Promoting Gender Equality at Work - a Potential Role for Trade Union Action

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This article considers the importance of trade union action in attempting to promote workplace equality through collective bargaining with employers. It considers evidence from the UK but the arguments have a wider applicability. It is argued that progress on internal equality within unions is required if they are to fulfil their potential role in promoting gender equality at work.

INTRODUCTION

The need for action of all kinds to promote gender equality in Britain is indicated by evidence of continuing disadvantage for women. While having one of the highest rates of women’s participation, the UK labour market is among the most gender segregated and has one of the largest gender pay gaps in Europe (Rubery et al. 1998). Aggregate labour force statistics show relatively stable patterns of vertical and horizontal job segregation, to the disadvantage of women, and continuing gender inequalities in pay and conditions (EOC 1999; Sly et al. 1998).1

In this paper I seek to argue the importance of trade union action in attempting to promote workplace equality through collective bargaining (broadly defined to embrace consultation and negotiation at all levels) with employers. Gains have been achieved through unilateral employer action on equality, often taken in response to a perceived business need or advantage. Similarly, anti-discrimination and equal pay legislation has produced some improvements in women’s position. However, I indicate how voluntary employer action and legal regulation could be enhanced if complemented by union action. Having argued the importance of trade union action and collective bargaining in the promotion of equality, I go on to explore the likelihood of it, looking at union capability, particularly the position of women in trade unions. I argue that progress on internal equality within unions is required for them to be capable of fulfilling their potential role in promoting gender equality at work, but demonstrate that currently such progress is slow and uneven.2

While the main focus of my paper is Britain, the arguments have a wider applicability, not least because it is generally the case that if trade unions are not part of the equality solution they are likely to be part of the problem. The
regulatory space for collective bargaining varies from country to country, but even where legal enactment is the dominant mode of regulating the employment relationship, collective bargaining still plays a role in shaping terms and conditions of employment. If that bargaining lacks a gender equality perspective it is likely that collective agreements will institutionalise discriminatory practices, entrench rather than challenge gender segregation of work and operate on a male norm of employment, to the obvious disadvantage of women.

EMPLOYERS’ EQUALITY ACTION AND THE POTENTIAL FOR TRADE UNIONS

My argument in this section is that although important gains have been achieved (and are achievable) through voluntary employer action, equality promotion cannot be left to employers acting voluntarily since not all employers will take equality action and the equality agendas of those who do are likely to be insufficient. Leaving equality to employer action is an insecure foundation for general improvement in the position of women.

Some employers may act to promote equality out of a moral imperative, but, more commonly, equality action can be expected where there is seen to be a “business case” for it. The promotion of the business case for equality action by employers has been a major mobilising strategy in the UK in recent years. It has informed the work of the equality commissions (e.g. CRE 1995); underpins advice from employer bodies (e.g. CBI 1996) and the government (e.g. DfEE n.d.). The business case for equality is also at the core of business-led campaigns such as Opportunity Now (a campaign, formerly known as Opportunity 2000, to improve the quality and quantity of women’s employment).

These bodies argue that equality action can serve business interests in competing in the labour market; in enhancing the organisation’s performance, improving service delivery; enhancing organisational effectiveness through the efficient management of human resources and in competing in product markets. There is evidence of equality gains being achieved by these enlightened self-interest approaches (e.g. Hammond 1997). But the business case approach has limitations: its adoption is contingent and variable; its application is selective and partial, and it risks underplaying context. These limitations are now explored.

The salience of any business case for equality is likely to vary with such factors as the organisation’s competitive strategy, labour market position and workforce composition. For example, action to promote gender equality may make more (short-term) sense to organisations competing on quality or innovation than those competing on costs. Some employers find their business interests served by discrimination and disadvantage in the labour market, for example the utilisation of women as a cheap, readily disposable workforce. Further, business needs-driven equality measures risk being only “fair weather”
measures, to be abandoned when market forces or other circumstances change.

The contingent and variable appeal of the self-interest arguments can be seen, for example, in the case of changing demographics and labour market composition. Skill and labour shortages may lead to equality measures being taken as part of tapping into under-utilised labour market resources, such as women. But such shortages are not experienced in the same way everywhere. Even where they are perceived as problems, responses other than those favourable to promoting equality are possible, and are taken – for example, competing for scarce male labour through increasing pay or by contracting out work. Segmentation of labour markets, and the gendered nature of jobs, means that men and women are not seen by employers as interchangeable (e.g. Curran 1988; Jenkins 1986; Collinson et al. 1990). Further, where equality initiatives are taken in response to labour market pressure, they may not be secure when those pressures cease to apply. The British recession of the early 1990s led to some backsliding in the detail and extent of provisions which had been introduced to attract women back into the labour force at a time of shortage; for example, removing guarantees of re-employment after a career break and cutting childcare facilities.

Where a business case rationale is appreciated, equality promotion is likely to be selective, being taken where equal opportunities and business needs coincide; where cost/benefit analysis indicates there are gains to be had from equality measures. An organization can benefit from a partial, selective approach to equality, whereas a general, universal approach may be more costly, and thus less clearly in the organisation’s interests. Thus, there is no guarantee of matching between the diverse needs of particular groups (e.g. women, ethnic minorities) and the particular business case equality interests of individual employers.

Finally, the context within which business case rationales are articulated may minimise the likelihood of their acceptance. Equality action may be cost effective but this often calls for long run assessment with account being taken of qualitative, not just financial, measures. In practice, short-term market pressures are often given priority. Further, equality action may deliver benefits at the level of the economy or society as a whole rather than at the level of the individual firm which bears the cost (see for example Bruegel and Perrons 1995). The evidence is that narrow cost-benefit analysis, especially if undertaken by line managers operating in decentralised business units with tight financial control, may block rather than enhance equality action. This is the current context for many organisations in Britain (Wainwright Trust 1997).

As this indicates, arguing for equality initiatives on the grounds that the promotion of greater employment equality makes good business sense may be problematic. Once the debate about equality is conducted in terms of what is in the company’s best interests, EO initiatives can be contested and resisted as irrelevant or marginal to the best or real interests of the organization, as defined by those currently in positions of power, or as measured in terms of short-term
contribution to the bottom line (Cockburn 1989).

Although the business case for action has been heavily promoted, the latest evidence shows that equality action by employers in Britain is not particularly widespread, even among those who have a formal equal opportunity policy (EOP). The 1998 Workplace Employee Relations Survey shows two-thirds of workplaces (64 per cent) now claim to have formal EOPs (Cully et al. 1998). As Table 1 shows, a range of initiatives consistent with being an EO employer are more likely to be found in those organizations with a formal EOP than in those without. But among those workplaces with a formal EOP the specified practices were found only in a minority of cases. Only 43% audited the gender composition of their workforce, under a quarter (23%) monitored promotions and only around one third had reviewed selection procedures to identify indirect discrimination. The most infrequent practice (undertaken by only 17 per cent) was reviewing the pay rates of different groups. Twenty-seven per cent of workplaces claiming to have a formal written EOP had none of the six equality practices specified.

Table 1: Equal Treatment Practices, by Formal Equal Opportunities Policy

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<thead>
<tr>
<th></th>
<th>Formal EOP</th>
<th>No Policy</th>
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<tbody>
<tr>
<td></td>
<td>% of Workplaces</td>
<td>% of Workplaces</td>
</tr>
<tr>
<td>Keep employee records with ethnic origin identified</td>
<td>48</td>
<td>13</td>
</tr>
<tr>
<td>Collect statistics on posts held by men and women</td>
<td>43</td>
<td>13</td>
</tr>
<tr>
<td>Monitor promotions by gender and ethnicity</td>
<td>23</td>
<td>2</td>
</tr>
<tr>
<td>Review selection procedures to identify indirect discrimination</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>Review the relative pay rates of different groups</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td>Make adjustments to accommodate disabled employees</td>
<td>42</td>
<td>16</td>
</tr>
<tr>
<td>None of these</td>
<td>27</td>
<td>67</td>
</tr>
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*Base: All workplaces with 25 or more employees. Figures are weighted and based on responses from 1,906 managers.*

*Source: Cully et al. 1998: 13.*
The potential for union action here lies in their ability to address limitations of the business case approach. My argument is that unions can help extend and sustain employers’ business case agendas, give them increased legitimacy, help achieve better matching between the needs of the business and the diverse needs of women, and maintain a link between organisational strategies and the wider labour market and social group disadvantage. Unions can add to unilateral employer action by stimulating action, promoting a different agenda, generalising and underpinning employer action through collective bargaining and providing collective voice.

Working within the business case logic, unions may affect employers’ cost/benefit analysis and stimulate action by increasing the cost of inaction. Since the process of interest definition is a political and not simply economic one, unions also can help redefine what is in the business interest, broadening it beyond the narrowly financial. Unions can also import a different logic from that of the predominantly economic business case, enabling a reassertion of social justice arguments. Although often counterposed, social justice and business considerations can co-exist in managerial thinking and may operate together to drive equality action (Liff and Dickens 2000).

Unions can play a role in generalising employer measures through collective bargaining to meet workers’ needs. A number of business-needs driven initiatives such as those taken by members of Opportunity 2000 (Hammond 1997; Business in the Community 1998) show a greater concern for the problem of the “glass ceiling” (for example increasing the proportion of women in management positions) than for that of the “sticky floor.” Research indicates that employers’ equality agendas are not usually about low pay or unequal pay, part-time workers’ rights, the sexual division of labour or revaluing of work at the bottom of the hierarchy (e.g. Coyle 1995, Cockburn 1989). In this way, employer equality action can result in increased inequalities between women. Access to employer-initiated family-friendly benefits, for example, is often restricted by being targeted at high flyers rather than made universally available (e.g. Holtermann and Clarke 1992). Although understandable, such targeting “will barely help loosen the gender order” (Bruegel and Perrons 1995, 62). Unions can help universalise such benefits. Similarly, the risk of “fair weather” equality can be reduced by underpinning employer initiatives through collective agreements. Where, however, as in Britain, collective agreements are not legally binding, such underpinning may prove fragile (Colling and Dickens 1998).

There is potential for unions to extend beyond employer determined equality agendas and to inject an equality dimension into employers’ other agendas. Managerial rationales for action to improve staff development, flexibility or quality for example can develop an equality dimension (Dickens 1998, 27—9). Joint regulation is one mechanism through which employer agendas can be “captured” for equality, as in the example of negotiations on flexibility in British Gas (Colling and Dickens 1998).
Enabling women and other groups (and also different groups within the broad category “women”) to participate in shaping and articulating their own interests through active participatory structures, trade union organisation and collective bargaining can help develop longer, more transformative equality agendas than those developed by employers guessing what women need. The collective, social group aspect of voice through trade unions is important also in a context where the shift from “equal opportunities” to “diversity management” by some employers appears to herald a move away from redressing historical group-based disadvantage towards a focus on all individuals as individuals (Liff 1997; Bacchi 2000). This threatens to sever the link between organizational strategies and the realities of internal and external labour market disadvantage (Miller 1996, 207).

One important question which arises in considering the ways in which union action could enhance and supplement employer action is whether employers will engage with unions in equality bargaining. The latest survey data (Cully et al. 1999; Millward et al. 2000) detail the reduction of collective bargaining and union membership in Britain. By 1998 only 42 per cent of workplaces recognised trade unions for bargaining over pay and union density had fallen to 36 per cent (from 65 per cent in 1980). These figures indicate the position in 1998, at the end of a long period of neo-liberal Conservative government that sought to weaken trade union power and individualise employment relations. New individual and collective rights now being enacted by the New Labour government give some (limited) scope for optimism that this picture may improve (Colling and Dickens 2000). A statutory procedure whereby a union enjoying sufficient support can seek an award of recognition for collective bargaining against a recalcitrant employer came into effect in June 2000. Although one needs to be cautious about what such a procedure may deliver, there are signs of some changing managerial attitudes towards union recognition and a marked increase in voluntary recognition agreements.

The WERS 98 survey (Cully et al. 1999, 104) suggests some preparedness on the part of employers to engage with worker representatives on equality issues. The survey found the scope of joint regulation at the workplace was quite modest but union representatives in almost half the workplaces covered by the survey reported that employers negotiated or (more usually) consulted with them on equal opportunities. This was a higher proportion than reported negotiation or consultation on a range of other specified areas (such as systems of payment and training).

Where unions are present in the workplace there are arguably various advantages for employers in seeking to handle equality issues on a joint basis. These advantages relate to the enhanced legitimacy of measures taken as a result of joint rather than unilateral processes, lessening resistance to them, and the likelihood that jointly developed measures will better match employees’ actual needs and desired solutions compared with employers’ own assumptions about what women need. These advantages arise from the “voice” function of
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In arguing that union action through collective bargaining can usefully complement legal regulation I do not want to underestimate the importance of the law (both statute law and decisions of the European Court of Justice) in promoting equality in the UK, and indeed elsewhere. In a number of European countries it is the law, rather than any voluntary action, which is seen to have been the main driver for equality. In many cases legal regulation has been a necessary (if not always sufficient) condition for the social partners to even consider addressing equality issues. Sometimes national legislation requires action by the social partners; elsewhere it may stimulate action. Where equality issues are pursued in collective bargaining the agenda setting role of both national and European equality law is often evident. This can be seen, for example, in the emergence of sexual harassment and parental leave on the bargaining agendas in a number of countries, including the UK, following European initiatives in those areas (Dickens 1998, 20—24). Voluntary equality initiatives also tend to reflect legislative priorities (Cully et al. 1998). Nonetheless, the legal regulation approach has limitations, particularly as it has developed in Britain.

The overall legal framework for equality in Britain (with anti-discrimination statutes relating to sex, race and disability) is seen as relatively good in comparative European context, but it operates primarily on an individualised, private law model. The emphasis is on action by “victims” rather than action by power-wielders, an approach less likely to lead to equality action. The state does not seek to use its economic power (e.g. via contract compliance requirements in public contracts) to promote gender equality, and prevents enlightened employers from so doing.

The UK legislation focuses on not discriminating, rather than promoting equality. The Australian affirmative action legislation, although open to criticism (e.g. Strachan and Burgess 2000) places more duties on employers than is the case in the UK. There is, for example, no legal requirement for employers in Britain to adopt an equal opportunities policy or to develop and report on equality plans. There is no requirement to monitor the sex composition of the workforce, or audit pay structures for discrimination. British sex equality law does not require positive action to aid women.

The “privatised” business case approach to equality promotion, discussed above, developed during a period in Britain when neo-liberal Conservative governments were not prepared to intervene to support equality,
and indeed took a range of de-regulatory steps which led to a deterioration in women’s labour market position. The New Labour Government, elected in 1997, however, has been prepared to countenance some limited re-regulation. For the first time in the UK, there is now a National Minimum Wage. It has been shown (e.g. Rubery 1992) that general regulatory measures can be more important than specific equal pay legislation in helping close gender pay gaps, so this is an important measure. The level of the NMW is not high (introduced at £3.60, for adult workers, in April 1999) but it will benefit some 2 million low paid workers, two thirds of them women. New Labour – unlike its Conservative predecessors – has also been prepared to be part of European Union social policy developments. This has led to the implementation in the UK of European Directives which provide for improved rights for part-time workers, who are overwhelmingly women, and the introduction of statutory (unpaid) parental and family leave. The government does not appear minded to reform the sex-discrimination and equal pay legislation, despite a lengthy catalogue of inadequacies, but these other developments do strengthen the legal framework for equality.

In terms of the direct use made of the law, although organizations may be vulnerable to legal challenge, in practice the risk appears small. Investigations by the equality commissions are rare, especially since judicial interpretation of their statutory powers restricted their scope for action. Individual applications to employment tribunals (the common enforcement route) are increasing, but they still remain relatively scarce and meet with limited success. In 1998-9 just over four thousand sex discrimination cases and 1530 equal pay cases were disposed of by the tribunals. The comparable figure for unfair dismissal claims was almost 33,000. Just over twenty per cent of sex discrimination claims were actually determined, 30 per cent of these (270) were successful and compensation was awarded in 174 cases (Labour Market Trends 1999, 493—7). Three hundred and sixty three equal pay claims were heard by tribunals; of which only 7 (2 per cent) were successful, a considerably lower proportion than in previous years. There is no provision for class action and the tribunal remedies are geared to compensating individuals, not changing employer behaviour.

The added value of unions in relation to the legal framework involves the positive mediation of law; the potential to build upon legal minima via collective agreements, and the possibility of using the law as a lever in collective bargaining.

Trade unions can be a mechanism for translating formal rights enacted in statute into real rights and substantive outcomes. This is particularly important in Britain where there is no general labour inspectorate to monitor and enforce statutory protections. Unions provide information, representation, and support (both at the workplace and when individuals seek to enforce their rights via employment tribunals), and can monitor employer legal compliance. The importance of unions in giving meaning to legal rights is indicated by the
fact that claims for equal pay for work of equal value rarely originate from non-union workplaces (Millward 1995). This is not because such pay inequality is manifested only in unionised workplaces. In fact women enjoy better terms and conditions in unionised employment (Colling and Dickens 1998:393—4). Rather, it reflects the horrendous complexity of the UK equal pay legislation and the nature of the tribunal system (an adversarial system in which no legal aid is available). These factors make it unlikely that those without support will be able to understand and effectively pursue their legal rights.

The individual legal rights give unions a floor on which to build through collective bargaining, often addressing weaknesses in the legislative provision. For example unions have negotiated improvements on the statutory maternity rights and can be expected to bargain for the new parental and family leave to be paid. Unions have been able to use the individualised legislative provision to build collective challenges to discrimination, for example as embodied in pay structures, bringing about more fundamental change than is likely to result from individual cases succeeding in tribunal. Although hesitant at first, some unions have used the equal pay legislation (which accords them no formal role) to get employers to negotiate over pay and grading structures. This has been seen, for example, in the health service, in local government, and electricity supply (e.g. Gilbert and Secker 1995; Donaghy 1995). The lodging of multiple individual claims (or the threat of this) has been used as a lever to get employers to the bargaining table and to exert influence on them once there. Unions also have used the law (notably interpretations of European law by the European Court of Justice) to highlight issues relating to part-time workers, particularly their exclusion from pension schemes (Heery 1998) and to challenge discriminatory outcomes of public sector compulsory contracting (McColgan 1995).

ARE UNIONS CAPABLE OF FULFILLING THEIR POTENTIAL ROLE?

The argument so far is that union action can play an important role in promoting gender equality as an adjunct to employer voluntary action and legal regulation. The approaches are seen as complementary and re-enforcing rather than alternatives (see also Dickens 1999). The question now to be addressed concerns the likelihood of the unions seeking to promote equality through collective bargaining. This requires a consideration of union capability. This has various aspects, not all of which can be discussed here. I shall focus on internal equality within trade unions, by which I mean the proper representation of women and women’s interests within trade unions. This is important not only for reasons of democratic principle, but also because internal equality in trade unions affects the capacity and willingness of unions to promote equality through collective bargaining.

Historically unions have helped shape the contours of inequality, excluding women from collective organisation and bargaining (e.g. Boston
Women have fallen outside unions’ historic scope and have been neglected because they make up most of the so-called “atypical” workers (with “typical” being defined around the male norm of full time regular employment). Often, women work in sectors where unions have not prioritised recruitment efforts and in occupations marginalized or overlooked in collective agreements. This biased coverage has fed through into the priorities of collective bargaining which, intentionally or otherwise, reflect the dominant concerns of the hegemonic groups (Hyman 1994). The male, native born, full time worker has been taken as the “universal worker” or union member. Collective bargaining is a gendered process and collective agreements may embody, reflect, and perpetuate discriminatory practices. Thus, unions and collective bargaining can be part of the “equality problem.”

There are signs, however, that unions now are attempting to be part of the solution. There is no doubting the change in British unions, and in the peak body the Trade Union Congress (TUC), in terms of their attitudes towards women and equality issues since the 1970s (Colgan and Ledwith 1996; Colling and Dickens 2000). As Walby (1997, 40) has noted, by the 1970s most unions had switched from endorsing unequal treatment to being in favour of equal opportunities. During the 1980s and 1990s many unions created internal equality structures for women and introduced new organisational forms to facilitate women’s participation and the articulation of women members’ views.

A key driver of positive developments has been the decline in the male heartlands of trade unionism as employment shifted to new areas characterised by female, often part-time, employment. In Britain, as elsewhere, there has been growing recognition within the union movement that the future viability and strength of unions requires them to recruit and to pay attention to previously marginalized groups such as women (Waddington et al. 1997; Heery 1998). The legitimacy of unions rests on their status as representative organisations and their strength on their ability to mobilise their members. This gives an added impetus to them to reflect the changing labour market in their membership composition and in their policies.

Changes in employment structure, notably the decline in manufacturing industry and mining during the 1980s and 1990s, brought about changes in the balance of power and authority across the union movement (Waddington and Whitston 1995) and influence within the trade union movement shifted towards predominantly public sector unions with large female memberships. Within (some) unions also the balance of forces changed in ways favourable to women being heard and their interests attended to. As Colling and Dickens (2000) note, women’s voices within unions organising across industries were amplified by the relative decline of previously powerful male dominated groups and other unions were obliged to acknowledge this through competitive recruitment pressures. These developments were reflected in changes in unions bargaining agendas and campaigns (Colling and Dickens 1989; Snape 1994), indicating...
that there is a link between internal equality within the trade unions and the prospects of unions acting to promote external (workplace) equality. Recently conducted Europe-wide research (Dickens 1998) has added to other evidence that women’s presence in collective bargaining is important in terms of equality promotion (e.g. Heery and Kelly 1988; Colling and Dickens 1989; Kirton and Healy 1999; Cockburn 1996; Colgan and Ledwith 1996; Martikainen 1997). Men can, and do, bargain for equality. Indeed, where men are representatives of mixed sex constituencies, they should do so. Unions can take various steps to increase the likelihood that their male negotiators will bargain for equality, including harnessing the normal mechanisms of review and reward to support this (Dickens 1998, 36—8). The research just cited, however, indicates that the presence of women among negotiators is positive in terms of the issues and priorities of collective bargaining.

When empowered to do so, women develop longer and different equality agendas than emerge from male dominated structures and place a higher priority on equality issues than their male counterparts. Women are able also to contribute expertise and particular experience of women’s concerns and working conditions to inform negotiations and lead to more effective collective agreements. It is not surprising that negotiators may have a greater awareness of (and empathy with) the experience of their own sex. In her study of bargaining over a wage supplement in Finland, for example, Martikainen (1998, 29) noted that not a single male negotiator talked about the unfairness of the gender wage differential. On the other hand the opposition of men to increasing women’s wages was repeatedly anticipated.

There is a distinction, however, between women “being there” and “making a difference” (McBride 1997; Cunnison and Stageman 1993). There are various pressures which may lead women to act with the grain, rather than seek to challenge it, and there are various reasons why women within unions have to compromise (Pocock 1997, 19; Kirton 1999; Colling and Dickens 1989). Thus the connection between having more women in negotiating positions and changing bargaining agendas and priorities in ways positive for equality promotion may not be linear nor unproblematic. But where women are absent the breadth, depth and durability of any equality agenda is likely to be affected adversely, not least because greater internal equality in trade unions is likely to develop a richer understanding of equality within collective bargaining and, consequently, more transformative equality agendas.

Recent analysis of over two hundred innovative collective agreements reached throughout the European Union (Bercusson and Weiler 1999) reveals some agreements designed to challenge organisational cultures and work organisation; to break down gender segregation and encourage a more equal distribution of paid and unpaid work. More generally, however, it appears that current equality agendas are often restricted, with the predominant focus on women’s reproductive role, or, more broadly, work-family reconciliation (Kravaritou 1997). They are also often implicitly based on a “female deficit”
model, whereby the problem is seen as being a problem with (or of) women rather than a problem of the gendered (but taken as neutral) organisational and occupational structures, practices, value systems etc. which fail to accommodate women. Thus, provisions to overcome “women’s disadvantage” within existing structures (for example skills training for women) are more likely to get on (or stay on) the bargaining agenda than are measures to tackle gendered structures and gender wage discrimination.

Narrow equality agendas risk compartmentalising equality within bargaining. Looking at union equality agendas and initiatives both in the UK and elsewhere in Europe, it appears that in many instances promoting equality in collective bargaining is perceived primarily as concerning particular issues, rather than calling for a gender dimension to infuse all bargaining issues. Particular equality issues (sexual harassment; training for women) may be pursued in collective bargaining while bargaining over other, “mainstream” issues remains gender-blind, with the risk of perpetuating existing inequalities (Dickens 1998, 41). A similar limitation to progress is a tendency to think of equality in terms of “women’s measures” rather than equality measures which concern men also. In fact, women’s measures, while often facilitating women’s participation in the workforce, can be double edged for equality, for example perpetuating the idea of women as sole carers, or serving to ghettoise women into low graded “flexible” jobs detached from internal labour market structures.

Discrimination in collective agreements is often invisible, indirect discrimination, revealed only when the agreement is considered in the context of sex segregation at the workplace where it fails to be implemented. Yet currently there is little evidence of equality proofing of collective agreements or consideration of how the outcomes of collective agreements might be monitored (Dickens 1998). We are still a long way off the kind of mainstreaming apparently called for by the then General Secretary of the TUC in 1989. He declared: “every policy, every service, every demand of the trade union movement has to be examined in the light of the needs of women” (cited in Rees 1992, 87).

Increasing internal equality and the embracing of an equality agenda will enlarge existing definitions of the scope and priorities of collective bargaining and foster a wider notion of what might constitute legitimate members’ interests or union concerns. This is in contrast to women’s interests being viewed through the lens of the male “universal” union member, which renders them sectional or marginal (e.g. Cunnison and Stageman 1993; Colling and Dickens 1989). Adopting equality bargaining can be expected also to extend the terrain of union action, with the focus extending beyond the workplace, breaking with the narrow economistic conception of trade unions, making links between the domestic sphere and paid employment; between working life and community action.

Regular surveys of TUC-affiliated trade unions undertaken by the South East Region of the TUC provide us with a series of snapshots of internal
Promoting Gender Equality

equality in British trade unions. These show progress, but it is uneven across unions and at times there is also some backsliding. That progress is slow can be seen reflected in the titles of the SERTUC reports: *Moving Towards Equality* (1987); *Still Moving Towards Equality* (1989); *A Step Closer to Equality* (1992); *Struggling for Equality* (1994); *Inching (extremely slowly) towards Equality* (1997).

Many British unions have taken steps to increase women’s participation, have developed equality structures and created equality positions. Equality structures of various kinds are now fairly widespread in British trade unions (Colgan and Ledwith 1996). Only five unions among the 27 in the SERTUC 2000 survey have no equality structures at all; the larger unions have formal women’s committees and more informal women-only structures exist also. That there is provision within many unions for women’s separate organising indicates a move away from assuming universal common interests to a politics of difference. Women-only structures create space for women to determine and articulate their own interests, although there may be a problem of linkage between such structures and “mainstream” union bodies, for example how the women’s conference links to the union’s general conference and decision making bodies (see also Briskin 1993).

McBride’s work (2000) demonstrates that representation *by* women is not necessarily the same as representation *of* women and that guaranteeing a role for individual women in policy formulation is not the same as guaranteeing a role for women as a group. The need for more women in representative positions has been more readily acknowledged than the need for strategies to ensure women as a group are guaranteed a role in policy formulation. Even so, there is still far to go in terms of representation by women and positional power. A few unions have committed themselves to achieving proportionality (establishing mechanisms to ensure that women’s representation within internal structures is proportionate to their presence in the wider membership). A notable example is the largest union in Britain, UNISON. This public sector union with 72 per cent women among its 1.3 million members is generally seen as in the vanguard of attempts to increase internal equality in British unions (Mann et al. 1997; McBride 1997). A recent conference of the large general union TGWU (a fifth of whose 875,000 members are women) decided the union should achieve proportional representation for women by 2004 (SERTUC 2000, 8). The union recently instituted reserved seats for women on its executive and is one of 7 respondent unions in the SERTUC 2000 survey who have this or some other mechanism for guaranteed representation.

Given the argument made earlier about the importance of women’s presence in collective bargaining, it is unfortunate to note that unions appear to be doing even less well in terms of the proportion of women among officers than they are in terms of the proportion of women on national executive committees and (in some unions at least) as delegates at conferences. Only a third of the 27 unions in the SERTUC 2000 survey came close to proportional
parity between officers and members. Even this may overstate women’s presence among negotiators since officer roles held by women may be in specialist positions (e.g. legal, education or equal rights positions). Colling has reported, for example, that only 7 of the 22 women TGWU officers in 1995 had a direct role in negotiations (Colling and Dickens 2000).

Table 2 Proportion of women in five of the largest trade unions, 1990 and 1998

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<th>UNISON</th>
<th>TGWU</th>
<th>GMB</th>
<th>MSF</th>
<th>USDAW</th>
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<td>90*</td>
<td>98</td>
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<td>% Women in membership</td>
<td>68</td>
<td>78</td>
<td>17</td>
<td>20</td>
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<td>% Women on NEC</td>
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<td>65</td>
<td>8</td>
<td>13</td>
<td>29</td>
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<tr>
<td>% Disproportion</td>
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<td>-13</td>
<td>-11</td>
<td>-7</td>
<td>-2</td>
</tr>
</tbody>
</table>

Unison’s 1990 figure arrived at by combining NUPE, COHSE and NALGO, the unions which formed UNISON.


Table 3 Women by proportion of membership and proportion of national and regional officers in five key unions, 1990 and 1998

<table>
<thead>
<tr>
<th></th>
<th>UNISON</th>
<th>TGWU</th>
<th>GMB</th>
<th>MSF</th>
<th>USDAW</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>90*</td>
<td>98</td>
<td>90</td>
<td>98</td>
<td>90</td>
</tr>
<tr>
<td>% Women in membership</td>
<td>68</td>
<td>78</td>
<td>17</td>
<td>20</td>
<td>31</td>
</tr>
<tr>
<td>% Women national fls</td>
<td>41</td>
<td>38</td>
<td>3</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>% Women regional fls</td>
<td>16</td>
<td>24</td>
<td>24**</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>% Disprop. Regional fls</td>
<td>-52</td>
<td>-54</td>
<td>+7</td>
<td>-12</td>
<td>-27</td>
</tr>
</tbody>
</table>

* UNISON’s 1990 figures arrived at by averaging those for COHSE, NALGO and NUPE.
** 1991 figure.


Tables 2 and 3 show women’s position in respect of the five largest British trade unions. In each case the proportion of women in membership has increased or, in the case of USDAW, remained stable. There is still under-
representation of women on the National Executive Committees of three of the five unions (the other two showing a slight over-representation of women), but, more remarkably, none of the largest unions has proportional representation of women among its national or regional full time officers. The tables also indicate change since 1990. Whereas women have been increasing their share of seats on national executive committees, women’s representation among union staff was either stable or actually in decline.

The inhospitable context for unions, which, as I noted earlier, has prompted their increased interest in recruiting women, has had problematic consequences for internal equality. Union merger, rationalisation and cost reduction have had an adverse impact on women’s share of office holding and there has been a decline in the number of full-time women’s officers (SERTUC 2000, 6; Colgan and Ledwith 1996; Colling and Dickens 2000). Although there are six women General Secretaries, they are at the head of relatively small unions with a combined membership of 35,000. In 1994 there were 4 women General Secretaries whose unions had a combined membership of 70,000 (SERTUC 2000, 4).

CONCLUSION

Gains in terms of workplace equality have been achieved through the voluntary action of employers motivated by perceived business need or advantage, and through equality legislation. In this article, however, I discussed various limitations with both these approaches to tackling inequality and argued that trade union action potentially could help address these. I indicated how unions could help extend, enrich and sustain employers’ equality agendas and act as positive mediators of legal rights, building upon legal minima through collective bargaining and helping translate formal rights into substantive outcomes. In considering whether unions are likely to fulfil this potential I explored the extent of internal equality within trade unions. This, I argued, affects their understanding of equality and equality agendas, and their capacity and willingness to promote equality through collective bargaining. There is progress in terms of internal equality but it is slow, uneven and not always linear.

In the debate about the future of unions, the need to attract and retain groups such as women is generally noted as necessary, but the transformation which this calls for on the part of unions in terms of existing power structures, union culture, agendas and priorities is less often recognised. Without the transformation, however, the extent to which revitalisation based on attracting and retaining women can occur is doubtful (see also Kirton and Healy 1999; Pocock 1997). The promotion of internal equality is important in sustaining (through transformation) the current union interest in equality which could be seen, at least in part, as a defensive, ad hoc reaction to declining market share and influence. Such a union business case for equality would be subject to
similar problems as those indicated with the employer business case approaches.

Going beyond “letting women in” (Briskin and McDermott 1993), however, inevitably poses considerable challenges to the present form and practices of trade unionism and to current (male) power holders (Dickens 1998). As the discussion has shown, there are signs that some unions in Britain are rising to the challenge but the picture is patchy and progress often tenuous. Thus, there is a potential role for trade union action to supplement and enhance voluntary employer action and legal regulation for equality but whether unions will realise this potential remains an open question.

NOTES

1 Abbreviations: CBI Confederation of British Industry; CRE Commission for Racial Equality; DfEE Department of Education and Employment; DTI Department of Trade and Industry; EOC Equal Opportunity Commission; EOP Equal Opportunities Policy; SERTUC South East Region Trade Union Congress; TGWU Transport & General Workers’ Union.

2 This article brings together and develops various themes which I have addressed in different research and publications, as cited in the text. This includes work undertaken jointly with Trevor Colling of de Montfort University, UK (e.g. Colling and Dickens 1998, 2000).

3 Some arguments in this section concerning the business case for equality are presented more fully in Dickens 1994 and 2000.

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