
Equal opportunities and collective bargaining in the European Union

A case study on the Electricity Supply Board (ESB)
from Ireland

Phase III

WP/97/73/EN



EUROPEAN FOUNDATION
for the Improvement of Living and Working Conditions

Equal opportunities and collective bargaining in the European Union

A case study on the Electricity Supply Board (ESB) from Ireland

Phase III

Dr. Josephine Browne

B.Sc. B.Comm., M.B.S., Barrister-at-Law, Ph.D.

Dublin Institute of Technology

TABLE OF CONTENTS

1.	Introduction
1.2.	Research Method
2.	The ESB Case Study
2.1.	Collective Bargaining in ESB
3.	Bargaining for Equality - Phase 1
3.1.	Phase 1 - the Bargaining Process
4.	The issues - How were they raised ?
4.1.	Creche Facilities
4.2.	Job Sharing
4.3.	Paternity Leave
4.4.	Parental Leave
4.5.	Career Breaks
5.	Bargaining for Equality - Phase Two
5.1.	ESB Equality Council
5.2.	Equal Opportunities Manager
5.3.	The Issues - Phase Two
5.4.1	Job Advertisements
5.4.2	Creche Review
5.4.3	Parental Leave
5.4.4	Sexual Harassment
5.4.5	Bullying
5.4.6	Mainstreaming
5.4.7	Equality Proofing
5.4.8	Disabled
6.	Summary
7.	Discussion - The Wider Context
	References
	Appendices

1. INTRODUCTION

The Electricity Supply Board was established in 1927 under the Electricity Supply Act. Since its establishment the company has had a virtual monopoly of the supply and distribution of electricity. This position is about to alter with European developments in this area and the ESB will be faced with competition for the first time. This development has had a major impact on the ESB's staffing level - present and projected and other issues directly or indirectly connected with the management of its human resources. The impact of delayering and rationalisation of staff will be briefly addressed in part three of this project in the context of equal opportunities within the company.

1.2. RESEARCH METHOD

For the purpose of Stage 111 of this project and the Report for Ireland on Collective Bargaining and Equal Opportunities, the case study selected for analysis is the Electricity Supply Board. The objective of Stage 111 of the research project is to illuminate the process issues in collective bargaining and equal opportunities using case study. A particular concern is:

- to identify those factors which influence the construction of the equality agenda
- the nature and handling of the equality agenda
- the shaping of the actual provisions in the agreement
- its implementation and outcomes.

The methodology used consisted of a series of personal interviews with key informants in the company and in the trade unions recognised by the company for the purpose of collective bargaining. The key informants selected for this purpose were those persons who were or are active in bargaining for equality within the company.

Information was collected from key informants using an unstructured interview guide (See appendix 1). Secondary sources of information were also used were supplied by the Equal Opportunities Manager in the ESB, as well as from the Equality Officers - past and present - in particular the ESBOA trade union. Other secondary sources of information consisted of internal reports and national reports relating to equality matters within the ESB. A Report on Equal Opportunities for Women in the ESB (1990) points to the long list of reports and other material on equal opportunities completed over the years. In undertaking the present research study the following documents were made available for perusal.

- In 1974 there was an enquiry into the employment and re-employment of married women in the ESB
- In 1976 there was a study on the consequences of ESB's employment policy in relation to married female officer staff
- In 1977 a report on Employment of Female Officer Staff in the ESB
- In 1982 a report on Women in the ESB was completed
- In 1985 a Policy and Action Plan on equality was approved
- In 1986 the appointment of a full time Equal Opportunity Officer to implement and monitor the company's equality policy, and the establishment of a Joint ESB /Group of Unions Working Party, with a brief to produce a Code of Practice and recommendations for change.
- In 1987 a Code of Practice on Equality was issued
- In 1988 Employee's Charter (to reinforce the Code of Practice) was published
- In 1988 a survey on equality was undertaken
- In 1989 a report on Maternity leave was completed
- 1989-1993 Manpower Plan with the aspiration of equal opportunity as a priority was published
- 1990 Report on Equal Opportunities for women in ESB was published
- 1991 Equal Opportunities Officer position was upgraded to Equal Opportunities Manager (senior management position)
- 1991 Equality Council established
- 1992 Review of Relationships Report was published specific reference on company's attitude to equality for future years
- 1994 Equality Proofing and Collective Bargaining Policy launched
- 1995 Mainstreaming Equality Policy published
- 1996 Bullying Policy (Pilot Scheme) launched
- 1996 Code of Practice for People with Disabilities published.

The key informants in the present case study consisted of:

- Equal Opportunities Manager, ESB
- A Regional Personnel Officer
- Equality Officers from the unions - in particular the ESBOA trade union
- Equality Officer and Vice President of the ESB Group of Unions
- Industrial Relations Officer
- 6 Rank and File Employees (3 female and 3 male)
- Two Regional Managers

It should be noted that all attempts were made to ask the same core questions during the fieldwork from the key informants. This is an exploratory case study in the area of collective bargaining and equal opportunities. It does not claim to be representative of practices in general in the Irish workplace in the area of collective bargaining and equal opportunities. It is however hoped that the issues arising from this case study will contribute to furthering the debate on collective bargaining and equal opportunities in Ireland and in Europe. The last section of the report attempts to analyse and discuss the case study findings in a wider context.

2. THE ESB CASE STUDY

The case study selected for the purpose of Stage 111 of this project is the Irish Electricity Supply Board. This case study attempts to document and evaluate the moves towards developing various aspects of the ESB's equal opportunity policy. The role of the key players in this development is also discussed. The selection of the ESB as a case study site was primarily motivated by the fact that the company has an excellent record in the area of equal opportunities and is the recipient of several equality awards. The ESB is held in very high regard by the Institute of Personnel and Development (Ireland) and academic institutions (business faculties) in the context of being a proactive innovative company in the area of human resource management. The company also appears to have a reasonably advanced set of policies on equal opportunities and an organisational structure which reflects this, (despite the fact that only a small minority of its workforce are female). The final section of this paper will argue that the experience of the ESB could be transferred to other contexts for the purpose of equality bargaining.

This case study is divided into two distinct phases (phase one and phase two) for the purpose of evaluating the process of equality bargaining within the company. The first phase traces the initial moves by the trade unions and the ESB's response to the inclusion of equality issues on the bargaining agenda. It also outlines the outcomes of these initial processes. Phase one occurred approximately between the late 1970's and the late 1980's.

The second phase of the case study attempts to evaluate developments within the ESB following the publication of the company's equality policy. This phase occurred approximately between the late 1980's and late 1990's. In the early 1990's a report was completed following a review of relationships within the company and recommended the reduction of staff numbers in the company by one third. The final section of this report will attempt to evaluate the impact of the Cost of Competitiveness and Review (1992) on the promotion of equal opportunities within the ESB.

With the establishment of the Single European Market the ESB's monopoly position is about to change following the European Commission's Directive on a single market for electricity supply. This development is expected to impact very seriously on the ESB. This scenario has forced the company to formally review its operations and relationships. The Cost and Competitiveness Review (1992) made several recommendations to the Board for the future survival of the company. One of the recommendations involves the reduction of the workforce by one third as well as a total re-structuring of the company.

2.1. Collective Bargaining in the ESB

The system of collective bargaining operating in the ESB is determined by the overall national system of collective bargaining operating in the Republic of Ireland. Since 1987 Ireland's industrial relations system has been evolving away from the old traditional adversarial model towards a corporatist model of industrial relations, which Hyman (1992) has described as 'robust corporatism'. Within this model of industrial relations, collective bargaining takes place at national level and incorporates a tri-partite approach involving the State, the Irish Congress of Trade Unions and the Irish Business and Employers Confederation as the main actors in the negotiation process. As already pointed out in Phase 1 and Phase 11 of the Irish Reports equal opportunities appeared on the collective bargaining agendas during the negotiation of these national agreements. The National Agreements establish pay increases and other issues which are applicable to all companies and employees in the Republic of Ireland. Usually these agreements contain a local bargaining clause which gives a degree of flexibility at local level.

While the National Agreements are directly applicable to the ESB and the ESB unions, like all other companies in the Republic of Ireland, collective bargaining in the ESB - over non pay issues - is carried out between the company on the one hand the ESB group of unions on the other. In general collective bargaining is carried out by full time trade union officials. There are twelve unions recognised for collective bargaining purposes in the ESB. (96% of ESB employees are unionised). Five of these unions represent approximately 92% of all ESB employees. The five main unions are:

ATGWU:	3,000 ESB employees in membership
TWEU:	1,800 ESB employees in membership
ESBOA:	2,000 ESB employees in membership
MSF:	1,000 ESB employees in membership
SIPTU:	700 ESB employees in membership

Only **one** of these trade unions has a significant female membership, that is the ESBOA, where 50% of its members are female. In all the other trade unions within the company, there is only a small minority of females in membership. A breakdown of trade union membership by gender in the ESB was not available for the purpose of this report.

It should be noted that the ESB has its own dispute resolution machinery. The Joint Industrial Council of the ESB is the body appointed to hear and adjudicate on claims referred either jointly or unilaterally. The Joint Industrial Council issues recommendations but these are not legally binding. The Council consists of a trade union and management representative and an independent chairman.

3. Bargaining for Equality in the ESB -PHASE 1.

In 1993 there were approximately 10,773 persons employed in the Company. Female employment in the company tends to concentrate in the traditional type jobs, e.g. clerical and secretarial areas, cleaners and canteen workers. Very few women are employed in senior management positions. In traditional male areas of employment (e.g. craft and technology) women comprise 5% of engineering staff, 3% of chemical technicians and only 1% of electricians. In 1993 82.8% of the workforce in the ESB were male and 17.2% were female. In December 1996 following the initial rationalisation of the ESB, approximately 1,000 jobs have been lost to voluntary redundancy. It is too soon to establish a trend in the context of whether more male or female jobs are being made redundant and the implications of this.

A recent report on the Company (Donoghue,1995:8)shows the difference between employment patterns in the Company and the national pattern of employment, where single women are more predominant on the labour market than married women. The report further notes that while both single and married women tend to be found in the same job categories, there are more of single than married women employed as engineers, in administration and accounting, and as electricians and as other professionals. The trend for men in these job categories shows the opposite picture, with more married men than single men in these jobs. The report (8) further points to the predominance of married women (over both single women and all men) among canteen staff, office cleaners and clerical officers, which would appear to support not only a picture of women in traditional occupations but also one possibly underpinned by societal attitudes and women's greater domestic responsibilities.

It should also be noted that while the current restructuring may increase the level of atypical forms of employment there is no research available to-date to support this view.

3.1. Phase One - The Bargaining Process

Collective bargaining in the ESB takes place between the ESB and the ESB Group of Unions. According to key informants in the present study the majority of trade unions in the ESB do not give priority to equality issues nor seek to have them included on their agenda. While most of the ESB unions have excellent records in this field **outside** the ESB, and some are in fact leaders in the area of equality, nonetheless, the view was expressed by Personnel and by some trade unionists within the ESB that the majority of unions in the ESB Group of unions are not interested in equality. The main reason offered for this view was due to the low female membership in most of the unions within the Group. A detailed breakdown of trade union membership in the ESB by gender was not available for this report. The ESBOA trade union is the **EXCEPTION** to this rule, because nearly 50% of its members are female. So within the ESB the ESBOA trade union is the dominant trade union in matters relating to equality. For the purpose of the present study the ESBOA and its equality officers was the main trade union consulted and acted as key informants from the trade union side. It was a generally held view (by management and the ESBOA) that while the other trade unions within the ESB Group of unions support equality issues they do not actively campaign or negotiate on such issues to the same extent as the ESBOA trade union. While the ESBOA is a company union (it has no members outside the ESB) this factor was not deemed significant in its stance on equality matters. However, key informants have pointed to the close affiliation between the ESBOA and the Irish Congress of Trade Unions as a very significant factor in the union's stance on equality. It was pointed out that the ESBOA kept in close contact with the ICTU who in turn kept in close contact with European developments in the equal opportunities area.

The first Equality Officer of the ESBOA (1986-1989) was Ms. Gaye Cunningham. She is now the Personnel Officer for the Dublin Region within the company. Gaye Cunningham was the person primarily responsible - from the trade union side - for drafting the union's Programme for Equality and placing a number of equality issues on the bargaining agenda. In all the interviews with the trade union activists and Equality Officers, the general view expressed was that female members do not take an active role in trade union affairs and this low participation rate fails to reflect the OVERALL female trade union membership within the ESBOA (50%).

All the key informants interviewed from the ESBOA trade union agreed that the reasons for the low participation of women in trade union affairs is related to the following:

- women are 'reluctant volunteers' as union activists
- there is a problem in getting good quality female shop stewards
- the dual role (domestic responsibilities and work) is a greater problem for the female union members than the often quoted problem of lack of confidence.

The first ESBOA Equality Officer responsible for spearheading the negotiations on equal opportunities issues in the ESB identified two distinct phases for equality bargaining within the company. She refers to these as the Phase 1 period (late 1970's to late 1970's) and Phase 2 (late 1980's to-date).

4. The Issues and how were they raised ?

Phase one of the collective bargaining process for equal opportunities in the ESB began in the late 1970's. According to Gaye Cunningham the first equality issue to emerge for collective bargaining purposes was the issue of the establishment of a **creche facility** for ESB employees in Dublin. This issue was first raised in 1978. Furthermore, it is interesting to note the proposal came from a male delegate at the Annual Conference of the ESBOA trade union, who raised the issue on behalf of his branch. This proposal formed the basis and the initial starting point for the ESBOA trade union's equality policy. In 1979 a Women's Committee was established within the ESBOA, from which the Equality Officer obtained her mandate. Among some of the other issues raised at that time were women's health issues, cancer screening, etc.

4.1. Creche Facilities

Negotiations for creche facilities for ESB employees in Dublin involved the ESB Group of unions and management representatives. However, the ESBOA trade union was the leading union pressing for the establishment of a creche. The creche negotiations lasted from 1979 until 1987. Costs were a major factor in the negotiations and according to the ESBOA key informants **they still are today**. According to the trade union there is still a great deal of interest in the creche because it is still heavily subsidised, although it has been extremely successful. The major problem with the creche is the running costs, and as stated by one trade union representative

“is difficult to make a business case for a creche”.

The union argues that a creche can never be financially viable but the ESB feels it should at least break even. This is a dilemma for all parties in the ESB.

Initially, the unions were reluctant to bring the claim for a creche to the Joint Industrial Council for adjudication and a recommendation. When the matter was finally referred to the Joint Industrial Council, the Council adopted a very conservative stance on the issue. The unions therefore decided to exercise caution in pursuing their claim and it took several years to process it. According to union sources the caution exercised by the union arose because of:

- (1) a lot of research went into the funding and costing details for a creche
- (2) the trade unions did not want to move on the issue too early and risk losing the case at Industrial Council level.

The initial claim for creche facilities was submitted in 1988 (Case No. 2010). The position adopted by the company is interesting in that it shows the ESB's fear of taking a lead on this issue. Instead the company adopted a 'wait and see' approach, which is totally at odds with the corporate image the company now cultivates in matters concerning equality i.e. is a very proactive image. In 1988 the company's response to trade union demands for a creche was that:

“the ESB still considers it inappropriate to open discussions on the Association's claim for childcare facilities while significant matters of principle and areas of responsibility have yet to be decided by the Government...”

On this occasion, the Industrial Council recommended that both parties should engage in meaningful discussions with a view to finding a mutually acceptable solution to the creation of childcare facilities on a self sufficient and self financing basis. (Case no.2010). The ESB were ultimately responsible to the Department of Energy and were therefore anxious to exercise caution and conservatism in matters connected with equality. They were also concerned with the setting of precedent in the semi-state sector.

The issue was referred to the Joint Industrial Council a second time. On this occasion the Industrial Council recommended that a Creche Committee be established with trade union and management representatives to discuss the costing and funding of creche facilities. Shortly after the establishment of the Creche Committee, the ESB appointed its first Equal Opportunities Manager (prior to this the position was Equality Officer). The issue of creche facilities then became an issue for the Equal Opportunities Manager to pursue. Eventually a creche was established for ESB employees in the Dublin region.

A few points are worth mentioning in relation to the collective bargaining process involving the establishment of a creche for ESB employees:

1. As pointed out by a former equality officer of the ESBOA equal opportunities issues were always negotiated separately. They were **NEVER** part of the central negotiation process.
2. Only ONE trade union - the ESBOA - actively pursued the creche issue within the company. While the other unions were supportive they did not get actively involved.
3. In the late 1970's and early 1980's the ESB were always concerned **NOT** to be leaders in the area of equal opportunities. In contrast to the 1990's where the company has taken a very proactive role in this whole area and has cultivated a very positive corporate image and has won several equality awards.
4. Some key informants held the view that part of the reason for creche demands being finally met was due to a change of Chairman on the Joint Industrial Council, the new Chairman, according to key informants, was more 'equality conscious'.

4.2. Job Sharing

Job sharing became an equal opportunities issue in 1979/1980 in the company. According to the ESBOA trade union, this issue emerged and formed part of the collective bargaining agenda for the following reasons:

- the ESB employees requested job sharing to be pursued by their union as a collective bargaining issue
- the ESBOA were active within the Irish Congress of Trade Unions at the time who had a policy on job sharing
- the ESBOA recognised the groundswell of support for job sharing because of the level of demand for such a scheme.

The trade unions' negotiation strategy for this issue was based on the view that management would co-operate with the introduction and operation of the scheme. The union argued that employees would have the right to return to full time employment if they so requested it. The union sought the right for job sharers to have the same training, study leave etc. during normal working hours. Furthermore, the trade union sought to establish the right to promotion for job sharers, as exists for full time employees.

The ESB response to the union's request for job sharing was **not** hostile. In fact, according to key informants (both management and union) job sharing suited the company also. The ESBOA trade union have pointed out that the company were quite cautious about the wording of the scheme and, here again, the company did not want to appear '**too liberal**' or as **leaders** on this issue. As it happened, job sharing suited the company at that particular time, because of a surplus of staff which was the result of over recruiting in the early 1980's and the company were trying to shed this surplus. According to a former equality officer of the ESBOA:

“job sharing became a convenient way to eliminate surplus jobs”

The outcome of the negotiations on job sharing was very successful. The union managed to secure equal rights for job sharers with full time employees.

It is worth noting that, once again, as pointed out by the ESBOA trade union, the issue of job sharing was **NOT** a central bargaining issue pursued by the ESB Group of unions. It was **not** perceived as important by the majority of trade unions within the ESB, and was perceived as a 'female issue' hence its position on a separate bargaining agenda. It is also worth mentioning that the negotiations for job sharing had **one female** negotiator on the trade union side. **No** female negotiators were present on the ESB employer side. This pattern has emerged during the investigation of the present case study.

It is difficult to estimate the extent to which the under-representation of females in the negotiation process (on both sides) impacted on the final negotiations outcome. No research is available on this issue to-date.

4.3. Paternity Leave

Paternity leave was one of the most protracted collective bargaining issues on the equal opportunities agenda within the company.

According to key informants the issue of paternity leave was **union driven** with the ESBOA pursuing the claim. According to the trade union it was also **female driven** within the union. Paternity leave emerged as an issue from the rank and file membership. The ESBOA were given the mandate to pursue the issue to a satisfactory conclusion by the members.

The initial claim for paternity leave was submitted to the ESB in 1980 but was rejected on the grounds of cost. Once again, the company did not want to be leaders in this area. Initially the company were hostile to the idea, and used the “special leave” allowance as a way in getting around the problem. The trade unions pursued the issue and submitted a unilateral claim to the ESB Industrial Council for adjudication. In rejecting the claim the Industrial Council made the following observations:

“Now is not the time for granting paternity leave because employees have only recently got the benefit of the first Comprehensive Agreement, there is abnormally high unemployment in the country, many people are on short time, there is serious inflation, and the public would not take kindly to further benefits for ESB employees when they themselves as consumers would have to pay for them” (Case No. 942. 9.9.81)

Negotiations for paternity leave re-opened in 1988 between the ESBOA trade union and the ESB. The ESBOA trade union were claiming ten days paid paternity leave for men at the time of the birth of the child. The ESB, once again, rejected the claim on the grounds of:

- costs
- existing arrangements were adequate
- it was not a statutory entitlement

The issue was referred to the Joint Industrial Council for a second time for a recommendation and was rejected.(case no. 2069 of 29.9.88).

In 1989 the issue was once again raised with the Industrial Council of the ESB. The union on this occasion argued that the company should be keeping with the principles of equality of opportunity in progressive employment elsewhere.

The claim was once again rejected by the Industrial Council on the grounds that existing arrangements within the company were being revised to operate flexibly for the purpose of facilitating domestic leave. (Case No. 2069A of 19.12.89).

To-date there is no statutory paternity leave operating in Ireland and the issue is still being pursued within the company by the unions.

4.4. Parental Leave

In January 1990, the ESB Group of unions tabled a claim for parental leave and leave for family responsibilities. The group of unions based their claim on the Draft European Directive and the fact that such leave is well established in many European countries, but as yet has not been extended as a legal entitlement to all member states in the European Community. The company rejected the claim on the grounds that:

“the ESB as a progressive employer has always demonstrated its concern for individual staff who have particular family needs.....as a State Agency it would be inappropriate for the company to concede on the claim submitted in advance of an agreed approach by the Government towards implementation of whatever directive/recommendation is issued by the Council of Ministers arising from the objectives of the Social Charter” (case no. 2188).

Three points are worth noting regarding the negotiation of this claim. First, it is interesting to note the conservative attitude adopted by the company on this issue, because parental leave will eventually become a legal requirement in all member states. Second, the basis for the claim originated in Europe, at E.T.U.C. level. According to a former equality officer of the ESBOA trade union, who was active on the Women’s Committee of the ETUC at that time, she made the point that being in touch with European developments was a great asset to the union in helping frame their equality demands. Third, the ESBOA trade union point out that some of the issues which appeared on the agenda of the Women’s Committee of the E.T.U.C. also became issues on the ESBOA agenda. The ESBOA make the point that the European dimension and developments were significant factors in framing the ESBOA equality agenda.

4.5. Career Breaks

The issue of career breaks first emerged in 1986. It was raised by the Women's Committee of the ESBOA trade union. The claim was researched and drafted by the equality officer and then submitted to the company. The claim followed the publication of the ESB's Equality of Opportunity Policy and Plans. Chapter 5 (par.7) stated that one of the principal items in the current year was to review among other things, "job sharing and career resumption arrangements".

The trade unions, taking advantage of the opportunity which the report presented, based its claim on the fact that career breaks were at the discretion of the employee's individual boss and that the system is discriminatory against married women. The union pursued the claim with the ESB, but was rejected by the company. Finally the union brought the claim unilaterally to the Industrial Council for a recommendation. The Industrial Council conceded the claim to the union. Again it is important to note the lack of female negotiators on both sides during the negotiations on this issue. On the trade union side the issue was researched by the female equality officer, but there was no female union negotiator present during the negotiations. On the management side there was no female negotiators present. The under-representation of female negotiators in the negotiation process is interesting and one can only speculate as to the impact this is likely to have on the negotiation outcomes. This is a normal pattern in Irish industrial relations and European industrial relations. There is no research available in Ireland on the impact of under-representation of women in the negotiation process and the outcome.

The following points are worth raising with regard to the union and the employer's positions concerning negotiations on the issue of career breaks.

- (1) Unlike previous equal opportunity issues, the ESB were not concerned with being "**leaders**" on this issue because the Irish Civil Service had already set a precedent on this issue.
- (2) The ESBOA trade union described the other unions in the Group as "being happy to let the ESBOA make the running on this issue because the other unions were not too concerned with equality issues"

This last point is very interesting and supports a widely held view, both in Ireland and in Europe, that trade unions in general, do not give priority on their agendas to equal opportunity issues. This matter urgently needs addressing by the trade union movement, not only in female dominated work situations but in work places generally.

5. BARGAINING FOR EQUALITY IN THE ESB - PHASE TWO

The turning point in the history of equality bargaining in the ESB came in and around 1990, with the appointment of Mr. Lorcan Canning as Director of Personnel. He was responsible for changing the company from one of reactive/conservatism and a 'wait and see' approach to its current proactive position on equality issues. He has been described by a former trade union equality officer as "the catalyst for the ESB's change of heart on equal opportunities issues". According to key informants, Lorcan Canning was anxious to make a contribution to the ESB's corporate image and promote the company as being progressive and proactive in the management of its human resources and in particular in the area of equality. He was primarily responsible for the company winning several equality awards since his appointment. Most of the equal opportunity issues in phase two are **employer driven** where all of the issues in phase one were **union driven** and within this category, mainly ESBOA trade union driven.

Two major reports were completed between 1990 and 1993, which had significant impact on equality issues in the company. The first report, completed in 1990 "Equal Opportunities for Women in the ESB: the Reality" was presented to the Director of Personnel in October 1990. This report was **employer driven**. The ESB recognised that the existence of a policy statement in itself does not guarantee compliance with the principle that fair employment practices prevail.

In an effort to evaluate the position of women employees in the ESB, Lorcan Canning, Director of Personnel, established an Equality Review Group, chaired by Dr. Mary Redmond, a leading labour law lawyer. Its terms of reference were:

"to examine the reality of equal opportunity for women in ESB and to submit a report and recommendations"

The Review Group sought the assistance of the Employment Research Unit of Trinity College Dublin, led by Dr. James Wickham. The Unit carried out a survey to ascertain the degree of change, if any, which had occurred in ESB since 1988 (when a similar survey was carried out). The Unit also carried out a selected number of interviews with ESB employees and analysed some quantitative data from the ESB's personnel statistics. The Research Unit reported on attitudes in the ESB (1990:18). At their meetings with women, and to some extent, in meetings with management, the Review Group found that the issue of attitudes were identified again and again. The Report pointed out that while attitudes were generally thought to have improved over the last few years there was agreement among all that much remains to be done. The Report pointed out that many managers in the ESB viewed equality as "being solely about equal numbers of men and women in different work categories" (1990:18).

On the issue of working arrangements, the Review Group was struck by management's lack of analysis and "too often some managers made assumptions about career objectives of women who have children". The Report stated that managers regarded child services as "perks" rather than strategically important benefits that can lower costs and increase profitability for the company.

In October 1990 the report of the Equality Review Group was accepted by the Company and the ESB committed itself to the implementation of all twenty five recommendations contained therein.

As pointed out earlier, the appointment of Lorcan Canning to the position of Director of Personnel and his subsequent appointment of the Review Group, marked the turning point for the ESB and its approach to equality. When the Review Group reported to the Director of Personnel in October 1990, it was noted that discriminatory assumptions and indirect discrimination exist. It further noted that:

“outmoded attitudes about the role of women, the absence of proper childcare provision, and inflexible structures for women who choose work and family roles, all constitute real barriers to women’s advancement in ESB. Sexual harassment is also more widespread than official figures indicate”

One of the most important recommendations made by the Review Group was that the ESB should adopt an Equality Performance Programme immediately and effect this through the Business Plan from 1991, where each manager is made responsible for the equality performance of his/her own business unit. The Review Group noted that “advancement of equality should **NOT** be negotiable” but argued that it is a basic human right(1990:5).

Some progress was reported by the Review Group with regard to equality issues in the ESB. They pointed out, for example, that overt acts or expressions of disparate treatment no longer exists in the company. But the Review Group reported that **indirect** discrimination and discriminatory assumptions still exist. The Report was critical of the total absence of women from ESB senior management.

In the area of external graduate recruitment the Report recommended that the ESB should ensure existing internal graduates are fully considered and a proportionate number of positions should be targeted for internal women graduates (1990:9). Recommendations were also made that the ESB should introduce seminar/workshop programmes specifically designed to change negative or stereotyped attitudes towards women at work. A number of workshops on “Men and Women Working Together” were organised between 1992 and 1995 by the Company and these have been very successful. According to the Equal Opportunities Manager these workshops have contributed significantly to attitude change within the Company.

A second major report was published in February 1993 “Review of Relationships within ESB”. This report was completed by the ESB and the ESB group of unions. It was based on extensive research, consultation and debate about the nature of relationships in the ESB and the best way in which they could be improved. This review commenced in 1991. The initiative came in the aftermath of a strike. The two parties - unions and management - agreed to approach the review jointly. The Report stated that its recommendations (1993:3) were designed to create a climate of **partnership** in the company.

Chapter two of the review specifically addresses equal opportunity for women (1993:18). The Review recommends that the issue of equality of opportunity for women should be addressed **as a priority** by both management and trade unions within the ESB. The Report recommended (19) that management should set targets for the attainment of equality of opportunity for women for each department and region generation group. Management and unions should ensure that the requirements for filling positions do not inadvertently or otherwise discriminate against women.

It is interesting to note that one of the Programme recommendations stated that:

“equality issues should be mainstreamed on Agendas and given equal priority with other issues” (25)

While the CCR was being presented and digested, the ESBOA trade union was busy developing its second equality programme, with a major focus on **internal** union equality issues as well as company issues. The internal equality issues of the ESBOA trade union are interesting in that they cover some of the issues which the current literature on women and the trade union movement have identified. (See Stage One Report for Ireland 1995). For example, the Programme recommended that creche facilities be provided for all meetings, and where this is not possible, an adequate child minding allowance should be paid, where childcare expenses are incurred. (1993:26). The current equality officer of the ESB Group of Unions pointed out that this type of trade union policy is rare within the Irish trade union movement today.

Another interesting point raised in relation to process of equality bargaining related to the fact that the position of “equality officer” within the ESB Group of Unions does not have officer status. It was a strongly held view of some female union activists that this lack of status disadvantaged equality issues and their prominence on the Agenda. The point was made that when negotiations were underway on the Review of Relationships within the ESB, **ONLY** officers representing the group of unions were allowed to participate. According to one key union informant:

“equality did not get represented. There were no equality issues on the agenda, because there were no women negotiators”

This problem has been addressed in recent times when the Group was re-constituted, following the Review of Relationships, where, from now on one of the group can be nominated to represent research and equality issues in negotiations.

According to the current equality officer of the ESBOA trade union there is more interest being shown in women’s issues in the last few years than previously. She argues the main reason for this is that the profile of equality has been raised through the various equality reports and trade union newsletters. A Joint Equality Council consisting of management and union representatives (the majority of whom are women) was established on the recommendation of the Review of Relationships Report which recommended that:

“ESB should adopt an Equality Performance Programme straightaway and affect this through the Business Plan from 1991”.

Since 1992 an Equality Performance Programme has become incorporated into the ESB’s Business Plans for 1992-1996. Each business unit outlines its plans in the area of equality and the implementation of these are monitored by the Equal Opportunities Office. To-date some equality targets have been met in that the number of women in management positions in the company has increased.

Another interesting development which arose from the Recommendations of the 1990 Review Group was that the existing post of Equality Officer be replaced and upgraded to the new post of Equal Opportunities Manager with senior management status, reporting directly to the Director of Personnel.

While the trade unions within the company were very positive about the appointment of the Equal Opportunities Manager nonetheless some key union informants expressed reservations about the position reporting directly to Personnel. It was the view of one union that the position should be totally independent. This may be difficult to achieve in reality.

5.1. ESB Equality Council

The Equality Council was established in 1991 by the Director of Personnel as a consultative and advisory body to ESB management on matters relating to equal opportunities. The members of the Council were appointed by the Director of Personnel. The primary functions of the Equality Council are:

- to monitor progress in ESB on equality with specific reference to the 1990 Report of the Review Group
- to advise the Director of Personnel and the Equal Opportunities Manager
- to promote awareness of equality within the ESB

When the Council completed its term of office in December 1993, its functions were continued and expanded into the Joint Equality Council by the ESB and the ESB Group of Unions. It is chaired by the equality officer of the Irish Congress of Trade Unions. The Joint Equality Council has played a major role in contributing to the process of education and awareness which enables all staff to fully understand equal opportunities issues in the workplace. The Council reports directly to the ESB and the ESB Group of Unions. In addition, local equality Committees have been established throughout the company with responsibility for local equality issues. Local committees are primarily concerned with **local** equality issues and the Joint Equality Council takes a national perspective which will have an impact at local level also. It is interesting to note the extent of company involvement and company initiated issues during Phase Two of equality bargaining within the Company.

The current organisational structure of Equal Opportunities Office within the ESB is shown below:

Director of Personnel

Equal Opportunity Manager

Clerical Officer

Administrative Officer

5.2. Equal Opportunities Manager

In April 1991 the position of Equal Opportunities Officer was replaced and upgraded to the new position of Equal Opportunities Manager. It is now part of the senior management team within the ESB. To-date all the equal opportunities officers have made their own individual contribution to the development and promotion of equal opportunities within the Company. However the current Equal Opportunities Manager has made a very significant contribution to raising the profile of equal opportunities within the ESB at a time when the company is facing massive redundancies and change. With one third of the workforce being made redundant, it is a difficult task promoting and monitoring the implementation of equal opportunities throughout the Company. Some of the initiatives taken by the Equal Opportunities Office include the following: in September 1992 the Equality Council through the office of the Equal Opportunities Manager organised a high profile Equality Seminar which contributed towards raising and gaining commitment from regional and branch managers for the future promotion of equal opportunities.

The Equal Opportunities Office has also been busy working on changing attitudes within the ESB and organised a series of seminars for men and women, to challenge negative stereotyped attitudes towards women in the workplace.

In August 1991 the Equal Opportunities Manager employed the services of a film company to produce a video for use within the company. The video challenges stereotyped attitudes towards women. The video is used to stimulate debate and discussion in gender equality.

The Equal Opportunities Office also organised a series of training courses of particular relevance to female employees within the ESB. To-date these courses have been very well attended and have been very successful. The following courses have been organised:

Course Type	No. of Participants
Career Development	932
Personal Effectiveness	663
Professional Image	151
Giving Women a Voice	73
Image and Self Projection	80

These training programmes are available to all female staff including part time and temporary staff.

The ESB have been the recipient of several awards for their efforts at promoting equality at work. These include:

- In 1992: Department of Labour Equality Focus Award
- In 1992: Liga Workplace Creche Award
- In 1994: IPM Achievement in Personnel Management Award.

5.3. THE ISSUES - STAGE TWO

As stated earlier, in the second ESBOA trade union programme on equality in the ESB there was a difference in emphasis. Whereas in the first phase the issues were very much union-driven and based on equality issues concerning terms and conditions of employment which were negotiated through the collective bargaining process. In Phase Two the issues would appear to be more concerned with the **INTERNAL** union attitude towards equality and its promotion **WITHIN** the union. Phase two of the ESBOA's programme stresses the need for more women activists within the union. Since 1990 it has become easier for women to participate in trade union affairs within the ESB. The ESBOA trade union negotiated an agreement with the company in which the company has agreed to release female members from their duties on a paid-release basis for the purpose of trade union meetings and training. The union also provide creche facilities for trade union participants at meetings, or members attending meetings can claim baby sitting expenses if such expenses have been incurred.

A major objective of the ESBOA trade union in Phase Two was to get as many women as possible nominated to as many groups as possible, e.g. Women's' Committees. The ESBOA's Programme also ratified the position of the equality officer by way of an amendment to the union rule book. Since 1994 the position has become a formal officer position(honorary) within the union. The union has also run a three day training course in an attempt to get more women involved in trade union affairs, with modules on collective bargaining, sexual harassment, bullying and disability. Guest lecturers have been used to give talks on Health and Safety, equality etc. The union has also organised seminars on equality to raise equality awareness, and on 'negative attitudes training'.

Key informants of the ESBOA trade union pointed out that the company have now adopted the 'negative attitude training' module and use it for Supervisory Training. The equality officer stresses the point that

“if the ESB co-operated with the union, they could achieve a lot together”.

Following the completion of the report "Equal Opportunities in the ESB"(1990) the ESBOA met with the Equality Officer of the ESB and explored issues which could be improved. However, a view expressed by key trade union informants was that very little **real** co-operation and partnership exists. It is the view of key informants within the union that the ESB like to talk about partnership but in practice do very little about it. Personnel opinions disagreed strongly with this view; it was their view that the company is serious about promoting a partnership approach.

5.4.1. Job Advertisements

The ESB Group of unions argued that the issue of job advertisements was very much an equality issue. They pointed out that the requirements for most jobs in the ESB were very “male orientated” particularly in the apprenticeship area.

The unions requested the ESB to give consideration to the concept of accepting a pass in the National Intermediate Certificate in the subject ‘Home Economics’ and ‘Biology’ of being equivalent to a pass in Mechanical Drawing at Intermediate Certificate level.

The ESB trade unions argued that since the educational standard sought for entering an apprenticeship is not too advanced (Intermediate certificate) the unions argued that this was not an unreasonable request to the company.

A Committee was established by the Equal Opportunities Manager to examine the issue and recently the ESB indicated it is prepared to accept this proposal.

5.4.2. Creche Review

The creche facilities were reviewed by the ESBOA trade union in the early 1990’s. The trade union requested the company to establish regional creche facilities in the various regions outside Dublin. The company rejected the request on the basis of cost. The operation of the Dublin creche was then reviewed by independent consultants who recommended

- (1) raising the cost of the creche by £10 per week, and
- (2) job sharers were requested to pay the full weekly amount, despite the fact they were only using the facilities on a job sharing basis.

The union argued a major contributory cost factor in the operation of the creche is the design of the building, which is a Georgian house, and is costly to run. However, following negotiations between the company and the union (ESBOA) the union succeeded in getting the proposed creche fee increase of £10 reduced to £3 increase per person. (The current weekly cost of the creche is £58 per week).

Key union informants have pointed out that only a few female ESB employees can afford to use the creche, because of the cost factor, but agreed that it is good some of the ESB employees are able to avail of the creche facility (despite the fact that the majority of these are male). The point being made here refers to the position and occupations held by women in the company and the fact they earn less money than men working in the company, this means they are less able to afford the company creche. Creche expenses are not tax deductible under Irish taxation law.

In relation to the creche negotiations, the ESBOA pointed to the fact that this was further evidence of the fact that

“the ESB have no real commitment to joint negotiations and joint working parties”.

5.4.3. Parental Leave

Following on the Joint Industrial Council recommendation on Parental Leave, a Joint Working Party was established involving the ESB Group of unions and representatives of ESB management. After years of negotiations a report was issued. One of the main report findings stated that while there was a desire for parental leave within the company, cost was cited as a major consideration. The Report argued that if parental leave was on a paid basis there would be a greater uptake than if it were operated on an unpaid basis. Indications from the survey showed that a majority of employees could not afford to take unpaid leave.

After much discussion and argument the union failed in its negotiations to get paid parental leave introduced. However the issue was taken up by the Equal Opportunities Manager, in the context of the Parental Leave Directive. The Equal Opportunities Manager has briefed all managers on the issue stressing the European dimension, which is due to become law by 1998. On the parental leave issue, the ESB have adopted a “wait and see” attitude; according to the equality officer of the ESBOA

“the Company will implement the minimum legal requirements only when they have to”

The ESBOA equality officer was critical of the other unions within the Group on the basis that they are not really interested in pushing equal opportunities through the collective bargaining mechanism. What was particularly interesting about this observation was the fact that the other unions within the ESB Group have an excellent track record on equality issues **OUTSIDE** the ESB, but inside the company they have been reluctant to engage in equality bargaining. The main reason attributed for this poor performance is the fact that most trade unions - with the exception of the ESBOA have an almost totally male membership within the ESB.

5.4.4. Sexual Harassment

The 1990 ESB Report described sexual harassment in terms of “a new name for an old problem”(1990:28). According to this Report the issue of sexual harassment was not taken up by women at the meetings of the Review Group, from which the report infers is an indication of its sensitivity. However, the survey undertaken by the Employment Research Unit conducted on behalf of the Review Group reported that under **half** of the women in the survey reported they had personal experience Of sexual harassment at work. The Report concluded that

“sexual harassment is therefore a workplace reality in the ESB and that women are most vulnerable in many male dominated areas” (1990:28).

On the question of how the issue of sexual harassment came to be raised as an equality issue, the ESBOA claim they were 100% responsible for raising it and negotiating a policy. According to the union sexual harassment became an equality issue in the ESB following the publication of the Irish Congress of Trade Union’s **“Negotiating a policy on Sexual Harassment”**. According to the ESBOA, the ESB launched its own policy and code of practice on sexual harassment a short time later. The ESBOA union objected on the basis that the procedures had not been negotiated. The company then launched a further policy on sexual harassment **“WHO CAN I TELL ?”** which established contact persons in various areas of the company, who were given training in counselling skills in the area of sexual harassment complaints.

The current position in the company regarding sexual harassment is that both the ESBOA trade union and the company each have their own policies on sexual harassment. This duality of policies suggests a waste of resources and a lack of co-ordination. Furthermore, it raises questions about the extent to which **co-operation and partnership** do actually operate within the ESB. Key informants on the trade union and management side disagree on this issue, with management representatives stating the company is pursuing a partnership approach while the union representatives hold an opposing view.

5.4.5. Bullying

Bullying is regarded as a serious issue in the ESB. The ESBOA trade union hold the view that the majority of those bullied are women working in a subordinate role to a male supervisor. The union approached the company with a view to becoming involved in developing a Joint Programme on bullying. The company stated it intended developing a policy which would become part of the corporate policy. Again the trade union disagreed with this position, because, according to the ESBOA trade union, it was in breach of the union-company discipline agreement. It is interesting to note that while the ESBOA trade union recognise that the company's policy on bullying is a good policy, the union are of the view that it must first be given consideration by the union, before the union can formally support it. Again, the approach of the union and the company to important issues support the old traditional adversarial view, and does not reflect the ethos expressed in the 1993 CCR Report which promotes the a **partnership** approach.

In September 1996 the ESB launched a Pilot Scheme in their Great Island Plant on harassment and bullying, which is an agreed policy between the union and the company. This pilot scheme, if successful, will form part of the company's overall equality policy.

5.4.6. Mainstreaming

In 1995 the Company recognised the need to develop an equality programme which is largely gender neutral. The Equal Opportunities Manager was responsible for developing this programme. In so doing the following issues were identified as problems within the company in the area of equality:

- lack of real commitment by management
- lack of understanding among staff about equality issues
- backlash against equal opportunities (gender issue) by male employees.
- equality of opportunity is not easy target because it can be perceived as a threat to the status quo

The male backlash was **not** a trade union initiated or supported backlash. It involved a small group of male employees who objected to what they perceived as unequal treatment of males within the company. This accusation was unfounded and the issue was dealt with by the Equal Opportunities Manager.

According to the Report "Mainstreaming Equality" (1995:5) equal opportunities in the ESB is seen by most managers to be a marginal issue, of relevance only to women. The report further states that the Equality Performance Programme is generally regarded as a day to day management issue. The general feedback from staff, according to the report, is that "management have not bought-in".

The report on Mainstreaming Equality recognises the need to identify and debate the key workplace barriers (including attitudes) that give rise to uneven development of staff, both men and women, and that prevent them from reaching their full potential.

The specific goals identified for 1995 by the Equal Opportunities Manager in conjunction with the Business Units (linked to the Review of Relationships) were:

- to identify and publicise the name of the person(s) responsible for the implementation and monitoring of the Equality Performance Programme at local level
- to carry out **equality proofing** of documents, agreements and job advertisements to provide equality training on all career development courses
- where there are applicants of both sexes for interview, at least one member of the interview panel **must** be female, for internal as well as external recruitment. In all other cases where appropriate, at least one member of the interview panel should be female.
- men and women should be represented on working parties, committees and task forces

It should be noted that the Dublin Region is probably the only region to-date that has an equality performance plan. According to key informants this plan is still in its infancy, although some developments have occurred. For example, briefings of managers on equality legislation and job shadowing initiatives.

5.4.7. Equality Proofing

In 1994 the ESB published its policy on “Equality Proofing and Collective Bargaining”. It was produced as a guide for those involved in equality proofing future agreements within the ESB collective bargaining system. It specifically stated that existing agreements must be equality proofed by the Equal Opportunities Office.

Equality proofing involves the checking of documents, agreements, practices and procedures, intended, past or present actions, to see if they offend in any way against employment equality legislation. This was a **company-driven** policy document, with the Equal Opportunities Manager taking responsibility for its development and implementation. One of the first documents to be equality proofed was the CCR report.

5.4.8. Disabled

In June 1996 the ESB published its Code of Practice for People with Disabilities. Once again, this was a **company-driven** policy developed by the Equal Opportunities Manager.

The purpose of the Code was to provide a clear statement of ESB policy in relation to people with disabilities. The Code states that:

“all business units of ESB shall be required to ensure that they afford equality of opportunity to any existing members of staff who have a disability and to any job applicants with disabilities” (1996:5)

The ESB Code of Practice (1996:4) states that the company is committed to ensuring that people with disability who are capable of effective performance in the job which they hold or to which they aspire are not disadvantaged or discriminated against by reason of having a disability.

The Code recognises that staff with disabilities shall have the same opportunities as other staff to develop full and rewarding careers in ESB. The Code guarantees equal access to training and development opportunities for employees with disabilities so that they can further their skills and abilities and fully contribute to the organisation. The Code includes the “**disability proofing**” of all training plans to ensure equality of opportunity for employees with disability. The Equal Opportunity Manager has responsibility for monitoring the operation of the Code on an on-going basis.

6. SUMMARY

Equal Opportunity has been an issue within the ESB since the late 1970's. It became a collective bargaining issue with the ESB Group of Unions and in particular the ESBOA trade union from in and around the early 1980's. The industrial relations structure of the ESB is based on collective bargaining with ESB management representatives and the ESB Group of Unions. According to the present research findings the majority of unions within the group are **NOT** interested in equal opportunities issues within the company. What is interesting in this regard, however, is the fact that most of these unions have extensive equality policies as trade unions **outside** the Company, but do not seek to have them applied within the Company. The ESBOA trade union is the main union within the ESB Group of unions with an active equality agenda. This union has a 50% female membership. The other unions within the Group have a small minority of female members. Since the late 1970's equal opportunity issues have formed part of the ESBOA collective bargaining agenda. However, as the present research has shown collective bargaining on equality issues **seldom** formed part of the central collective bargaining system in the ESB. Equality issues were always marginal issues and were allocated a separate agenda; according to key informants the reason for this was the fact there were **no** female negotiators involved to press for the inclusion of equality issues on the agenda.

Despite the fact that the company and the unions have expressed their commitment to **partnership** and co-operation, the ESBOA trade union disagree with this view. They argue that the **“them and us”** attitude still persists between ESB management and the unions and in the area of equal opportunities there is **very little** evidence of a partnership approach.

An interesting aspect of the present case study is that the ESBOA trade union, being the dominant union within the company responsible for negotiating and promoting equality issues, claim full credit for many developments in equal opportunities within the company. At the same time, the ESB also claim responsibility for initiating unilateral equal opportunities policies. This conflict in perceptions becomes more clear when both views are considered. Both sides (management and union) agree that equality issues are usually raised by the trade union and at some stage into the negotiations the ESB management or the Equal Opportunities Office take up the issue from which company policies emerge.

As the case study has pointed out equal opportunities in the ESB may be divided into two phases. It is argued that in the first phase equality issues were union-driven, using collective bargaining as the vehicle to process equality claims. Phase one lasted from the late 1970's until late 1980's approximately. The second phase evolved with the appointment of Mr. Lorcan Canning as Director of Personnel. Equality issues during this stage thus were company-driven with the trade union consolidating any gains achieved during phase one. The appointment of the Equal Opportunities Manager with senior management status was also an important development in the evolution of equality bargaining in the ESB, particularly during phase two.

Key informants on the management side were asked to identify what factors, if any, contributed to the ESB's interest in equality issues from 1990 onwards. On the management side the key informants identified the following factors:

- (1) Developments at European level, regarding equal opportunities, contributed to the ESB's interest in equal opportunities. The company aims to supply the best customer service in Europe. Some management respondents pointed out that it is a good strategic move for the company to promote a positive corporate image in the area of equal opportunities because women make up a significant number of their customers.
- (2) The ESB has a commitment to deliver. It is a very honourable company and to-date has accepted the recommendations made by the Joint Industrial Council in the area of equal opportunity. According to one personnel manager "the company is committed to the whole process".

One area where the company and the trade unions performance and achievements in equality can be criticised equally is in the area of worker participation. Since 1977 the ESB was one of the seven Irish semi state companies to be included in the Worker Participation Act. In 1988 the law was amended and extended to include all Irish semi state companies. This legislation was introduced in response to European developments and the draft Fifth Directive on Worker Participation. It allows one third of the Board members to be elected by the employees. Below board structures also operate.

Both management and unions in the ESB are in agreement that women have **not** succeeded in getting elected as worker directors to the Board, nor have women won any significant gains at sub board participation within the company. The management explanation for the lack of gender balance in this area is that women did not put themselves forward for election. It was pointed out that men are attracted to the position of worker director because they perceive it as a very powerful and influential position. The ESBOA trade union expressed the view they are hopeful that one of their members - female - will be elected to a Board position soon. The union view states that this is a very political question and involves doing deals with other trade unions in the group in order to gain the support of another union. One interesting observation from interviews with key informants is that in the first phase of the equality programme it was very much **union-driven** and concerned work issues. However, the second equality programme, appears to be **company driven**, following the appointment of a Personnel Director and the upgrading of the position of equal opportunity officer to Equal Opportunities Manager (with senior management status). Responsibility for equal opportunities now rests with the managers of each Business Unit. The emphasis has now changed. In the pre 1990 period equality was more a trade union issue, whereas in the post 1990's equality issues for the ESBOA trade union appear to be **internal** trade union issues. From the trade union perspective the emphasis now is on getting more women members active in the affairs of the union, equality training within the union etc. It is interesting to note the lack of interest shown by the ESB Group of unions in general, regarding the issue of gender balance and worker directors in the ESB.

7. DISCUSSION - THE WIDER CONTEXT

Do the issues covered in the agreements in the ESB fit into any wider equality agenda of the social partners ?

Part of the present research project reviewed the literature on collective bargaining and equal opportunities in Ireland. That review included the national tri-partite corporatist style agreements in operation in Ireland since 1987. Equality issues have formed part of these agreements - particularly the P.E.S.P agreement (1990-1993). The inclusion of equality issues in national agreements is European-driven. Since 1987 collective bargaining in Ireland has been based on national negotiations, the negotiated agreements thus become applicable to all employees and industries throughout the Irish Republic. The ESB is directly affected by the outcome of these national agreements. However, in the area of equality the ESB has an excellent track record and was **equality aware** in the early 1980's when most companies in Ireland were not so aware. The ESBOA trade union was responsible for raising equality awareness and the only union to press for change in this area.

Equal opportunities became underpinned by equality legislation in the mid 1970's with the passing of the Employment Equality Act 1977 and the Anti Discrimination (Pay) Act 1974. The ESB was one of the first companies in Ireland to engage in collective bargaining with the unions on matters connected with equality. The ESBOA trade union was to the forefront in these negotiations. According to the trade union the main motivating force behind their equality demands came from European developments and developments in Irish equality law. Throughout the period 1980-1989 the ESBOA trade union stated they had very close contact with the ETUC Women's Committee through the Irish Congress of Trade Unions, and these links were important in raising awareness of developments at European level.

The second phase of the equal opportunities development in the ESB was company-driven i.e. post 1990. During this phase the company developed a very proactive approach to equality issues following the appointment of Mr. Lorcan Canning as Director of Personnel and the upgrading of the Equal Opportunity Manager position. During this phase the CCR Report was also published which recommended restructuring and the reduction of the workforce by one third. To-date there is no research available on the impact of the CCR from an equality perspective. However, key informants point to the very generous early retirement and redundancy packages being offered by the company may make it an attractive option for women who have dependent children. The point has also been made that the company are not over-staffed in the clerical area where most women operate, but if a lot of women opt to take up the redundancy or early retirement package, this could inadvertently result in an ever greater gender imbalance in the company.

From the present exploratory case study the following points emerge as important issues in the wider context.

- the experience of the ESB could be transferred to a wider context. As stated earlier, the ESB has a very high corporate profile in the area of equality. Some E.U. companies have indicated an interest in the ESB developments. In 1996, under a European Operations Exchange Programme, some staff members from the ESB visited Dutch Telecom (Bonn) and presented a seminar on ESB equality developments. Interest has also been expressed by Italy and Denmark in visiting the ESB for the purpose of observing equality practices and developments.
- the lack of interest generally shown by the trade unions operating within the company in equality issues. Only one union - the ESBOA trade union - has shown a significant and determined interest in pursuing and negotiating equality issues.
- in the early days the Company adopted a “wait and see” approach to equality. However, since the 1990’s the ESB has taken a very proactive approach and it would appear to be paying dividends from a corporate image perspective.
- it would appear the Company has started to recognise the importance of their customer base and the fact that most of these are female (housewives). Having a ‘good’ equality record is akin to having a sound investment which will assist the company in the near future when faced from Europe.

Further research is necessary to explore in a more in-depth manner the issues raised in this case study and in particular the extent to which a partnership approach operates in the area of equality.

REFERENCES

Reports

“Equal Opportunities for Women in the ESB: the Reality” Report of the Review Group to Director of Personnel 1990

“Equal Opportunities” 1995

“Programme for Mainstreaming Equality” 1995

“Equality of Opportunity” Report of Joint Working Party 1987

ESB Policy on Harassment and Bullying 1996

Great Island Policy on Harassment and Bullying 1996

“Equal Opportunities “ ESBOA Action Programme 1987

ESB Group of Unions Submission to the JIC in respect of Parental Leave 21 June 1990

Interim Report on Implementation of Recommendations of Equality Review Group. Equal Opportunities Office 1993

Report from ESBOA’s Women’s Committee to Annual Delegate Conference 1993

Joint Equality Council “Job Sharing: A Flexible Working Option” 28 April 1995

Review of Relationships within ESB. February 1993.

Guide to Equality Proofing and Collective Bargaining 1994

ESBOA Women’s Committee. Report to National Executive Committee August 1991

ESBOA Women’s Committee. Analysis of Progress. November 1993

Minutes of ESBOA Women’s Committee 1987-1996.

Summary of Equality Survey 1990

Report on Business Case for Equal Opportunities in ESB. Volumes 1-3. 1995.

APPENDIX 1

INTERVIEW GUIDE

I GENERAL QUESTIONS

1. How long have you been involved in industrial relations/trade union/personnel issues in your job?
2. What positions have you held and responsibilities attached to these to-date?

II TRADE UNION QUESTIONS

1. How many members in your trade union?
2. How many male and female members?
3. Do female members take an active part in trade union affairs?
4. Have and are females involved in negotiations on equality issues - give details.
5. Can you identify the factors which influenced the construction of the equal opportunities agenda in negotiations with the ESB? Give details.
6. How were the actual provisions of the equality agenda decided and shaped? Give details.
7. Were the issues agreed upon always implemented - how and when

III PRE-AGREEMENT STAGE

8. When did equality issues first appear for collective bargaining purposes between the union and the ESB?
9. What were the ISSUES involved?
10. Were there any female negotiators involved in the collective bargaining process (at the pre-agreement stage)?
11. How were the issues raised and prioritised in the collective bargaining process (at the pre-agreement stage)?
12. Why were the issues (identified) considered important and by whom?
13. Explain the approach and bargaining strategy adopted by the union.

IV AGREEMENT STAGE

14. What were the priorities and respective positions of the bargaining parties at different stages of the negotiation and what determined these?
15. How were the issues presented. What were the arguments/strategies used and why?
16. What factors are seen as having influenced the success of the negotiations?
17. Who were the key actors involved in the bargaining process?
18. Were women present among the negotiators or as support staff?
19. What has been the impact of the various agreements in practice?

V EXPLORATORY ISSUES

20. What is the relationship of this agreement to other collective bargaining or unilateral policies of relevance to equality?
21. Women's participation in the running of the company, board of management etc. and the role of the union in securing/promoting the participation of women.