Black Members Live!

Race Equality Going Forward

Interim report of the work of UNISON's National Black Members' Committee 2020



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Chairs' Introduction

Firstly, we would like to pay tribute to all key workers (many of whom are Black workers), and their sacrifice to keep the UK going throughout this pandemic. We would also like to extend our sincere and heart-felt condolences to the families of our brothers and sisters who have lost their lives due to COVID-19, in the UK and across the World. May their souls rest in peace, and their families find solace and strength at this difficult time.

Kebba Manneh (Chair) is a frontline worker for the NHS in Wales, as well as a workplace representative. Rakiya Suleiman (Deputy Chair) works with NHS Lothian in Scotland. We were elected in March 2020, just prior to the first national lockdown. We strongly believe our union is a member-lead union and that is central in all the work we do

We would like to welcome you all to **Black Members Live! Race Equality Going Forward.** As you may be aware, our National Black Members'
Conference would have taken place at this time of year. In place of the physical meeting, we have set up these virtual sessions so we can still share best practice, answer questions and hear from guest speakers. We are delighted that over 1,260 members have registered.

Over the course of the year, the Chairs and UNISON Officers have held regular meetings to respond to emerging clinical evidence, which indicated that Black workers were four times more likely to die from COVID-19 than White workers. We demanded investigations into this from the UK and devolved Governments via press releases, and we raised our collective concerns with the health sector.

We established a comprehensive risk assessment to protect Black workers and this was presented at the May webinar – **Black Workers and Covid-19 – Addressing the Risk.** This risk assessment is widely available on UNISON's website and via the regions.

In Scotland, Rakiya surveyed Scottish Black workers and shared the findings with Scottish government to encourage the development of a national risk assessment toolkit.

In June, the UNISON General Secretary and Chairs called for action on the systemic institutional and structural racism as exposed by the bright spotlight of COVID-19. We asked the UK Government to:

- 1. implement the recommendations from the Windrush Lessons Learned review by Wendy Williams from March 2020.
- 2. Implement the Lammy Review of the Criminal Justice system from 2017

- Bring into force in England section 1 of the Equality Act 2010, the Public Sector Socio-Economic duty which is already enacted in Scotland and Wales.
- 4. Act on Theresa May's comprehensive Race Disparity Audit which was published in 2017.

In July, we worked with Public Services International (PSI) and fellow trade unionists across the world to condemn the horrific murder of George Floyd at the hands of the Police in the United States of America.

Throughout the summer, your National Black Members' Committee Chairs have worked on the **Racism a Public Health Issue** webinar, taken part in the UN Remembrance of the Abolition of Slavery (and will be hoping to create an annual event for Black members) and have been interviewed locally and Nationally.

We have strongly argued for UNISON to seek a Judicial Review of employers who may have failed to provide safe working environments for their workers - especially Black workers. UNISON conducted a survey across the UK and the preliminary findings were included as evidence to the "Women and Equalities Committee BAME" inquiry. We will continue to explore this option as well as other's moving forward.

In October Black History Month was celebrated across the UK, and the National Black Members' Committee hosted its annual event online with a variety of contributions from speakers. Rakiya also participated in other regional activities during Black History Month and Kebba gave the Let's Make Future Black
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The COVID-19 pandemic has left many migrant workers in precarious situations when renewing visas and processing Indefinite Leave to Remain (ILR) applications. These workers have been on the frontline tackling COVID-19, whether as health and social care workers, school staff, social workers supporting vulnerable children and adults, cleaners, key workers in transportation, environmental services, delivery services and more. Many of these workers are from Black communities at heightened risk of dying from COVID-19. They are being asked to bear an enormous level of stress and anxiety – Home Office processes should not be an additional anxiety or worry.

We strongly support giving one-year visa extensions to all workers in health and social care whose visas elapse before January 2021. We support Amendment NC17 which includes all NHS and social care workers currently left out of the

government's visa extension scheme. Many migrant workers on the COVID-19 frontline are also subject to 'No Recourse to Public Funds' (NRPF) which has led to additional financial worries and stress. In addition, NRPF leads to children living in poverty, cuts off those suffering domestic violence from vital support and leads to migrant workers feeling forced to work - even if they show symptoms of COVID-19. We are calling for the suspension of NRPF.

On reflection, we started and ended 2020 in national lockdown, we began 2021 with a lockdown, but there is hope that a vaccination will be available to us all.

In the meantime, stay safe. Let's take care of ourselves, our families and our communities.

We both look forward to engaging with you all at **Black Members Live!**

Thank you for all your support.

Kebba Manneh Chair, National Black Members' Committee

Rakiya Suleiman Deputy Chair, National Black Members' Committee

Black Members Live! webinar 2021

Although government guidance has meant that our annual National Black Members' conference 2021 had to be cancelled, challenging Racism in the Workplace continues to be at the forefront of our work. The challenge during the pandemic has never been more critical to address.

We will continue to fight racism and discrimination, to promote equalities and human rights and to resist attempts by the government to further strip away the rights of migrant workers. We will campaign against the 'hostile environment' and campaign for a rights-based approach that priorities decent pay and treatment for all.

UNISON will have a renewed focus on collective bargaining and trade union activity to challenge racism and xenophobia in the workplace and beyond.

Black Members Live 2021 has been organised as a virtual replacement to ensure members could access the work undertaken by UNISON and the National Black Members' Committee (NBMC) in 2020, and to get more involved in our work moving forward in 2021 and beyond.

Black workers and COVID-19

Death rates from COVID-19 are highest among Black people – they are up to four times as likely to die as white people. The risk is even higher for Black disabled people, Black women who are pregnant and Black and migrant workers who are over-represented working on the frontline. They are particularly concentrated in the most vulnerable and fragmented workforces, including social care.

UNISON knows all too well that our society is not equal. At the start of this pandemic, some would have us believe COVID-19 was a great equaliser. Although anyone can indeed be infected, the impact on life is anything but equal and this became increasingly stark as the weeks continued to unfold.

You can find our COVID-19 and Black members leaflet here.

Communicating with members

UNISON has used its dedicated COVID-19 webpages as the primary means of communication with members about COVID-19 and work. As the advice is continually updated, this ensures consistency of messaging. This is supplemented with newsletters and briefings for activists and members.

There is advice on rights at work during the pandemic on UNISON's British Sign Language (BSL) microsite.

We have also used the equality groups' social media accounts to keep in touch with members and hear their concerns.

Our members have raised issues such as risk assessments, unnecessary deaths of Black workers, job segregation, institutional racism, race disparity and pay. We have addressed these concerns with guidance, webinars and in newsletters.

Equality for Black workers

The effect of decades of institutional racism in employment has been devastatingly clear during the pandemic. Research shows that Black workers experience discrimination at every stage of the employment process, from recruitment to redundancy. Black workers are over-represented in low-paid, frontline jobs as well as over-represented in less secure work. Systemic racism makes it harder for them to claim their rights or to raise concerns with their manager.

Last summer, the Black Lives Matter movement shone a spotlight on the urgency for change.

UNISON has highlighted our long-term demands for government action on the recommendations of review after review into racism. Advice for Black members and branches negotiating on race equality has been given new prominence and priority. The National Black Members' Committee have been working closely with the equality unit, bargaining support, health and safety and legal services during the pandemic and how best to take this work forward.

Supporting our reps

Our local reps have had a significant job on their hands to negotiate safe workplaces with employers and to reduce the risk to Black workers. UNISON produced several training webinars for activists focusing on risk assessments and making workplaces COVID-19 secure. We ensured there was a strong focus on the needs of Black members and workers.

We also produced several bargaining guides for reps' with advice on how to negotiate risk assessments for Black workers and reasonable adjustments for Black disabled workers. Find them here:

https://www.unison.org.uk/get-involved/in-your-workplace/key-documents-tools-activists/bargaining-guides/

We have raised concerns about employers not understanding that a risk assessment is insufficient on its own. Although they may have a "COVID-safe" workplace, they may need to take additional steps when it comes to Black workers, particularly Black frontline workers and disabled and vulnerable workers. We have ensured this approach is central to all our bargaining advice.

Black members survey:

Over 10,000 members responded to our Black member's survey, despite only running for just two weeks. The survey found:

- More than half of members (60%) were not given a COVID-19 risk assessment, even after the height of the pandemic.
- Over a third, (35%) of those who had risk assessments felt they did not identify the specific threats that Black workers face (despite evidence from Public Health England that Black people are more likely to be hospitalised or die from COVID-19).
- Nearly four out of five workers (79%) reported that they had not had a conversation with their managers about the workplace COVID risk, leaving staff anxious and scared.

Chillingly, <u>previous findings</u> about the disjoint between Black workers and their managers have been reinforced in our survey of Black members across public services, carried out during the height of the pandemic this summer.

When it was clear that Black workers faced a disproportionate risk of severe illness and death from COVID-19, few employers implemented individual risk assessments. Many UNISON Black members had serious concerns about whether their employer was following government safety guidelines.

A worrying 34% did not know or were not sure how to raise concerns about the risk faced by themselves, their colleagues or service users. 22% said they would be uncomfortable or very uncomfortable raising safety issues at work.

UNISON has highlighted our long-term demands for government action on the recommendations of review after review into racism, most recently in evidence submitted to the Commission on racial and ethnic disparities.

Meanwhile, we have worked to ensure UNISON Black members know their rights and are supported in claiming them. Advice for Black members and branches negotiating on race equality has been given new prominence and priority on our website's COVID-19 pages. UNISON's Equality Unit, Bargaining Support, Health and Safety, and Legal Services are working closely with regions and branches to take this work forward.

Black History Month

We took Black History Month as another opportunity to highlight our work on tackling racism while emphasising that Black history and race equality are for every month. Throughout October, the UNISON website and all-member and activist communications featured blogs, interviews and case studies of our <u>race for equality campaign</u>.

We also continue our well attended Black members webinar series.

Ethnic Disparities and inequalities in the workplace

UNISON gave evidence on Question 2 – improving opportunities in the public sector workforce. The context of race discrimination in the labour market and the Workplace

As highlighted in this report, a significant proportion of UNISON members have been working on the frontline delivering public services throughout the pandemic. COVID-19 has had a devastating impact on Black workers and Black communities. UNISON believes this has its roots in long-term structural Racism, which we have been working to address.

The vulnerability of Black workers during the pandemic is linked to the toxic combination of job segregation, leading to over-representation in lower-paid and insecure jobs, and the experience of racial discrimination in the workplace. In addition to race and ethnicity, other intersecting forms of discrimination, relating to gender, gender identity, disability, sexual orientation, age, class, nationality, migration status and faith, compound one another.

The TUC report 'Dying on the job' (June 2020) states

"BME workers experience systemic inequalities across the labour market that mean they are overrepresented in lower paid, insecure jobs. These inequalities are compounded by the discrimination BME people face within workplaces. Our research carried out just before the outbreak of Covid-19 revealed that BME people's experiences at work are blighted by discrimination: almost half of BME workers (45 per cent) have been given harder or more difficult tasks to do, over one third (36 per cent) had heard racist comments or jokes at work, around a quarter (24 per cent) had been singled out for redundancy and one in seven (15 per cent) of those that had been harassed said they left their job because of the racist treatment they received. Yet very few had felt able to raise these issues."

The TUC's findings echo UNISON surveys of our members. In 2018, we surveyed Black members working in local government. The report has not been published on-line but is available from UNISON. The survey asked Black members about their workplace experiences in relation to pay, promotion,

training, unfair treatment, bullying and harassment, use of racist language, and unconscious bias. Nearly 70% of respondents were women, reflecting UNISON membership. A significant proportion worked part-time and were concentrated at the lower end of the pay scale.

- Most (59%) said that because of their skin colour, race or ethnic background, they have felt a sense of isolation or felt uncomfortable at work. Of these, two thirds (62%) had experienced this on five or more occasions over the last five years.
- Half (49%) reported that this was in relation to being overlooked for promotion. Other common experiences were unfair treatment in opportunities for training or work, and unfair treatment over work performance.
- 43% of Black members had experienced some form of bullying at work, often on repeated occasions. Of those who have experienced bullying, half (51%) said that they have been bullied by their manager, 39% said by a colleague, 13% said a service user and a quarter (25%) said it was more than one of these.
- 15% had been racially harassed by a colleague at work, and a quarter (27%) by a member of the public or a service-user, in the course of their work. 40% had heard a work colleague use racist language in the Workplace. 51% had heard a member of the public or a service-user use racist language, while they were at work.

The majority of those who reported such unfair or discriminatory treatment to their manager felt dissatisfied or very dissatisfied.

This is perhaps unsurprising, given the <u>findings</u> of a 2019 survey of line managers conducted by Nursing Times, supported by UNISON. Only 27% said they have adequate training and 23% enough time and skills to deal with workplace racism. Only 45% who had dealt with an issue felt confident. They identified the top barriers as:

- Lack of senior back-up
- Difficulties challenging racist patient behaviour
- Fear of getting it wrong

Only 34% said they knew what positive steps they could take to improve opportunities for Black staff.

Another signifier of race discrimination is the ethnic pay gap, which links to job segregation and lack of career progression. Although the gap is narrowing overall, the pay gap for Black men is still worrying, and there are significant

differences between different ethnic minorities. For example, the ethnicity pay gap is most extensive in London at 23.8 per cent (ONS).

What can be done to address workplace race discrimination?

Healthcare Improvements to internal processes and procedures

- End to end audit and reform of recruitment and selection processes including removing identifiers from application forms ahead of shortlisting, skills-based assessments, and diversity of panels, recognition and accreditation of diverse experience and of overseas qualifications. The NHS JE scheme is based on knowledge needed to fulfil roles, not on qualifications in their own right. But this is often poorly understood by employers, and many advertise roles with reference to specific qualifications
- The disproportionate use of formal disciplinary and capability processes with Black staff affects morale but also impacts on retention and the ability to progress. Organisations need to eradicate these disparities through clear action plans. This should include training for line managers, implementing the <u>Just and learning culture</u>, introducing triaging and the challenge of disciplinary referrals, ensuring diversity of staff who undertake investigations and on panels
- Remove requests for photographs in recruitment selection and Artificial Intelligence systems which are loaded with built-in cultural, gender and racial biases.
- Employers should reflect the composition of their local and regional population to ensure they reflect modern Britain. Too many workplaces are in reality, shut out zones for Black employees. This need to change with targeted employment and recruitment opportunities

As work by UNISON and the Nursing Times shows that lack of training and confidence are significant reasons for line managers not acting on race issues only 27% said they had adequate training to deal with workplace racism. Only 34% knew what positive steps they could take to improve opportunities for Black staff. Fear of getting it wrong and lack of senior back-up was also crucial barriers.

Leadership and engagement

- Encourage and facilitate clinical leadership within the NHS Black staff are more concentrated in clinical roles so this will ensure they have greater opportunity to gain leadership positions
- Visible resourcing and support from senior leaders for networks for Black staff and partnership working with trade union equality reps

Wider health workforce

- This should include mapping racial disparities in the composition of this wider workforce vs direct employment and ensuring apprenticeship pathways are open to this wider workforce to come into direct NHS employment
- Data work should be undertaken to enable a better understanding of the potential racial disparities with the casual and substantive workforce at system and service level
- Embed criteria and ensure board-level scrutiny around the impact on under-represented groups of crucial decisions including outsourcing and restructuring
- Regular discussions and review of opportunities for substantive employment with bank and agency workers
- A more strategic and better approach to career development across localities/systems.

Higher education

UNISON has supported higher education work to identify and reduce the ethnic pay gap and tackle racial harassment. We are calling for further steps to address these issues.

In 2018, UCEA, the higher education employers association, published research into the ethnic pay gap 'Caught at the crossroads'.

Key findings included clear evidence that pay 'penalties' for ethnic minorities were significant, with Black men and Black women earning the least on average relative to white men. Overall, the research found that the pay penalty experienced by ethnic minority women in the sector was much more likely to be due to factors associated with their ethnicity than their gender.

It is essential to recognise the interrelation between the ethnic pay gap and career progression.

UNISON calls for the following steps to address this:

- Mandatory reporting of the ethnic pay gap as well as the gender pay gap
- For employers to be required to publish their action plans on how pay gaps will be reduced
- For unions to be involved with and consulted on these action plans and for good practice to be shared
- Investment in staff training and development at all levels and grades of the workforce
- For universities to provide free access to their own staff to study at the universities in which they work thereby investing in their employees' education and career progression

 A change of culture, top-down, in terms of tolerance of Racism and racial harassment at work in universities. This will be vital in Black staff feeling valued, confident to come forward and to develop their careers in HE.

Equality and Human Rights Commission

In 2019, the Equality and Human Rights Commission uncovered widespread evidence of racial harassment of both students and staff on university campuses.

UNISON has worked with the Universities UK to address this and welcomes the publication last month of <u>guidance</u> with recommendations and best practice case studies.

The recommendations include practical steps that all university leaders can implement immediately:

- Publicly commit priority status to tackling racial harassment.
- Engage directly with students and staff with lived experience of racial harassment.
- Review current policies and procedures and develop new institution-wide strategies for tackling racial harassment.
- Improve awareness and understanding of Racism, racial harassment, white privilege and microaggressions among all staff and students, including through anti-racist training.
- Ensure expected behaviours for on-line behaviour are clearly communicated to students and staff, as well as sanctions for breaches.
- Develop and introduce reporting systems for incidents of racial harassment.
- Collect data on reports of incidents and regularly share with senior staff and governing bodies.

The need to address ethnic disparities and inequality in the UK has been long acknowledged, and there have been numerous reviews by government, political parties, the Equality and Human Rights Commission, employers, academics and trade unions setting out clear recommendations.

What has been lacking is their implementation, which UNISON continues to call for on behalf of our Black members.

UNISON notes that the 2020 Joint Committee on Human Rights report "*Black People, Racism and Human Rights*" concluded that 'the Equality and Human Rights Commission (EHRC) has been unable to adequately provide leadership and gain trust in tackling racial inequality in the protection and promotion of human rights. There should be a highly visible national organisation to champion and press for progress on ending race inequality. For the EHRC to be and be seen to be, effective, it needs more resources and stronger enforcement powers and must include Black commissioners.'

<u>Empowering Young Black People in Local Government Workplaces</u> through Mentoring in UNISON

UNISON has a proud history of actively and effectively organising, representing and defending Black people by tackling discrimination and promoting equality within the union, the workplace and society.

Challenging racism in the workplace is crucial to UNISON's work because no workplace where racism is allowed to flourish can ever be effectively organised.

There are many challenges that Black people face in their everyday lives. It is incumbent on us to ensure that we do everything in our power to show that activity within the union does not have to be another onerous demand on already busy branches. There are many areas of common concern, but important areas of difference:

The guidance has been designed to help local government branches and regions recruit and support experienced Black activists to help and assist new and less experienced young Black people in developing and enhancing their knowledge of the union.

Mentoring in the UNISON branch course is designed to be used as part of branch development. There is a one-day version which can be run with anyone interested in setting up a mentoring scheme. The two-day version also focuses on developing the skills of mentors.

It's essential that young and Black members' voices are heard, so it's time to get young and Black members active.

Over the years, thousands of UNISON members have been supported and mentored through the three steps to becoming Trained and Active:

Contacts: For many UNISON members, the first step towards being more involved with the union is becoming a <u>Trained and Active Plan for Contacts</u>.

Activists: There are all sorts of different roles that UNISON members can take on. Trained & Active Plan for Activists.

Reps: Trained, active, confident reps are what holds this union together. Trained & Active Plan for Reps.

<u>UNISON submission to the Home Affairs Committee Inquiry – Windrush</u> Compensation Scheme on 7th December 2020

As a public service union, with a long-standing historic link to the Windrush generation – and with existing members who have been directly affected by the scandal, UNISON welcomes the opportunity to respond to this review. UNISON also endorses the submissions of those who have direct experience of making applications to the compensation scheme and the proposals of those organisations who have supported applicants.

UNISON will focus our submission on our concerns about the response of the government to the Windrush scandal. The Windrush Compensation Scheme should have been a way of delivering justice, making restitution and rebuilding trust. UNISON is concerned that very little has been learned from the Windrush scandal. The Compensation Scheme has placed victims under scrutiny, made heavy evidentiary demands, treated their claims with scepticism and placed their applications and lives in limbo. People who have had their lives devastated have received further heartache. Seeking an acknowledgement of the wrong done to them, they have been met with something that has felt less like justice and more often resembled the bureaucratic nightmare that led them to seeking compensation in the first place. Too many people have died, still waiting for justice.

<u>Legal engagement to branches to protect Black members in the workplace</u>

In order to assist in defending members' interests and to protect their health and safety at work, UNISON legal have been working on template documents for all branches and regions to use. These documents are currently being reviewed. The template letter will be designed to focus the employer's mind on the breaches that the branch has uncovered and to take action to remedy those breaches. This will be one of many ways to help focus and negotiate with employers to seek immediate improvements.

Further details to be circulated as this is developed in 2021.

Democracy in UNISON

The COVID-19 pandemic has clearly created a challenge to our democracy in UNISON guidelines, but we have found ways to uphold our member-led approach and to ensure we continued to be fully accountable to the lay leadership of our Black members' self-organised group.

Although we have been unable to hold in-person formal committee meetings, we have held regular virtual meetings with the Chairs' group to ensure continued dialogue, action and decision can be taken and then reported to the full committee by email. Virtual briefing sessions for the National Black

Members' Committee on issues relating to COVID-19 and other urgent areas for discussion have also taken place throughout the year.

Other areas of work

National Black Members' Committee (NBMC) work programme

The motions agreed at UNISON's National Black Members' Conference form the basis of the NBMC annual work programme. Unlike previous years, the NBMC could not meet in March for their annual policy weekend due to the government lockdown restrictions and work on the 2020/21 work programme was immediately paused as the NBMC re-focussed efforts on dealing with the impact of the pandemic on our members.

At the time of writing, we have seen both a second and third wave of the virus.

Therefore, it has been agreed to defer the 2020/21 work programme. Progress on the work plan will be reviewed if the impact of COVID-19 allows.

UNISON's Black members' immediate needs in their workplaces will always be of paramount concern to us as a trade union.

Labour Link and Black members

In April, as the pandemic's devastating impact on Black people and communities became clear, Labour asked Baroness Doreen Lawrence to lead a review into the disproportionate effect of COVID-19 on 'Black, Asian and minority ethnic' communities. UNISON was among over 200 who submitted evidence to the review and participated in the programme of on-line roundtables.

Gloria Mills led UNISON's response to the review. The resulting report 'An avoidable crisis' was published in October. It concludes that the disproportionate impact, with Black people overexposed, under-protected, stigmatised and overlooked during the pandemic, has been generations in the making. It is the consequence of decades of structural injustices, inequality and discrimination that blights our society.

The review report calls for urgent action and contains 20 recommendations.

Show Racism the Red Card

Our work continued with SRtRC throughout the year and supporting campaigns moving forward into 2021.

UN Demonstration and march organised by the TUC and Stand Up to Racism

UNISON will be supporting the online event taking place in March and will provide further details on our event's page as the programme develops.

UNISON Equality Unit: equality resources and work in sectors

Bargaining

- Equality and diversity: a trade union priority, available to download
- Model equality and diversity policy
- 'Harassment at work: a UNISON guide updated May 2014' available from the on-line catalogue, stock item 1359 or download here
- 'Time off for medical appointments and health screening' available to download from the Get Help section in Bargaining Support here
- Tackling hate crime and hate incidents: a workplace issue available to download from the website here
- Bargaining on Mental Health policies: A practical guide for UNISON branches available on UNISON catalogue here (stock number 3927) also available to download from Disabled members resources page here
- Employment rights impact of UK exit from EU available to download here
- Older workers guide
- Bullying at work
- Model family leave and pay policy (maternity, paternity, adoption, shared parental leave, parental leave)

Organising and recruitment

- 'Organising for equality' stock item 1577, available from the on-line catalogue to order or download <u>here</u>
- **Becoming a branch SOG officer** available on request

General guidance

 Race and sex discrimination: a practical UNISON guide to identifying unlawful discrimination available to download here

Internal guidance for branches and regions

 UNISON and reasonable adjustments (explains UNISON's duties under the Equality Act 2010 to ensure UNISON meetings are accessible to disabled members requiring reasonable adjustments) available to download from Disabled members resources page on website here

Campaigning

 Briefing for activists – Exiting EU and Equality, Human Rights (updated Feb 2020) available to download here