



Equality Matters

Communication Workers Union - South West Region Equality & Diversity Newsletter

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Disabled people face poverty in reforms

Cuts to the disability living allowance (DLA) will leave disabled people, their carers and their children in poverty, said the TUC.

The comments were made after the TUC submitted its response to a Department for Work and Pensions (DWP) consultation on plans to replace the allowance with a Personal Independence Payment (PIP).

The new benefit is expected to have a budget of up to 20% less than the DLA and be made available to far fewer people leading to accusations that the PIP has been designed primarily to cut government spending.

From 2013-14, all new and existing claimants of DLA aged 16-64 will be required to undergo an assessment, regardless of the length of their original award. Under the current system people with certain impairments or conditions have been able to automatically qualify for DLA.

The TUC also warns that changes to the mobility component of DLA could leave older disabled people particularly vulnerable to being left isolated in care homes and hospitals and younger

people left struggling to access their communities.

TUC General Secretary Brendan Barber said the government proposals mean that some of society's most vulnerable people are picking up the cost of the recession.

"Taking away this vital financial aid will consign thousands of disabled people and their families to a life of poverty," Barber said. The TUC said that as government slashes local authority budgets, councils will be forced to fall back to providing only the services they are bound to do by law, axing discretionary spending on support schemes and assistance for disabled people.

It is also calling on the DWP to carry out an urgent investigation into the impact of the proposed reforms to the DLA on carers.

The TUC's submission to the consultation says that not only will carers be affected by the whole family's lower income if the person they care for loses entitlement to benefit, but these changes could also affect their eligibility for carer's allowance, carer's premium and other vital benefits.

Additional Paternity Leave - what are the rules?

When can Additional Paternity Leave be taken?

Leave can start any time from 20 weeks after the child is born or placed with its adoptive parents. Leave must be finished by the child's first birthday. Leave must be taken in a single bloc of between two and 26 weeks. Weeks run from Saturday to Sunday.

Who can take Additional Paternity Leave?

Leave can be taken by the father of the baby and/or the husband or partner of the woman provided:

- the father/partner of the mother has at least 26 weeks' continuous employment with their employer by the qualifying week (the 15th week before the expected week of childbirth). For UK adoptive parents the qualifying week is the week that they are matched for adoption. For overseas adoptions the qualifying week is the later of the date that the child entered Great Britain or the employee had been employed for 26 weeks;
- they continue to be employed by the same employer until the date that the leave starts;
- the mother is entitled to Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Adoption Leave; and
- the mother returns to work at least two weeks after the child's birth, with at least two weeks of her Statutory Maternity Leave entitlement untaken.

Notification to employer

The employer must be notified in writing at least eight weeks before the start of

the leave; and the employer must be given six weeks' notice if the father wants to change the dates of the leave or no longer wishes to take the leave.

Additional Statutory Paternity Pay

If the leave is taken during the 39 weeks when the mother is entitled to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay, the father may be entitled to Additional Statutory Paternity Pay (ASPP).

The rate of ASPP is £128.73 per week or 90% of their average weekly earnings if this is less. To qualify for ASPP the father must have average weekly earnings above the lower earnings limit for National Insurance contributions, currently £102 per week. Fathers on Additional Paternity Leave (APL) have the same right as mothers on maternity leave to return to the same job, or a similar job if the total period of leave is greater than 26 weeks, for example if a period of parental leave was added to the APL.

Like mothers, fathers on APL have additional protections in redundancy situations and are entitled to take up to 10 "keeping in touch" days of work or training without affecting ASPP.



Dual discrimination axed

Many of the provisions of the Equality Act 2010 (EA) were brought into force on 1 October 2010. The bulk of the Act was uncontroversial being concerned with consolidating and simplifying the various strands of discrimination law that had previously existed. However, some of the more controversial aspects of the Act have been put on ice by the coalition government, or postponed.

Until recently, however, it was unclear what the government's attitude to dual discrimination was going to be. Dual discrimination is where someone suffers less favourable treatment than another on the basis of two protected characteristics. For example, a candidate would be able to claim dual discrimination if she is rejected for a job because she is of black origin and a woman.

Additionally, a black woman would be able to compare her treatment against that of a white female colleague and a black male colleague — important if there is no adequate direct comparator (in this example, a white man).

Although there were flaws with the proposed right under section 14 — for example, it did not permit claims to be brought on three or more characteristics other than by bringing separate claims of discrimination — it nevertheless represented an important extension of the law. However, chancellor George Osborne announced as part of his last Budget, that the dual discrimination provisions are unfortunately, but unsurprisingly, to be scrapped.

Labour Research Department April 2011

CWU IDAHO Memorial

A small memorial was placed in the CWU's Alvescot Education Centre gardens as a lasting commemoration to all those LGBT people who have lost their lives or who have suffered brutality as a result of homophobic intolerance.

The stone was unveiled on 17th May International Day Against HomOphobia (IDAHO), a day of activities around the world to remember both historic and the ongoing oppression, brutality and murder of LGBT people.

The Memorial consists of three stone pillars and some poignant words on a permanent plaque. Photos of memorial below with pink triangle wreath from Nathan Brennan, Portsmouth and District Amal.



Making menopause an issue for employers...

New guidance on how employers and union reps can work together to support women through the menopause at work has been published by the TUC. *Back-up* looks at the advice.

The menopause is an important occupational health issue. According to the latest figures from the Office for National Statistics, 3.5 million (45%) of all employed people over the age of 50 are women and many will go through the menopause while employed.

The TUC believes that employers have a responsibility to take into account the difficulties that women may experience during the menopause, and that female workers should be able to expect support and assistance during what is, for many, a very difficult time.

The *Health and Safety at Work etc Act 1974* requires them to ensure the health safety and welfare of their employees, and they are required to do risk assessments under the Management Regulations which should include any specific risks to menopausal women if they are employed. They also have a duty not to discriminate under the *2010 Equality Act*.

“Despite the increasingly large number of older women in employment, the menopause is rarely seen as a workplace issue,” said TUC general secretary Brendan Barber.

However, the TUC argues that employers need to recognise that women of menopausal age may need extra consideration. It hopes its new guidance, *Supporting women through*

the menopause, will help union reps raise the issue of the menopause in workplaces, as well as ensure that employers are aware that poor working conditions can aggravate the symptoms of menopause.

The guidance was compiled using the experience of union health and safety reps along with 2011 research published by the British Occupational Health Research Foundation in *Women’s experience of working through the menopause*.

TUC research found that the five most common symptoms of the menopause most likely to be made worse by work were:

- hot flushes (53%);
- headaches (46%);
- tiredness and a lack of energy (45%);
- sweating (39%); and
- anxiety attacks (33%).

Unsatisfactory workplace conditions, such as high temperatures, poor ventilation, poor or non-existent rest or toilet facilities, or a lack of access to cold drinking water at work can make the symptoms worse and affect how a woman does her work. Additionally, changes during the menopause can affect relationships with colleagues, the TUC says.

Women’s experiences clearly highlight how slow employers have been to recognise that women of menopausal age may need special consideration and for too long it has simply been seen as a private matter. As a result, says the TUC, it is very rarely discussed and many managers will have no awareness of the issues involved. This means many

.....Making menopause an issue for employers continued

women feel that they have to hide their symptoms and are less likely to ask for the changes that may help them.

Women confirmed to the TUC that their managers didn't recognise problems associated with the menopause and their experience included being criticised for menopause-related sick leave, embarrassment at discussing the menopause with their employers, and being criticised or ridiculed by their managers on the subject.

The TUC argues that unions have an important role to play in challenging attitudes to the menopause, ensuring that their employer has procedures in place, and in offering support to women who are experiencing problems. It says union reps should raise the issue with their employer to ensure that the workplace meets the needs of menopausal women (see below).

“There is no excuse for the silence, embarrassment, confusion and inaction around the menopause — something which all women go through. This report shows employers and unions can work together to do much more to protect them,” said the TUC's Barber.

TUC guidance is available at: www.tuc.org.uk/extras/Supporting_Women_Through_the_Menopause.pdf

Action at work

All women should be given information on how they can get support for any issues that arise as a result of the menopause. Guidance on how to deal with the menopause should be freely

available at work.

As many women will feel uncomfortable going to their line manager, especially if it is a man, other options should be available, such as a welfare officer. Many employers have employer assistance programmes that can act as a go-between.

Nevertheless, employers should ensure that line managers have been trained on how the menopause can affect work and what adjustments may be necessary to support menopausal women.

The menopause can be highlighted as part of a wider occupational health awareness campaign, so all staff know that the employer has a positive attitude to the issue, and it is not something that women should feel embarrassed about.

Working time and sickness absence arrangements should be flexible enough to meet the needs of menopausal women, who may need to leave work suddenly.

Risk assessments should consider the specific needs of menopausal women. They should ensure that the working environment does not make their symptoms worse and takes into account temperature and ventilation along with welfare issues, such as toilet facilities and supply of cold water.

From article in Labour Research Department news April 2011.



Third Party Harassment

Third party harassment is where a third party, such as a customer or a supplier to an employer, harasses an employee. It was made unlawful in relation to harassment on the grounds of gender three years ago under the Sex Discrimination Act (Amendment) Regulations 2008.

Under section 40 of the Equality Act 2010 (EA) the provisions were extended to cover all protected groups so claims need not only be predicated on sex but could also be on the basis of harassment relating to race, disability, age and so on.

The protection afforded to workers from third parties is quite limited, in that a claim against the employer would only arise where the harassment occurs on three occasions. It is also the case that the employee needs to show that the employer, having been made aware that the harassment has occurred, failed to take reasonable steps, such as barring the harasser from the employer's premises, to prevent a recurrence.

The Conservative-led coalition government initially appeared content to allow large parts of the EA to come into force, but substantial elements are now being dismantled.

Protection from third party harassment is one of the latest of these rights that the coalition has indicated it is going to consult about axing.

The fact that this important and limited protection is unexpectedly facing the chop in the government's headlong rush into deregulation should sound a warning for the remaining provisions.

Cuts and LGB&T people

Everyone working in or using public services is facing the impact of cuts, but LGB&T people – except of course for those rich enough not to worry – have particular concerns too.

- Groups serving sections of the community such as young people or providing services such as Broken Rainbow on same sex domestic violence are facing big funding losses as local authority pull the plug on every “non-essential” service;
- HIV services like THT have already been hit with big cuts in grants, reducing the service they can provide at a time when there has been the biggest increase in recorded infections for years;
- The impact of the Tory “reforms” on the health service are already being felt and in a number of areas gender reassignment surgery for trans people has been shut down;
- All this is happening at a time when workplace prejudice and harassment remains widespread and outside work there has been an increase in reported homophobic attacks.
- Fighting back with Pride

The TUC has a new leaflet for distribution at Prides over the summer, arguing the case for LGB&T people to get involved and visible in the resistance to the cuts. Local anti-cuts campaigns should be encouraged to establish links with LGB&T community groups in their area, if they haven't already done so. Leaflets are available from Peter Purton, Congress House, Great Russell Street, London WC1B 3LS. Tel: 0207 467 1271

Celebrating Diversity - Standing Against the EDL

On Saturday July 9th the English Defence League (EDL) held their first rally in Plymouth. Previous EDL demonstrations in other parts of the country have often ended in violence, and there was a worry things could spark off in the city. The EDL protests against Islam. They claim not to be racist, but in the same breath argue that all Muslims are at heart “fundamentalists”, and if we are “not careful”, Britain could become an Islamic state governed by Sharia law.

In response, Plymouth Trades Council and Unite Against Fascism (supported by Plymouth City Unison branch) organised a counter demonstration in the City Centre segregated from the EDL march, which was confined to Exeter Street and the Hoe. Supported by the CWU, it called for collective cohesion in the fight against racism and Islamophobia.

Speakers included a Second World War veteran, Labour MP Alison Seabeck, Labour Councillors Tudor Evans and Chaz Singh, and trade union officials. The message to the public was clear: Plymouth is not a place for racism and Islamophobia. Rather than focusing on differences between people, we should celebrate the contributions of various cultures. We are all different, but equal. In Chaz’s address to marchers he stated: “We want to show that the true representation of diversity is here. We’re not here to exacerbate the problem, we’re here to show that we are the real people of Plymouth”. Around 500 local people marched through the city centre with banners, placards and flags to the sound of drums and chanted messages

calling for tolerance, not hate. This was in comparison to around 100 EDL supporters, many of whom were transported to Plymouth from other cities in the West Country on organised coaches. It is always difficult to estimate numbers from protests, but even if we take the largest EDL estimate and lowest anti-EDL figures, they were still outnumbered by around 4 to 1. The anti-EDL event concluded in the evening with live music in the Voodoo lounge from various local acts.

Leo Haynes, Equality Officer for the CWU Plymouth and East Cornwall Branch explained. “As a Branch we felt it important to have a visible presence at the counter demonstration. We have a fantastic mix of cultures, ethnic groups and people who practice various religions and hold diverse beliefs across our business units, and we wanted to reiterate the message that as a society, workforce and union we are inclusive of all cultures. The majority of people in Plymouth are not racist, bigoted or Islamophobic, and we should celebrate Plymouth’s multi-culturalism and tolerance. Whilst the EDL argue they have a right to express their freedom of speech, our voices must be louder and drown out their agenda that discriminates and stereotypes people”.



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Tolpuddle 2011

A sometimes wet and windy Tolpuddle weekend saw the largest rally in years with an estimated 10,000 people attending, including members of the regional equality committee and regional women's committee, helping out at the regional stall, (see photo right).

Special thanks to Leo Haynes, Plymouth & East Cornwall branch for organising the t-shirts.

