

Trevor Phillips' speech at the Unison Conference

20th June 2008

President, conference, it is a great pleasure to be asked to address this Unison conference here in Bournemouth. Thank you for inviting me, and I say that on behalf of all my colleagues at the Equality and Human Rights Commission. Can I just start by saying; it was fortunate and moving for me to be able to sit in on the last debate on gun crime, an issue which is close to my heart personally. It's not something that I plan to talk about this morning, but I am delighted to see that this is an issue that Unison is playing a part in.

It is also a special pleasure to be here with you Dave, but also with my former colleague at the Commission for Racial Equality, Gloria Mills, to whom the equality movement owes a great deal, and not just domestically. It was Gloria's leadership in Europe that brought us the 2000 race directive outlawing racial discrimination across Europe. And anyone who's been to a football match in Slovakia (and I know that this union has been really supportive of the "Show Racism the Red Card" campaign) or to the motor racing in Spain, where racial abuse is routine, will now know how important those directives have been. And by the way Gloria we have, with your union and others, been lobbying for a new directive that will cover not just race, gender and disability, but also sexual orientation, religion and belief, and age. This has been opposed by some countries in Europe because they feared tackling homophobia, and Islamophobia. This week, however, it looks as though the European Commission has now agreed to a new directive which covers gender, race, disability, religion, sexual orientation and age. And I just want to say, right at the beginning of my remarks, that I think we owe a great deal for this to Gloria and her efforts more than a decade ago on these issues, so thank you very much Gloria.

Now I know what a privilege it is to be invited to speak to you at this conference. I have to make a confession. I am a long-time CWU member. I have been in BECTU for thirty years, and I know neither of my unions is ever quite as generous as Unison is to outsiders. But perhaps the openness of Unison perhaps stems, in a sense, from the traditions instilled by its predecessors. And I particularly want to pay tribute to two of my own mentors. My political mentor Bernie Grant, and the person who first taught me to respect and to work with trade unions, Rodney Bickerstaffe.

The trade union movement isn't a stranger to this new commission. We inherit strong links. My deputy Margaret Prosser (though she was in the wrong unions as a T&G official) was the former chair of the Women's National Commission and president of the TUC, as was my fellow Commissioner, CWU official Jeannie Drake. Both of our organisations are fundamentally in the same business - the promotion, expansion and defence of equality and fairness. We need to work together in every way we can.

And today, from the questions of equal pay through the issue of bullying in the work place and hate crime outside of it, to the fight to end the exploitation of migrant, temporary and low paid workers, the Equality and Human Rights Commission and Unison will find ourselves standing on and defending the same ground time and again in the years to come.

We are, in my view, entering a new and critical phase of this struggle.

It has always been easy to marginalise the fight for equality and against discrimination as being kind to minorities. But in a world where fewer than one in four workers will be white, non-disabled, straight men, we are no longer talking about the minority but the mainstream. In a world where within this generation three out of five university graduates will be women and within the next generation a majority of all workers will be female, we can't be thinking just about accommodating the workplace to women's needs. We have to be thinking about transforming it for everyone's needs.

And in this diverse pluralistic society our task can no longer be limited to defending minorities - it has to be about engaging the majority and building a new consensus in favour of greater equality.

And there is no more vital tool in that process than that of collective bargaining. That is why one of the Commission's first acts was to work with this union - and I want here to extend my thanks here to Dave and to Bronwen McKenna and Leanne Venner - to restore the primacy of collective bargaining principles when it comes to equal pay.

We all know that the wrangling in the courts has gone on too long. We know that most employers actually want to solve the problem. We know that some women have waited over a decade for justice, many have retired; one woman has died whilst waiting. And who has benefited? The minority of employers who are too lazy, too corrupt to provide for equal pay, and the fat cat lawyers who pose as saviours but are in truth parasites on decent hardworking women.

That is why we joined with you to urge a settlement and why my colleague Margaret Prosser is leading efforts, working with you, to bring justice to the literally hundreds of thousands of women who deserve better than the run around by the legal system. I want to return to this issue at the end of my remarks.

But this isn't the only place where I think our interests should coincide.

They have already in my view started to coincide in the defence of human rights. Let me be absolutely clear. We will be independent and determined in the defence of human rights.

If we do our job properly there are likely to be times when we find ourselves having to be explicitly critical of a government's action. What I had not anticipated, and frankly probably would not have chosen is that such a situation would arise so early in our existence because of the government's determination to press ahead with a 42-day period of detention without charge.

Let me say a word about why we have entered this particular issue because it tells you something about the kind of body that we aspire to be.

This new Commission has its origins in bodies that stood up for the rights of the sorts of people that the media alternately patronise and deride; women, minorities, the disabled.

When the Equal Opportunities Commission stood up for women they called them destroyers of the family.

When the Disability Rights Commission spoke out for a voice for disabled people they said that they should focus on the welfare of disabled people.

When the Commission for Racial Equality defended gypsies and travellers, well then it got really ugly.

But I think that people are beginning to see what we could be.

In a society that is more unequal, and which threatens to be more illiberal and authoritarian, we could be, whatever the political weather, when governments change and the pressure groups wilt, because we have a statutory presence and we have legal powers, one day, alongside you in the trade union movement, we could be the last best hope of those who really believe that we should be a more equal society; of those who think that human rights and civil liberties are sacrosanct ; of those who believe that there should always be a voice for the poor and dispossessed. We aren't that yet. But we could be.

That after all is what we are doing in relation to the government's plans to extend precharge detention to 42 days. We have made clear that we oppose the adoption of these proposals; and that we will do everything in our power to prevent their implementation.

I have no idea what is going to happen in Parliament. But even if the government wins, they get the Bill through the Lords, and they bring it into law, they will face us in courts. That is our job, and that is our mission.

Our opposition also showed some other things about us.

It showed our independence: It showed that we would base our views on real evidence, on our legal mandate and on consultation with real people, for example in this case Muslim communities. The Home Office went to some lengths to leak information about us the weekend before last because they thought our opposition was damaging to them.

Finally it showed that for our commission, sometimes like your Union, even though we know that ours is not a popular position in the country, we have to be prepared to stick to it. And we are sticking to it because we are not simply here for ourselves.

We are here to protect and advance the fundamental principles laid down in our Act - equality human rights, good relations.

I want to be plain about this. What we are here for is, through thick and thin, to

stand for a kind of idealism that seems to have passed out of public life. A basic idealism that says that our society can be better for more people, more equal, more humane, and that we will be here every hour of every day to remind people this is what decent, civilised societies are always striving to do.

And whatever some of the media might say, I think that this is where the British people are. It is striking that when we did a poll of the British people last autumn about what they wanted this Commission to prioritise, I expected them to say, as do politicians and many of our stakeholders, that we should be providing services, we should be handling complaints and issuing guidance about the law.

But actually that isn't what they said at all.

They want us to do those things, yes, but at the top of their priority list was something different: An idea - the idea that we should be an advocate for fairness; that we should make the case for equality; and that we should be trying to change the way that our society works.

In short they want us to connect to reality - but above all they want us to be the conscience of the nation, to be the idealists, to be the ones who hold our society to the hope of being better than it is today.

We are constituted differently from our legacy bodies for a reason. We have new tasks to perform:

Where our predecessors had to be advocates of the rights of one group or another - the country expects us to lead on balancing of the rights of different claims to fairness. In my previous work as chairman of the Commission for Racial Equality I could worry about the disadvantage of ethnic minority women because of their minority status without being too precise about how much of their disadvantage came from being women within a certain community and the way they were treated by men within that community. This new Commission can't do that. We have to fight for those women's rights three hundred and sixty degrees.

We used to be able to be a bit blasé about poverty or class because our issues were gender or race or disability. But let me be clear: African-Caribbean children don't flourish; children of Bangladeshi and Pakistani families fall behind; children of some white working-class families fall behind. And the reason isn't their blackness, their brownness or their whiteness. The reason is in those families,

typically, there is one earner, or there is nobody who is earning. Those children suffer from poverty. Those children are not flourishing because of the fundamental issue that we sometime forget, and that is the issue of their class and their poverty. And our Commission wants to put that back on the agenda.

Our Commissions' existence is a recognition that one chapter in the long, slow forward march of equality and human rights in Britain is over and another has begun, with some new demands and new pressures. The change never stops. And of course if you want to get a preview what the United Kingdom is going to look like, and what the workforce is going to look like, in five or ten years time, you could not do better than looking around at Unison itself.

A majority of women, a growing proportion of people from ethnic minorities, a growing proportion of people with a disability and a decreasing proportion of people with traditional full-time life-long interruption-free careers. That's where all the trends are headed, and your union reflects it.

Now I know you want to hear about our priorities for change and the extent to which they will contribute to your struggle for equality and fairness. I want to say a few words about the Commission and the way it looks at things, and then talk briefly about those priorities before I finish.

The history of most of our anti-discrimination legislation has been a history of prohibitions - 'thou shalt not' - with penalties for transgressors and compensation for victims. Now we now have a significantly expanded remit - not just the outlawing of the bad but the promotion of the good. Our remit is to enable, to persuade and where necessary to enforce. But let's remember we're not dealing with a heritage of box-ticking bureaucracy, or professional political correctness. Like the history of the Trade Union movement, ours is a history of passionate commitment to basic values of decency fought for by ordinary citizens and still needing to be fought out today. That is why we are trying to re-interpret that heritage for today.

And that shift in emphasis is well illustrated by the publication we brought out last week alongside the TUC and the CBI called 'Talent not Tokenism'. Based on a score of company case studies, it demonstrates the extent to which a serious commitment to tackling discrimination in employment practice has given businesses - large and small - a better understanding of their customers, has made it easier for them to fill vacancies with the right people possessing the right skills

and, last but not least, has been a source of increased job satisfaction to their employees. It's a powerful story and it's persuasive story - and persuading is going to be an important part of what we do.

But let me come back to the issue where I started, and that is the issue of equal pay. We are all familiar with the compelling arguments that equal pay goes hand in hand with efficiency, productivity and a dynamic, competitive economy. Convincing as they are, important as they are, they are secondary issues to the basic and unarguable issue of pay justice. It is an absolute scandal that forty years after the Equal Pay Act this union alone is dealing with forty thousand live cases of pay discrimination. The achievement of equal pay is and must be an end in itself.

So, what are we going to do about it?

Well first, cut through the huge log-jam of injustice that has built up in the system. The unacceptable consequence is that, in some cases, women have to wait for more than a decade to get what they are rightfully owed. This has to be done away with. We want to allow representative actions at tribunals which would, in effect, allow hundreds of cases to be dealt with at one time and would cut the backlog by as much as 90%.

Second, keep as much of the process out of the courts as much possible; too much money for lawyers; too much hassle for claimants. Access to courts has to be the key sanction in fighting for equal pay, but it should be the final sanction. Collective bargaining has to be a better way to close the gender pay gap and, where necessary, resolve multiple claims.

Third, we want to tackle the very particular and serious problems of pay in local government. We have initiated a series of meetings with local government employers and ministers to seek a resolution of the many outstanding issues in this area. And in our current business plan we have set out, as the second of our four strategic priorities for the year, to "change policy and organisational practice to provide better public services alongside an efficient, dynamic economy." Just and equal pay settlements for public service and local government workers has to be central to that.

Fourth, we want to scrap the Equal Pay Act. It hasn't done what it should have done in forty years and there is no evidence it will now do so if it lasts for another

forty. It's past its sell-by date. It's time to get replace it with something more effective - a point I want to return to in a moment.

Now we believe that many of these strands in the fight for equal pay can be brought together and reinforced by other measures in a new Equality Bill. As many of you will know, this has been a focus for much of our energy at the Commission - not because we see the law as some kind of panacea, but because it is the fastest way to carry forward a whole series agendas.

At the centrepiece of a new Equality Bill, we believe there should be a single duty that focuses on practical outcomes, not tokenistic paper exercises. Properly implemented it would ensure that the concerns and needs of particular groups are integrated into planning processes and policy development from the very start - not picked up at the very end as casualties in need of compensation. The single duty should require any body carrying out public functions, or funded by the public purse (and that includes private sector providers), to promote equality for all - regardless of race, disability, gender, age, sexual orientation and religious or other belief - to combat harassment and to positively promote good relations. And the beneficial impact of such a single duty could be further extended by additional measures, such as using public sector inspectors to monitor its implementation, or requiring private contractors to meet the same equality requirements as their public sector clients.

That leads me to another issue on which I know your union has been campaigning strongly - the use of public procurement as a lever to deliver social as well as economic improvement in our communities - and with public procurement running at £160 billion a year that is serious leverage.

Now the existing legal and policy framework is so complex that it leaves many public sector bodies unclear about how they can make this happen. We want the Equality Bill to address this with two simple measures - first, requiring public authorities to include and consider equality criteria when they are procuring goods and services; and second, allowing public authorities to refuse to do business with firms that have been subject to a court or tribunal finding under equality legislation, unless it is clear that steps are being take to resolve the issue that brought them to court. Now we know we are going to get hassle over this, but I don't see why the tax-payer, which expects high standards of public bodies, should

lower those standards when it comes to private sector suppliers. If they've been caught out in the courts, they don't get public money.

We believe that the Equality Bill, finally, offers an opportunity to clarify the situation with regard to positive action. Under present law, limited positive action can be taken to combat disadvantage or respond to very particular situations, for example, the efforts of police forces to be more representative. But what is and is not permitted is pretty unclear. We want the new law to set out clearly what positive action is permitted and where exemptions from particular equality enactments can be allowed.

That's a pretty brief overview of what we want out of the new Act. But our view is that we need to do something more than simply make the case for a new Equality Act. We need a whole new approach to equality law, one that understands the links between the legal framework, a competitive economy and the fulfilment of an individual's potential. An approach that sees the use of law in the context of a wider programme of education and cultural change, working towards greater equality and the reduction of discrimination.

Finally Conference let me just say this. I see our society facing two great challenges this century. And they can be summed up like this: One is the toxic bundle of issues around climate change and the way we use our resources: The other is the issue of conflict, discrimination and equality. I can sum it up by saying, the two great challenges for us are how we live with our planet, and how we live with each other. Our Commission's business is that second challenge. And we believe the first task in managing to live together better is that of equality. No one will want to live peacefully in a society where they are condemned to being a second class citizen. We've all come a long way in the past forty years, but we have not come as far and as fast as we should have done. Our task now is to pick up the pace again; to set new possibilities; new ambitions. We are looking forward to working with you, other unions, and others who are committed to equality and human rights, to going that extra mile; to getting our society to be better; to creating a community that is fairer, more equal; and doing so not in some long distant time in the future, but doing so in our lifetimes.

Thank you.