



Communications
Workers' Union

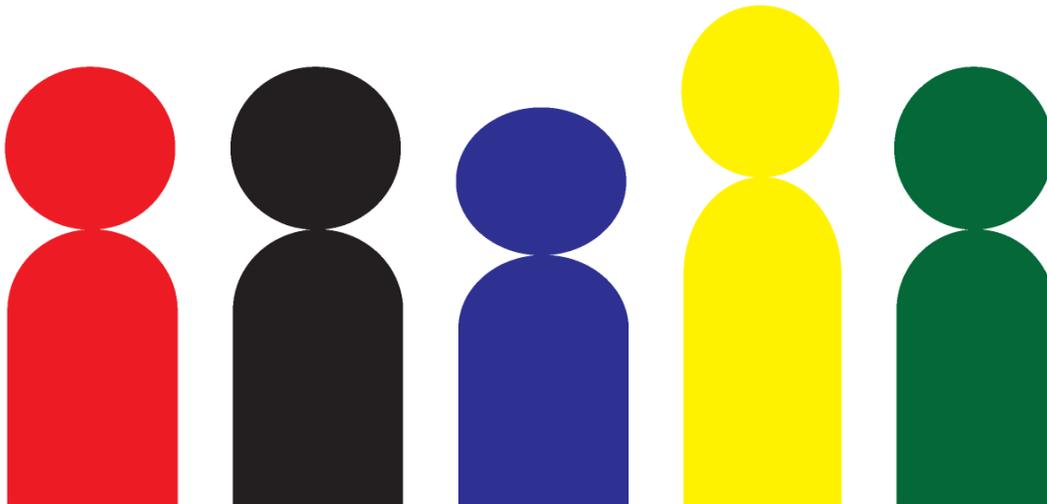


IBOA
THE FINANCE UNION



MANDATE
ORGANISING &
TRAINING CENTRE

Equality Policy for Trade Unions



*Trade Unions: Supporting Equality and Diversity
for all our members and employees*

“Funded by the Equality Mainstreaming Unit which is jointly funded by the European Social Fund 2007-2013 and by the Equality Authority”



Ireland's EU Structural Funds
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EUROPEAN SOCIAL FUND



THE EQUALITY AUTHORITY
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Investing in your future

A policy on Equality of Opportunity

1 Statement of Policy

The aim of this policy is to support a positive work environment that endorses equality for both Union employees and all our members. The Union respects and values the diversity of our employees, our membership and all those that we do business with.

We are fully committed to valuing diversity and strive to promote equality of opportunity throughout the Union. The Union is opposed to all forms of unlawful discrimination and we aim to create an ethos whereby employees and members can participate in the Union to their full potential and have their contributions recognised.

2 Legislative Framework

The Employment Equality Acts 1998-2011 prohibit discrimination and harassment on nine distinct grounds:

- The gender ground: A man, a woman or a transsexual person. (specific protection is provided for pregnant employees and in relation to maternity leave);
- The civil status ground: this is currently defined as single, married, separated, divorced or widowed, in a civil partnership, or being a former civil partner in a civil partnership that has ended by death or being dissolved;
- The family status ground: a parent of a person under 18 years or the resident primary carer or a parent of a person with a disability;
- The sexual orientation ground: Gay, lesbian, bisexual or heterosexual;
- The religion ground: Different religious belief, background, outlook or none;
- The age ground: This applies to all ages above the maximum age at which a person is statutorily obliged to attend school;
- The disability ground: This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions;
- The race ground: A particular race, skin colour, nationality or ethnic origin;
- The Traveller Community ground: People who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

The Union opposes all forms of discrimination based on these grounds.

3. Defining Discrimination

Direct Discrimination is defined as less favourable treatment. Direct discrimination occurs when a person is treated in a less favourable way than another person is, has been or would be treated, in a comparable situation on any of the nine grounds which exists, existed but no longer exists, may exist in the future or is imputed to the person concerned. An instruction to discriminate is also prohibited.

Indirect Discrimination occurs where there is less favourable treatment by impact or effect. If a provision, practice or requirement puts people who belong to one of the grounds covered by the Acts at a particular disadvantage, then the employer will have indirectly discriminated, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Aspects of employment that are covered include:

- unequal pay
- advertising
- access to employment
- vocational training and work experience
- terms and conditions of employment
- promotion
- classification of posts
- dismissal
- collective agreements.

The main aims of the Acts are as follows:

- Promote equality
- Prohibit discrimination (with some exceptions) across the nine equality grounds
- Prohibit harassment, sexual harassment and victimisation
- Require appropriate measures for people with disabilities in relation to access, participation and training in employment
- Allow positive action measures to ensure full equality in practice across the nine grounds.

4. Union Responsibilities

The Union undertakes:

- To adopt best practice in equality and comply with our responsibilities under equality legislation
- To promote equality issues in the workplace and with those who avail of our services
- To support and represent members who have experienced discriminatory treatment
- To provide a service that is accessible and relevant to members and one which accommodates their diversity across the nine grounds
- To ensure that all recognise the vital part they have to play in building an environment free from discrimination and harassment

- Positive action, where necessary, to prevent or compensate for disadvantages linked to any of the nine grounds

Supporting our Responsibilities

To support our responsibilities the Union has adopted the following strategic plan:

- Agree and resource an Equality Committee
- Develop and communicate our own policy of equality of opportunity
- Evaluate, monitor and review our equality policies and practices on a regular basis
- Integrate equality into our training modules
- Maintain networks with other Unions, enterprises and public bodies to ensure best practice on equality of opportunity in the Union
- Have an equality section on our union website
- Publish articles relating to equality issues in our union magazine
- Draft and implement an equality action plan

5. Promotion and Communication of the Equality Policy

The Union will communicate this policy to our members and employees via our structure and through various media. We will have a dedicated section on equality on our union website whereby the policy can be downloaded.

We will develop information sessions on this equality policy for our staff.

6. Recruitment and Selection

It is Union policy that:

- All job advertisements will state that “The Union is an equal opportunities employer. We welcome suitably qualified applicants from all sections of the community”
- Individuals are selected based on merit, recognising their abilities in accordance with the requirements of their duties
- Recruitment interviews will be conducted on the basis of ability, so that all candidates of equal merit have an equitable opportunity to compete
- Recruitment application forms and job specifications will conform to the provisions of equality legislation
- Interview panels be provided with briefings on equality legislation and where possible will consist of a balance of persons from within the nine grounds.

- We are committed to an agreed objective system of rating candidates for recruitment by experience, skill, qualifications, competencies or job record, as appropriate and relevant, or other objective system
- When applicants are called to interview, they will be asked to indicate whether special facilities and/ or arrangements need to be put in place to enable them to participate in the interview
- We will advise employment and recruitment agencies of our commitment and policy position on employment equality across the nine grounds of the equality legislation, of our positive action commitments, and of our shared duties with regard to the equality legislation
- We will make appropriate adjustments to the recruitment process to enable candidates with and without disabilities to compete equally for jobs.

7. Sexual Harassment and Harassment

Harassment is a form of discriminatory behaviour, which is defined as any form of unwanted conduct related to any of the nine discriminatory grounds. The Union will not tolerate discrimination, prejudice or harassment under any of the nine grounds. All employees are entitled to a working environment free of harassment.

The Act defines sexual harassment as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.

Sexual harassment and harassment of an employee is prohibited in the workplace or in the course of employment by another employee, the employer, clients, customers or other business contacts of an employer. These include any other person with whom the employer might reasonably expect the employee to come into contact.

All members and employees of the Union have a role to play in ensuring the effective implementation of the equality policy. This includes maintaining an acceptable standard of behaviour at all times. It includes combating prejudice, harassment and undignified behaviour and to create a work climate in which such actions are not tolerated.

8. Appreciation of Cultural Diversity

The Union recognises that Ireland has an increasingly diverse workplace, which includes minority ethnic workers as well as those from the Travelling Community. It is Union policy to combat racism and to promote an appreciation of cultural diversity.

The Union endorses equal opportunities and fair treatment for migrants and minority ethnic groups. All forms of racist behaviour and associated racial harassment will not be tolerated by the Union.

The Union also commits to building alliances with migrant organisations, as appropriate, and to support and develop anti-racism campaigns and equality activities in the workplace.

The Union will also take the necessary practical steps to improve Migrant participation in our Union and to raise awareness about race equality and to encourage the development of same within our Union structures.

9. Reasonable Accommodation of People with Disabilities

For the purposes of this policy, the definition of disability adopted is as set down in the Employment Equality Acts 1998 to 2011 and is as follows:

- a) Total or partial absence of a person's bodily or mental functions, including the absence of a part of the person's body
- b) The presence in the body of organisms causing or likely to cause chronic disease or illness
- c) The malfunction, malformation, or disfigurement of a part of a person's body
- d) A condition of malfunction which results in a person learning differently from a person without the condition or malfunction, or
- e) A condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour. This shall be taken to include a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.

It is the policy of the Union to promote equality of opportunity for people with disabilities and to ensure that their needs can be safely accommodated within our work environment, in all practices and procedures.

The Union will continue its efforts to adapt policies, structures, services and physical premises to ensure equality of opportunity resulting in greater participation of people with disabilities in the Union both as employees and service users. The Union will also take every opportunity to increase the social inclusion of people with disabilities and people with mental health problems in their workplace.

The Union will meet the costs provided they are not of a disproportionate nature relative to our resources. We will seek to ensure that any changes are made in consultation with people with disabilities.

10. LGBT Equality in Trade Unions

There are a significant number of lesbian, gay, bisexual and transgender people (LGBT) in Irish workplaces. Trade Unions play an important role in promoting social inclusion and equal rights for LGBT people at work. Accordingly, representing LGBT workers in Trade Unions on those issues is of significant importance. The Union makes specific reference to LGBT workers in this policy document and commits to the following:

- Creating an inclusive environment in the Union that enables LGBT workers to “come out” in the Union
- Upholding LGBT rights at work and engaging with LGBT members on those issues
- Promoting our equality policy by communicating it through our Union structures and through associated publications
- Working closely with LGBT organisations
- Participating in relevant LGBT campaigns, for example, for legislative changes or specific events
- Ensuring that our Representatives are trained to support LGBT members

11. Work-Life Balance

Work-Life Balance policies facilitate the achievement of a better balance between work and other life commitments and responsibilities. They can extend beyond family and caring responsibilities to cover other areas of people's lives such as further education and training, participation in community activities and the pursuit of sporting and other leisure activities. Work-life balance policies can also be part of the implementation of reasonable accommodation measures.

The Union will continue to negotiate and promote working arrangements that facilitate work-life balance on behalf of our members and staff. We will monitor the evolving needs of our members and employees in relation to work-life balance, and its impact in the workplace.

Those availing of work-life balance arrangements are entitled to equal treatment with other employees.

12. Equality Training

The Union regularly runs equality training modules. We undertake to mainstream these equality modules in the general training courses provided by the Union.

Training opportunities will be equally accessible for all employees and Trade Union Representatives. We aim to have our courses open, available and accessible to all Union Representatives and employees, including those across the nine equality grounds.

We will also continue to train Representatives in line with our Union budgets.

13. Implementation

If you consider that you have suffered from unfair treatment of any nature on any of the grounds set out in this policy, you are encouraged to raise a complaint through your company's grievance procedures or anti-bullying and harassment procedure or as per the Union Rulebook/Collective Agreement as appropriate. You may seek support from you Union Representative in that regard. These procedures do not detract from an individual's rights under statutory legislation.

A complainant's rights are protected under this policy and the complainant will not be penalised for making a complaint in good faith. If, however it is found that a complaint was brought maliciously or vexatiously, it may be treated as misconduct.

An individual will not be victimised or treated in a less favourable way as a result of making a complaint or providing support or evidence on behalf of a person making a complaint.

Those who believe that they have experienced any form of discrimination, harassment or victimisation under the nine grounds, or who wish to seek clarification on these issues can get information from their local Union Representative or Union Headquarters.

Claims of discrimination can only be processed when a comparator can be drawn upon from one of the nine grounds of the Equality Acts.

14. Monitoring & Review

The Union will monitor and review the operation of this policy on a regular basis to evaluate its effectiveness.

The policy will be updated on a regular basis in line with changes in the employment and equality legislation, relevant case law and best practice in this area.

15. Conclusion

The Union is confident that this policy will be of assistance to our members and Representatives as well as Union employees. We wish to thank the Equality Authority for their guidance and assistance with the policy. We also wish to acknowledge the following documents which have been produced by ICTU and utilised in this policy:

- Code of Practice for Trade Unions (Disability)
- Being Lesbian, Gay, Bisexual and Transgender at Work
- Equality How? - An ICTU Guide to Taking Cases under the Employment Equality Acts 1998-2011
- Towards a Strategy for the Inclusion of Migrant Workers in Trade Unions

Disclaimer: This document does not provide a legal interpretation for any of the referenced acts. It is a summary of the main provisions of the legislation. It is not legal text or legal advice.

GLOSSARY OF TERMS

Direct discrimination is defined as less favourable treatment. Direct discrimination occurs when a person is treated in a less favourable way than another person is, has been or would be treated, in a comparable situation on any of the nine grounds which exists, existed but no longer exists, may exist in the future or is imputed to the person concerned.

Indirect discrimination occurs where there is less favourable treatment by impact or effect. If a provision, practice or requirement puts people who belong to one of the grounds covered by the Acts at a particular disadvantage, then the employer will have indirectly discriminated, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Discrimination by association happens where a person associated with another person (belonging to a specified ground) is treated less favourably because of that association.

Positive action involves taking specific steps to redress imbalances and to give employees with disadvantages linked to any of the discriminatory grounds full equal opportunities.

Harassment Equality legislation defines harassment "as any form of unwanted conduct related to any of the nine discriminatory grounds, and such conduct may consist of acts, requests, spoken words, gestures, or the production, display or circulation of written words, pictures or other material which may have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person".

Sexual Harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person and such conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Vicarious Liability Employers are liable for the acts of employees done in the course of employment (whether or not the acts were done with the employer's knowledge) unless the employer can prove that he/she took reasonably practicable steps to prevent the discrimination. An employer may also be liable for acts by agents of the employer.

Victimisation is the unlawful penalisation of an individual for taking an action pursuant to the enforcement of the legislation.



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This policy was drawn up by CWU, IBOA and Mandate as part of the Mainstreaming Equality Project funded by the Equality Mainstreaming Unit which is jointly funded by the European Social Fund 2007-2013 and by the Equality Authority. It is for use by all Trade Unions in supporting equality and diversity for all our members and employees.

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