Written evidence submitted by The University and College Union (UCU)

The University and College Union (UCU) is the voice of academic and related staff working in post-16 education in the UK. UCU:

- represents 120,000 practitioners and professional administrators in further and higher education;
- has a membership in further and higher education which includes professors, researchers, lecturers, tutors and (in the pre-1992 universities) senior administrators, librarians and IT professionals;
- is recognised for collective bargaining purposes at more than 150 higher education and 50 further education institutions and at a national level.

This submission addresses many of the issues raised in the questions below. UCU draws your attention to the TUC submission on the Government consultation on gender pay information.

- How adequate are the Government’s proposals for tackling the pay gap faced by women over 40? What additional measures would be most effective in reducing the pay differentials faced by this group?
- What actions would be most effective in improving recruitment, retention and re-training for women aged over 40?
- Is there any evidence that women aged over 40 face particular barriers to promotion? If so, what could be done to address this problem?
- Are there particular difficulties in narrowing the gender pay gap for women working in predominantly female sectors and non-professional roles? Are there any evidence-based measures which could effectively address these issues?
- Should the regulations on gender pay reporting be extended to organisations with fewer than 250 employees?
- Would voluntary measures regarding what employers do with gender pay gap information be sufficient to create change within organisations? What could be done to ensure that information about an organisation’s pay gap is translated into action?
- Which mechanisms would most effectively ensure that policies designed to narrow the gender pay gap are fully complied with? Is there evidence from other countries or policy areas of what might work best?
1) Ensuring employers publish appropriate information on the gender pay gap.

a) UCU welcomed the Government’s intention to introduce regulations which will require private sector employers to publish gender pay gap information. UCU contributed to the TUC consultation which lays out what we would want to see in any regulations.

b) The report also outlines some of the key issues which impact on women’s pay including career choice, subject choice in education and being forced to work part time due to caring responsibilities and the lack of affordable childcare or being able to work flexibly.

c) The response also outlines the pay discrimination being faced by women over 50.


d) In order to address gender pay, organisations must be required to publish, with a clear explanation of what the data represents, the following:

- The pay gap between full-time male and female employees.

- A measure of the part-time pay penalty that recognises that it is still mainly women who need to work reduced hours and it is mainly women who suffer an earnings penalty as a result. The TUC recommends a comparison between part-time women’s hourly earnings and full-time men’s to encourage action to narrow this gap. Comparing part-time women’s hourly earnings with part-time men’s, as the consultation document does, shows a very small gap which might suggest employers don’t need to consider action to improve part-time women’s pay and opportunities.

- Gender pay gaps within grades or job roles.

- The distribution of women and men by grade or job role or the distribution of women and men by deciles of full-time equivalent earnings.
• Gender pay gaps in basic pay and in additional payments such as bonuses, commission, overtime, recruitment and retention supplements.

• Gender pay differences in starting salaries because it is at the point of recruitment or promotion that pay gaps often first arise.

e) Employers must be required to publish a short statement outlining the main factors contributing to the overall gender pay gap in their organisation. We also believe employers should have to outline the steps that they plan to take to narrow the gender pay gap in their organisation. The gender pay information must be made readily available to employees.

Legal address

f) Addressing equal pay through transparent pay systems avoids legal challenges. UCU has undertaken equal pay cases including against Royal Holloway, University of London (2011). Professor Schaffer with UCU launched legal proceedings after it was discovered that regardless of Professor Schaffer eminence within her field of work and her publication record, she had been consistently under rewarded in comparison to her male peers.

g) The panel heard that there was no pay structure in place for professors, who, once appointed, were invited to apply for each pay increase by completing a self-assessment form. Each individual was then reviewed and graded by a review board but the tribunal panel found “no evidence” of any standards, grading or criteria attached to each classification and criticised the “lack of transparency” afforded to the process.

h) There was also an issue of “retention payments” paid to staff who had been offered posts at rival institutions favoured her male colleagues, who were perceived to be more mobile and more likely to respond to an invite to apply elsewhere. The tribunal concluded that women “disproportionately” carry the burden of family responsibilities and as such, “a financial benefit which is linked to the ability, or perceived ability, to be mobile, either considered in career terms or geographically, or both, operates to the disadvantage of women”.
i) It noted that there was an undisputed and “significant” gender pay gap within the academic workforce at all levels, reflecting a similar gap at the majority of universities in England and Wales.

j) Since the case, Royal Holloway has introduced a banding system which provides a transparent pay scale for professors.

k) Undertaking cases also provides valuable information about the limitations of equal pay legislation, the resource implications for all parties, the pressure on the individual pursing the claim. Taking an equal pay claim is an incredibly lengthy process and can have a limited impact on the wider pay structures and practices. Tribunals compensate people for breaches of law but often do not change workplace systems.

l) In higher education sector we would welcome research on the impact of market forces on employees who are doing equal work in the protected equality groups.

m) The Government should reinstate the statutory equal pay questionnaire in s.138 of Equality Act 2010 that the coalition government repealed alongside these new regulations. Gender pay gap information may raise questions for individuals about their own pay and their colleagues which this questionnaire procedure would encourage them to ask. This would further boost transparency about pay. The reintroduction of the statutory questionnaire would be of minimal cost to employers. The impact assessment that accompanied the consultation on repeal of this procedure cited research for GEO that found 2 per cent of employers had completed a questionnaire in the previous three years (that's roughly 0.7 per cent a year) and most of those who had completed one agreed that it was straightforward to respond to.

n) Promoting collective bargaining would also lead to greater transparency in pay and a narrower gender pay gap. Where bargaining exists, employers tend to share more information about pay with trade unions and individuals are more open about their pay with colleagues and trade union representatives.

o) The number of equal pay claims fell significantly when fees of £1,200 to lodge an equal pay claim and get it heard at tribunal were introduced in July 2013. In Q1 2013 there were nearly 7,928 equal pay cases but by Q1 2014 this had dropped to 1,236 – a fall of 84%. There is limited the scope of legal address even more and fees should be repealed.
2. Gender pay gap in higher education

UCU has produced guidance for its members on ensuring the gender pay gap is monitored and acted upon.

http://www.ucu.org.uk/media/pdf/k/m/jnches_equalpayguidance.pdf

http://www.ucu.org.uk/media/docs/q/d/heequalpayreviewchecklist.rtf

It is also worth highlighting the recommendations to institutions from the JNCHES Equality Working Group (joint employers and unions group in higher education) report from 2011 in relations to conducting equal pay reviews:

1. Improve data collection for other protected characteristics focusing on those for which it is believed there may be pay inequity.
2. Make the outcome of equal pay reviews widely available through publication on the open access area of the institution’s web site
3. Provide the evidence base for the objective justification of pay gaps
4. Implement comprehensive action plan to address the issues identified within a defined timescale.
5. Involve trade unions at each stage of the equal pay review
6. Involve those with appropriate level of expertise in equality and diversity
8. Institutions that have not already conducted an equal pay review are strongly encouraged to do so at the earliest opportunity.
9.

3. Pay and promotion discrimination due to gender and race.

a) In 2013 UCU, produced a report that found at the current pace of change it will take almost 40 years (38.8) for the proportion of female professors to reach the same level as the proportion of female staff in universities and almost 16 years (15.8) for black and minority ethnic (BME) staff.

- Just one in five professors are women, despite making up almost half the non-professorial academic workforce
• **Just one in 14 professors (7.3%) are from a black and minority ethnic (BME) background**

• **White applicants are three times more likely to get a professorial post than BME applicants**

b) While the number of women in higher grades has risen over the past decade, the average under-representation gap of women in all UK higher education institutions (HEIs) - the difference between actual number of female professors and the number there would be if they were represented in same proportion as in other academic grades - is 27%. The average under-representation gap for black and minority ethnic staff is 5.7%.

c) By submitting a Freedom of Information request, UCU found that across the 23 universities that replied with comprehensive data, over four times as many men applied for professorial posts as women.

d) In 22 of the 23 institutions, there was a significant drop in the proportion of BME staff from application to appointment for professorial posts. White applicants are three times as likely to be successful in getting a professorial post as their BME colleagues.

e) Other findings* included:

- Women make up 46.8% (76,500) of non-professorial academic staff across all UK higher education institutions, but only 19.8% (3450) of the professoriate, so there is a representation gap of 4,710 female professors.
- BME staff make up 13% (19,405) of non-professorial academic staff across all UK higher education institutions but only 7.3% (1195) of professorial roles, so there is a representation gap of 935 BME professors.
- In 159 of Britain's 164 higher education institutions, women's representation at professorial grade is proportionally lower than their representation at all other academic grades.
- In 133 of 164 institutions, BME representation at professorial grade is proportionally lower than at all other academic grades. This includes all 24 Russell Group institutions which employ more than half the professoriate.
- Particular ethnic groups are particularly under-represented among the professoriate: only 0.4% of the UK professoriate are Black, and only 3.6% of UK Black academic staff are in a professoriate position, compared with 11.1% of UK white staff.
- The gender pay gap for full-time employees in the professoriate fluctuated between 2003/4 and 2010/11 at around 6% in favour of males.
• On average, female professors earn 6.3% (£4,828) less than their male counterparts.
• Overall data for UK showed Black professors earned 9.4% less than white counterparts, Chinese professors earned 6.7% less, mixed race 3.5% less, while Asian professors earned 4% more.

The report has called for universities to take decisive steps to address the shortage of women and black and minority ethnic (BME) staff in the upper echelons of academia, including:
• introduce a transparent professorial grading structure
• collate and retain equality data in relation to recruitment and retention
• set targets with specific time frames
• monitor and review targets
• introduce equal pay audits
• work with unions to find out why so few women apply for professorial posts.


4. Athena SWAN: advancing women’s careers in science, technology, engineering and mathematics.

  a) The Equality Challenge Unit’s Athena SWAN Charter was established in 2005 to encourage and recognise commitment to advancing the careers of women in science, technology, engineering, maths and medicine (STEMM) employment in higher education and research. In May 2015 the charter was expanded to recognise work undertaken in arts, humanities, social sciences, business and law (AHSSBL), and in professional and support roles, and for trans staff and students. The charter now recognises work undertaken to address gender equality more broadly, and not just barriers to progression that affect women.

  b) In 2011, Sally Davies, the chief scientific adviser for the Department of Health, said that the National Institute for Health Research would not shortlist any NHS or university partnership for a Biomedical Research Centre or Unit unless the academic department holds at least a silver Athena Swan award.
c) The NIHR has not yet held any competitions where this requirement has come into force, because the existing grants for centres and units run until April 2017. She said a view on the impact of the policy could not be taken until after this, but added that NIHR understands there has been an increase in applications for Athena Swan awards since the announcement.

d) The Government did not want to make Athena Swan awards a requirement for funding, The government’s response has been the launch of Women into Technology and Engineering, a call to action that asks industry and universities to work together to improve diversity. The call is part of its response to the House of Commons Science and Technology Committee’s report *Women in Scientific Careers*. The Government did say they would reconsider a link if progress is not made by 2017.

e) The Research Councils UK expect those in receipt of RCUK funding to provide evidence of commitment to equality and diversity, and participation in Athena SWAN is mentioned as one piece of such evidence.

f) The link to funding is an obvious incentive for employers to act with the need to demonstrate support for advancing women’s careers.

5. JNCHES Gender pay report 2015

The recent joint JNCHES report on gender pay also relies heavily on Athena Swann initiatives to progress women’s equality including pay.

**Best practice in the case studies in progressing gender equality**

Page 14 and 15 of the report summarise the main initiatives coming out of the case studies. These are divided into:

**Promotion practices:** UCU campaigns for clear and transparent promotion processes including monitoring and targeting under-represented groups. Any initiatives that can support this should be pursued.

**Reward:** Good practice in implementing the Framework agreement, job evaluation, single spine and fully funding maternity and carer leave and research cover are all good practice.
**Networking:** Networks and Forums which are part or can feed into decision making processes.

**Flexible Working:** Employers should be aware of the statutory requirements but also review any day to day practices that exclude those with caring responsibilities such as holding breakfast or evening meetings without advance notice. All roles should be considered for job share or part time working.

**Training and development:** Access to structured training and development for those involved in staff development including recruitment and promotion panels. Unconscious bias training is mentioned frequently.

Training to support development includes Leadership programmes and mentoring.

http://www.ucea.ac.uk/en/publications/index.cfm/njgender

6. Managing work and parenting

a) The introduction of shared parental leave could have a positive impact on women wanting to work and be a parent. Employers will no longer be able to view men as a pregnancy free risk. The report by BIS and EHRC on pregnancy and maternity articulates forcefully the discrimination faced by women through pregnancy and maternity. The impacts on promotion and pay including not being considered for a post, poor management of pregnancy, maternity leave and return to work is evidenced.


b) In term of our sectors, those working in education were most likely to say they had an issue with lack of flexibility. Around half of those who requested flexibility in terms of hours worked were not allowed this (54%); around two in five (38%) were not allowed different start or finish times.

c) Mothers who felt their employer was unhappy about them taking maternity leave were most likely to be on an agency or casual contract (22% compared to 8% average). This is a significant issue
in our sector as casualised/zero hour contracts become more prevalent. This has a huge impact on access to maternity leave and pay and therefore an ability to balance work and family life.

d) A recent report in the Guardian on higher education and paternity found

- part time roles rare in senior roles
- female academics find it disproportionately difficult to juggle career and parenthood

http://www.theguardian.com/education/2014/nov/18/academia-for-women-short-maternity-leave

e) To prevent gender pay penalty occurring when choosing parenting, there should be:

- Heavier penalties for discriminatory policies and practices
- Right to flexible working (rather than right to request)
- Funding for maternity leave and shared parental leave for all workers regardless of contract
- No ET fees
- Affordable and available childcare

7. Public Sector equality duty: Scottish and Welsh specific duties.

Advice to public authorities in England from the EHRC is that they are expected to publish gender pay gap information and that it would “be useful” to publish pay gaps for other protected groups but there are specific duties placed on Scottish and Welsh public authorities to address pay differences:

- Starting 30 April 2013, Scottish public authorities (150+ employees) published gender pay gap information every two years; and a statement on equal pay and occupational segregation in relation to gender and subsequently every four years, from which time it should include disability and race;
• In Wales, public authorities were expected to assess equality and pay information; publish a gender pay action plan; and (starting March 2013) report on employment information annually;

• The Equality Commission for Northern Ireland advises all public authorities to develop a gender equality action plan.

There is also the ‘Close the Gap’ project aimed at addressing the gender pay gap in Scotland and supported by the STUC and the Scottish Government.

**Similar specific duties in England would be a strong impetus to address gender pay.**

6 December 2015