions, particularly in small workplaces.
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This consultation is submitted on behalf of Unite the Union