

national assembly of women equality at work

The NAW aims to eradicate discrimination at work by working with other like-minded organisations to educate, mobilise and campaign.

We believe that progress towards gender equality at work requires:

- the elimination of practices which discriminate against women either directly or indirectly,
- the removal of barriers to labour market participation, whether those barriers affect women as a whole or groups of women defined by reference to age, family status, religion, ethnicity, sexual orientation, etc,
- the securing of rights to fair participation at work, and
- the adoption of proportional and targeted measures designed to remedy the effects of past disadvantage.

With this in mind the NAW welcomes the Equality Act 2006, in particular because of its imposition on public authorities of a gender equality duty which requires them to pay due regard to promoting gender equality and eliminating sex discrimination. From April 2007 service providers and public sector employers will have to design employment and services with the different needs of women and men in mind. It will require public bodies to set their own gender equality goals in consultation with their service users and employers and to take action to achieve them. By improving procedures and practices throughout the public sector the Government will be setting a benchmark against which all practices can be measured.

The NAW recognises that the law has a fundamental part to play in securing equality at work. But law is not enough. Employment and discrimination laws need to operate within a framework which accepts and promotes trade unions and collective rights at work if equality is to be more than an aspiration. The NAW therefore supports the campaign for a Trade Union Freedom Bill.

The limitations of individual employment rights as a mechanism for eradicating inequality are demonstrated by the fact that women in the UK remain under-represented, under-valued and discriminated against at work more than 30 years after the Sex Discrimination Act and Equal Pay Act came into force. For women, the most fundamental inequality at work remains unequal pay. And while full-time women workers have seen their pay rise to about 82 per cent of the male hourly equivalent over that time (a figure which, although testament to continuing discrimination, at least represents a significant improvement over time), the almost half of women who work part-time have seen their wages stay almost constant at 60 per cent of the full time male hourly equivalent. Not only does the pay gap result in poverty for women and their children, but it prevents women from building up even state pensions, much less occupational pensions. This, in turn, means that many women experience grinding poverty in retirement. This problem will not, in our view, be solved by raising the state pension age or by "allowing" women to work beyond current retirement age.

We recognise that social and economic policy measures have failed to keep pace with women's changing role at work. To try to correct this we aim to work with other organisations to raise awareness wherever we can, within government, within trade unions, within the business arena and anywhere where pressure can be brought to bring about change. Our campaigning work includes the publication of regular updates on law and ongoing equal pay claims in our journal *Sisters*, the provision whenever possible of speakers and materials at events such as weekend schools and conferences.

equality at work

The Labour government has promoted "family-friendly" work-related policies. Among the many measures which have the intention or the potential to improve the "work/life" balance have been the implementation of the EU Directives on Working Time, Part-time Work, Parental Leave and Fixed Term Work, and the adoption of the Minimum Wage, the Working Family Tax Credit and the right to request flexible working. All these initiatives have the potential to promote a family-friendly culture, as well as to provide a framework of employment standards below which no worker should be condemned to labour. But many of these measures have been the result not of government choice, but of European law requirements. The UK government has followed a policy of implementing European measures in a reluctant and minimalist way as well as, in many cases, opposing the adoption of progressive measures at the European level.

Whatever the motivating force behind the adoption of "family-friendly" measures, the fact that law and policy are beginning to recognise that workers have rights and responsibilities beyond the workplace can only be seen as positive, and we await with enthusiasm forthcoming measures including the Agency Work Directive and the government's promised extension of paid holiday entitlement to include the eight bank holidays. We also urge the long-overdue introduction of compulsory statutory equal pay audits.

Although it welcomes the adoption of the "family-friendly" provisions mentioned above, the NAW is aware of the shortcomings of many of the existing rights. The right to work no more than 48 hours a week, for example, is seriously undermined by the provision that workers can "voluntarily" agree to work more. The fact that paternity and parental leave are unpaid (or, in the case of paternity leave, paid at a low rate) means that only more advantaged workers are in a position to take it. And the right for parents of young children to seek flexible working patterns would have more impact if compulsion was used against

those employers who unreasonably refuse such requests. The impact of many employment rights is significantly reduced by their application to "employees" rather than "workers", and frequently only to those employees who satisfy qualifying periods of employment. The NAW urges that legal rights are protected from the first day of employment, and that they apply to the broader category of "workers", in order to protect the most vulnerable in our society. The NAW is therefore disappointed that the Government's long-awaited review of s23 of the Employment Relations Act 1999 has failed to universally adopt the definition of "worker" in relation to all employment rights.

Even if these and other shortcomings of existing legal rights were removed, the NAW recognises that an individual rights-based approach will never be sufficient to secure equality in the workplace. Changes in the tribunal procedures has made this course of redress more difficult and litigating individual rights is complex and frequently costly both in terms of financial expenditure and the implications for existing and future employment prospects. Women who claim sex discrimination or equal pay can expect to be victimised, are unlikely to remain in their present employment for very long and may face future difficulties in obtaining work. Rights can only be secured for the most vulnerable through the promotion of collective bar-

gaining, the re-introduction of a fair wages strategy and the imposition of a requirement on employers to conduct pay audits to uncover discriminatory pay practices. These measures, more than any others, would help to secure fair and equal employment practices, to promote equality at work and to deliver the kind of family-friendly flexibility that many aspire to but few yet enjoy.

THE EXECUTIVE COMMITTEE IS GRATEFUL TO CAROLYN JONES, DIRECTOR OF THE INSTITUTE OF EMPLOYMENT RIGHTS, AND PROFESSOR AILEEN MCCOLGAN OF KINGS COLLEGE LONDON, FOR THEIR ASSISTANCE IN DEVELOPING THIS POLICY.

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