



NEGOTIATING INCLUSIVE POLICIES IN THE WORKPLACE

A PRACTICAL GUIDE FOR TRADE UNION REPRESENTATIVES

"An inclusive workplace does not come about by itself. It must be listened to, negotiated, documented, implemented, monitored and collectively defended".

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Introduction

This handbook is a working tool for trade union representatives who want to negotiate more effectively with employers on policies, agreements, regulations and collective agreements that take into account diversity, equity and inclusion (hereinafter: DEI). It is not a legal commentary or an HR manual. Its perspective is that of a trade union: the aim is to turn employees' experiences into demands, record them in binding documents and ensure that they really work.

Why trade unions should address inclusive policies

Trade unions were established to empower those who individually have a weaker position vis-à-vis the employer. Today, this also means protecting people whose situation is weakened by gender, age, disability, origin, migration status, religion, language, health status, sexual orientation, gender identity, form of employment or caring responsibilities. Discrimination almost always translates into working conditions: lower pay, a less stable contract, being overlooked for promotion, poorer access to training and a lower sense of security. This is a classic task for trade unions.

Why compliance with the law alone may not be enough

FairForward's country reports show a recurring pattern: formal guarantees of equality exist, but people from vulnerable groups still face barriers to accessing work, promotion and effective protection. The problem is not only the lack of regulations, but also the lack of enforcement, the lack of trust in procedures, the ignorance of employees and the fear of retaliation. The law sets the minimum. The task of the trade union is to negotiate solutions that make this minimum a reality and go beyond it.

The role of collective bargaining

A diversity policy adopted unilaterally by the employer can be an important step, but it is weaker than a solution negotiated with employee representation. The advantage of a union is that it can combine individual experiences into a collective problem and enforce organisational responsibility: deadlines, responsible persons, measures and monitoring. Only a provision in a contract, agreement or regulation means that inclusion ceases to be a declaration and becomes an obligation.

How to use the handbook

The handbook guides you through the entire cycle of action: from diagnosing the problem, through formulating a demand and preparing a strategy, to concluding an agreement, implementing its provisions and evaluating the results. Chapters 1–2 build a common language and legal framework. Chapters 3–6 describe the negotiation process step by step. Chapter 7 provides ready-made proposals for specific areas. Chapters 8–9 teach you how to record and monitor agreements. Chapters 10–11 contain case studies and print-ready tools. Each chapter can be read separately, depending on the stage you are at.

Information about the project and sources

The handbook synthesises materials from the FairForward project: legal reports and reports from focus groups in partner countries, conclusions from the Inclusion Forum, and materials from the CIAT (basic training in inclusion and awareness building) and SIAT (strategic training in advocacy and negotiation) training courses, as well as exercises from the project Playbook. Sections marked as a "model example" present educational situations, not actual project arrangements.

Trade union test

If the problem concerns working conditions, pay, safety, promotion, job stability, dignity, access to information or protection against arbitrariness — it is a trade union issue, regardless of what it is called.

Chapter 1. What are inclusive policies in the workplace?

***Purpose of the chapter:** to introduce the common language of DEI and to show how formal equality differs from real equality of opportunity and what barriers employees face.*

1.1. Basic concepts

The following terms provide structure for a conversation with an employer. It is worth using them consciously in company documents, as they create specific obligations.

Concept	Meaning in negotiation practice
Diversity	The actual presence of people with different experiences, identities and life situations in the workplace.
Inclusion	Organising work in such a way that different people can genuinely participate, exercise their rights and feel safe.
Equality	The absence of less favourable treatment and access to comparable opportunities, resources and protection.
Equity	Adapting support to employees' different starting points. It does not always mean identical treatment.
Accessibility	Designing workstations, tools, buildings and information so that all employees can use them.
Intersectionality	The overlap of several characteristics and situations (e.g. migrant, woman, person with a disability) and the associated barriers.
Prejudices and stereotypes	Automatic, often unconscious assumptions about people that influence personnel decisions.
Structural discrimination	Inequality built into the rules and practices of an organisation, not just into individual behaviours.
Microaggressions	Minor, repetitive messages and behaviours that signal to someone that they are "out of place".

1.2. Formal equality versus real equality of opportunity

Formal equality means that the rule is the same for everyone. Real equality of opportunity requires the removal of barriers that make the same provision work less well for some people. Example: training regulations available only in Polish and only in written form formally cover everyone, but in practice exclude employees with poor language skills and people with visual impairments. Inclusive negotiations involve moving from equality "on paper" to equality in practice.

In practice

Don't just ask, "Is the rule equal for everyone?" Ask "who, in practice, cannot benefit from it and why?". This second question leads to a specific demand.

1.3. The most common barriers in the workplace

- information and language barriers (incomprehensible documents, lack of translations, jargon);
- architectural and technical barriers (inaccessible buildings, tools, systems);
- procedural barriers (lack of clear promotion criteria, discretion, lack of a complaints procedure);
- cultural barriers (jokes, stereotypes, "that's how we do it here", pressure to be available);

- economic barriers (lower wages, inferior contracts, lack of access to bonuses and benefits);
- fear of retaliation, which keeps problems hidden.

1.4. Groups particularly vulnerable to unequal treatment

The handbook deliberately uses an open catalogue. The same person can belong to several groups at the same time. In FairForward's activities, the experiences of the following groups were particularly evident:

- women and people with caring responsibilities;
- older people (55+) and young employees and trainees;
- migrant and foreign workers;
- people with disabilities, people with mental health problems and neurodiverse people;
- LGBTQIA+ people;
- employees employed temporarily, through agencies, by subcontractors or via platforms;
- low-paid workers;
- people at risk of discrimination on the grounds of origin, nationality, religion, age, gender, sexual orientation, gender identity or health status.

The principle of intersectionality

Good negotiations do not just ask "which group does the employee belong to?", but "what barriers overlap?". A migrant woman working in outsourcing may simultaneously experience language and wage barriers, as well as fear of losing her job.

1.5. The importance of the employees' voice

Inclusive policies designed without the participation of those affected often solve the wrong problem. The voice of workers from under-represented groups is the most important source of knowledge about the real barriers — and at the same time the source of the union's mandate to negotiate.

The most important conclusions for the trade union

- DEI is not a slogan, but a set of specific working conditions: pay, safety, access and dignity.
- The key question is not "is the rule equal?", but "who cannot benefit from it and why?".
- The catalogue of groups is open, and barriers often overlap — think intersectionally.
- Without the voice of employees from vulnerable groups, an inclusive policy loses its relevance and mandate.

Chapter 2. Legal and policy framework

The aim of the chapter: to show the most important regulations and, above all, how to use them in negotiation practice.

This is not a legal commentary. Distinguish between four levels: legal obligation, good practice, trade union demand and a solution that can be agreed upon in negotiations. The law sets the minimum — the union's task is to make it a reality and negotiate beyond it.

Note on date and adaptation

Legal status as of August 2026. The law differs between countries, so solutions should be adapted to national regulations. The logic of action is common: diagnosis → mandate → demand → negotiations → provision → implementation → monitoring.

The table below summarises the key areas. For each one, it indicates the legal basis, what results from it for the union, and what can be negotiated above the statutory minimum.

Area / legal basis	What it means for the union	What to negotiate above the minimum
Equal treatment and non-discrimination (Charter of Fundamental Rights, Articles 21, 23; Art. 19 TFEU; Directives 2000/43, 2000/78, 2006/54);	Protection against direct and indirect discrimination at every stage; in a dispute, the burden of proof lies with the employer.	broader definitions (intersectional discrimination), company procedure with deadlines, annual equality review, staff training, trade union participation in the handling of reports
Equal pay and pay transparency (Art. 157 TFEU; Directive 2006/54; Dir. 2023/970;	The right to information about the criteria for determining and progressing wages is increasing; in the case of a large gap — a joint assessment of wages with the participation of trade union representatives.	annual audit of the pay gap by gender, form of employment and position; transparent pay ranges; recovery plan; consultations — also below statutory thresholds
Harassment, violence, mobbing (Equality Directives; ILO Convention No. 190)	The employer has a duty to prevent; harassment is a form of discrimination.	anti-violence protocol with multi-channel reporting, protection against retaliation, response times, support for the reporting person and trade union involvement
Parenting and work-life balance (Directive 2019/1158)	The right to request flexible working arrangements and care leave without negative consequences.	predictable schedules, guaranteed return to the position, additional care days, fast application procedure, prohibition of penalties for exercising rights
Disability and accessibility (UN Convention on the Rights of Persons with Disabilities; Directive 2000/78 — reasonable accommodation; national legislation)	The employee has the right to reasonable accommodation; refusal must be justified.	application procedure with a deadline and written justification for refusal, budget for adjustments, accessibility audit, protection of health data
Atypical forms of employment (Directives 2008/104, 2019/1152, 2022/2041)	Temporary workers have the right to basic conditions comparable to those of directly employed workers.	extension of health and safety, anti-discrimination and information standards to agencies and subcontractors; pathways to employment stabilisation

Area / legal basis	What it means for the union	What to negotiate above the minimum
Protection of whistleblowers and prohibition of retaliation (Directive 2019/1937)	The foundation of whistleblower protection and the prohibition of retaliation; the union can be a safe channel for reports.	consistency of procedures for reporting discrimination with the protection of whistleblowers; the role of the union in receiving and monitoring reports
Social dialogue and negotiations (Charter of Fundamental Rights; ILO Conventions Nos 87 and 98)	Statutory rights to information, consultation and negotiation — these are what turn demands into binding provisions.	arrangements and agreements covering DEI, access to aggregated data, joint committees, co-creation of regulations

The most common mistake

Treating DEI as a "worldview" topic outside the trade union agenda. It is a topic of working conditions, pay, safety and dignity — the core of collective bargaining. Linking equal treatment provisions to trade union rights was a theme of the CIAT training.

The most important conclusions for the trade union

- The law is the minimum; the value of the union lies in negotiating beyond it and making existing guarantees more realistic.
- In discrimination disputes, the burden of proof lies with the employer — this is a strong starting position.
- Transparency of remuneration (Directive 2023/970) strengthens the mandate of trade unions to conduct pay audits.
- For each regulation, ask: what does it give the employee, what does it give the union, what to negotiate above the minimum, what risk does the employer bear.

Chapter 3. Diagnosis of the situation in the workplace

***Purpose of the chapter:** to show, step by step, how a union can recognise problems and distinguish between impressions and documented facts.*

A good diagnosis combines two sources: employee accounts (what people are experiencing) and organisational data (what can be seen in numbers and documents). One without the other is weak: numbers alone do not explain the causes, and stories alone are easy to downplay.

3.1. Sources of information

- **Complaints and reports:** what employees report, how often they report it, and how cases are handled.
- **Anonymous surveys:** questions about experiences and barriers, without forcing the disclosure of sensitive identity characteristics.
- **Conversations:** with employees from under-represented groups.
- **HR data:** employment structure, types of contracts.
- **Remuneration analysis:** ranges, bonuses, allowances and differences between groups and forms of employment.
- **Promotions, training, benefits:** who uses them and how often.
- **Working conditions and accessibility:** audit of buildings, workstations, tools and communication.
- **Documents:** regulations, procedures, collective agreements and job advertisements.

Legal notice

The data needed for the diagnosis must be processed in accordance with data protection law. Negotiate aggregated, voluntary, anonymous or pseudonymised data — not control over employees' private lives.

3.2. Diagnostic questions

The following questions help you see the barriers hidden in everyday practices:

- Who has real access to information about rights, procedures and remuneration?
- Who has an influence on the work schedule and organisation, and who does not?
- Who gets promoted and according to what criteria? Are the criteria publicly available?
- Who is afraid to report problems and why?
- Who doesn't come to union meetings and what discourages them?
- Which workstations and buildings are inaccessible to people with disabilities?
- Are employees on temporary or agency contracts and those working for subcontractors treated less favourably?

What can the employer say?

"We don't have a problem because there are no complaints." The absence of complaints more often means a lack of trust in the procedure than the absence of violations. The answer is an anonymous survey, union drop-in sessions and secure reporting channels — not assuming that there is no problem.

3.3. Checklist: is there a problem in our organisation that requires negotiation?

Checklist

- There are repeated complaints or signals regarding a specific group of employees.
- Data shows differences in pay, promotions or access to training between groups.
- Employees are not familiar with the reporting procedure or do not trust it.
- There are no clear, explicit criteria for promotion or grading.
- Buildings, workstations or documents are inaccessible to some employees.
- People on non-standard contracts have more limited access to rights and benefits.
- There are jokes and behaviours that violate dignity, which are normalised.
- If at least two points have been ticked, there is a basis for preparing a demand.

The most important conclusions for the trade union

- Combine employee accounts with organisational data — only together do they form strong evidence.
- The absence of complaints is not proof that there is no problem; more often, it indicates a lack of trust.
- Collect data legally, in an aggregated form and with respect for privacy.
- The diagnostic checklist helps you decide whether the topic is ready for negotiation.

Chapter 4. From problem to union demand

The aim of the chapter: to teach how to transform an identified problem into a specific, measurable and clearly documented demand.

Employees usually report a problem as an experience: "no one listens to me", "I'm afraid to speak up", "I'm not getting promoted", "jokes about my accent are normal". The task of the union is to translate the experience into the language of negotiation.

4.1. Ten steps from problem to demand

1. Describe the problem specifically (what, where, how often).
2. Identify the group of employees affected by the problem (take into account overlapping characteristics).
3. Collect evidence (data, accounts, documents, survey results).
4. Determine the causes (distinguish the symptom from the source).
5. Define the goal (what change you want to achieve).
6. Prepare a solution (a specific provision, procedure or mechanism).
7. Estimate the costs and benefits (including the cost of the employer's inaction).
8. Prepare arguments (legal, organisational, economic and social).
9. Determine the method of implementation (who, what, when).
10. Design monitoring (indicator, data source, frequency, role of the union).

4.2. A demand that is too general vs. an operational (measurable) demand

Demand too general	Operational (measurable) demand
"The employer should support diversity."	"The employer will introduce an annual pay audit broken down by gender, form of employment and job category, and its results will be consulted with the union."
"Accessibility needs to be improved."	"Within 12 months, the employer will conduct an audit of the accessibility of buildings and tools and adopt an adaptation plan with a budget and deadlines."
"Zero tolerance for harassment."	"The employer will implement an anti-harassment protocol with a 7-day deadline for confirming reports, protection against retaliation and the involvement of the union in handling cases."

The most common mistake

Stopping at a declaration of intent ("we will support", "we are striving to"). A declaration without a deadline, a responsible person and a measure is not a commitment. Turn it into an action: who, what, by when and how it is checked.

4.3. Negotiation demand sheet

The sheet should be completed for each demand before talks with the employer. This tool is repeated in Chapter 11.

Sheet field	Content
Problem	What is the barrier?
Persons concerned	Which groups? Is there intersectional discrimination?

Sheet field	Content
Evidence	Data, reports, complaints, survey results, documents.
Legal basis	Which provision or clause of the agreement can be indicated?
Proposed solution	A specific provision, procedure or mechanism.
Minimum goal	The necessary solution — we do not go below this.
Optimal goal	The best possible solution.
Possible concessions	What can we give up and under what condition?
Employer's arguments	What reservations will arise?
The union's responses	How will we respond legally, organisationally, economically and socially?
Method of monitoring	Who will check the performance, when and how?

The most important conclusions for the trade union

- Translate the employee's experience into an action: who, what, by when and how checked.
- Distinguish a declaration from a measurable commitment and a one-off initiative from a structural change.
- The demand sheet organises the evidence, goals and possible concessions before talking to the employer.
- A good demand includes a method of monitoring from the outset.

Chapter 5. Preparation for negotiations

Chapter objective: prepare the team, mandate and strategy before the conversation with the employer begins.

Most negotiations are settled before the first meeting. Good preparation means a clear mandate, knowledge of the interests of both parties, data, a communication plan and awareness of your own alternative.

5.1. Basic negotiation concepts

The following concepts are explained using examples related to inclusive policy. They were practised, among other things, during the SIAT training (the "Negotiate it!" exercise).

Concept	Explanation using the example of DEI
Position vs. interest	Position: "We will not introduce a new procedure." Hidden interest: concern about costs and bureaucracy. Negotiate the interest, not the position.
BATNA (Best Alternative To a Negotiated Agreement)	The best alternative to an agreement, e.g. a complaint to the inspectorate, a collective dispute or a public campaign when the employer refuses a payroll audit.
ZOPA (Zone of Possible Agreement)	Zone of possible agreement — the range of solutions acceptable to both parties, e.g., a payroll audit while maintaining data confidentiality.
Minimum and maximum goals	Minimum: reasonable adjustment procedure with a defined deadline. Maximum: procedure plus budget, accessibility audit and monitoring.
Bottom lines	The limit below which we do not go, e.g. no protection against retaliation is unacceptable.
Conditional concessions	"We will agree to a pilot in one department if the result is evaluated jointly after 6 months."
Bundling demands	Combining several issues to enable an exchange (e.g. flexible schedule plus transparency of promotions).
Objective criteria	Reference to law, data and industry standards instead of "goodwill".
Problem-based vs positional negotiations	Problem-based: jointly seeking a solution based on interests. Positional: defending fixed positions. Favour problem-based negotiations.

5.2. Negotiation team and division of roles

Role	Task
Leader	Leads the conversation, keeps an eye on the agenda and goals.
Subject matter expert	Knows the data, the law and the details of the demand.
Relationship person	Observes emotions, de-escalates, builds rapport.
Minute-taker	Records the arrangements, deadlines and responsible persons.

5.3. Mandate, interests and alternatives

- Agree within the trade union that the topic is part of the agenda — this is your mandate.
- Prepare an analysis of the interests of both parties (not just positions).
- Determine the BATNA and the employer's most likely response.
- Collect data, documents and — with consent and with confidentiality protection — employee stories.
- Plan communication with union members before and after negotiations.

Legal note — protection of whistleblowers

Do not disclose the identity or stories of specific individuals without their consent. Even well-intentioned arguments can expose an employee to retaliation or stigmatisation. Use aggregated data and anonymous examples.

5.4. Goal matrix and stakeholder map

Demand	Minimum goal	Optimal goal	Cut-off point
Payroll audit	Audit once a year	Audit + corrective action plan + consultation	No audit of any kind
Availability	Improvement procedure	Procedure + budget + audit	No response deadline

The stakeholder map helps identify allies, opponents and undecided people. The "power and interest grid" tool comes from the Playbook and SIAT training.

Actor	Influence	Attitude	Relationship strategy
Management Board / Management	high	neutral / resistant	arguments of risk, turnover and reputation costs, legal compliance
Human Resources (HR) Department	medium/high	supportive, cautious	common procedures, data, shared responsibility
Line managers	high in practice	diverse	training, clear responsibilities, support and sanctions
Employees from vulnerable groups	low formal	key source of knowledge	secure consultation, confidentiality, representation
Social organisations	medium	often supportive	expertise, communication support, coalition

Checklist for preparing for negotiations

- We know the experiences of employees from the groups most at risk of exclusion.
- We have data on recruitment, contracts, training, promotions, wages and complaints.
- The demand is specific, measurable and can be written down.
- We know the minimum and optimal targets, as well as the cut-off point.
- We have anticipated the employer's arguments and prepared responses.
- We know who will monitor the implementation.
- We have planned communication with employees and ensured the confidentiality of reports.

The most important conclusions for the trade union

- Negotiations are won through preparation: mandate, data, knowledge of interests and your own alternative (BATNA).
- Divide the roles in the team — one person cannot handle the leadership, content, relations and protocol all at once.

- Set minimum and optimal goals and a cut-off point before the conversation, not during it.
- Protect the confidentiality of those making requests — this is a condition for trust and security.

Chapter 6. Conducting negotiations

The aim of the chapter: to guide the union through the course of the conversation — from the opening to the recording of commitments — and to equip it with responses to the employer's typical arguments.

6.1. The course of negotiations step by step

1. Opening the talks and agreeing on the agenda.
2. Presenting the problem based on data and experience.
3. Justification of the demand (law, data, risk, benefits).
4. Listening to the employer's position.
5. Identifying the interests behind the positions.
6. Presentation of proposals.
7. Responding to counter-arguments.
8. Building solution packages.
9. Formulating conditional concessions.
10. Summarising the arrangements reached.
11. Recording commitments (who, what, by when, how checked).
12. Agreeing on an implementation and monitoring schedule.

6.2. Typical employer arguments and possible responses

What can the employer say?	How can the union respond?
"There is no such problem."	No complaints does not mean no problem. Suggest an anonymous survey and on-call shifts; let the data decide.
"We don't have enough data."	That's exactly why an audit is needed. The lack of data is an argument for analysis, not against it.
"This only applies to a few people."	The fact that only a few people are affected does not remove the obligation to ensure equal treatment. A structural solution also protects others and prevents recurrences.
"It will be too expensive."	Compare this with the cost of turnover, absenteeism, disputes and loss of reputation. Suggest phasing and a pilot.
"The law doesn't require it."	The law is the minimum. We negotiate a company standard that reduces risk and stays ahead of regulatory changes.
"We can't treat one group differently."	Removing a barrier is not a privilege, but a levelling of the playing field. Reasonable accommodations are a requirement, not favouritism.
"This is not a topic for the union."	These are working conditions, pay, safety and dignity — the core of the union mandate.
"Let's wait for the decision of the headquarters."	Let's set a deadline and a person in charge. Waiting without a date is not a solution.
"We already have a diversity policy."	Let's check if it works: who benefits from it, what metrics it has, and whether it protects against retaliation.
"It's too difficult organisationally."	Let's start with a pilot in one department and a joint evaluation after 6 months.

Red flags in negotiations

- declarations without deadlines;
- commitments without indicating the person responsible;
- lack of measures and verification methods;
- shifting responsibility onto employees;
- solutions limited to training focused solely on organisational image;
- ignoring the voice of those directly affected by the problem;
- lack of a complaints procedure and protection against retaliation;
- making rights dependent on the discretionary decision of the superior.

In practice — the fishbowl technique

Before difficult conversations, it is worth practising them as a team. The "fishbowl" exercise from the Playbook (a simulation of the CleanPlus integration agreement) allows you to practise interest-based negotiations and responding to power imbalances in a safe environment.

The most important conclusions for the trade union

- Stick to the process: problem → interests → proposal → package → conditional concessions → record.
- Have a prepared response based on law, data and risk for every typical employer argument.
- Respond to red flags — a declaration without a deadline, a responsible person and a measure is not a commitment.
- Go back from positions to interests; that's where mutually beneficial solutions are found.

Chapter 7. Areas of possible negotiation

***Purpose of the chapter:** to provide ready-made proposals for solutions in nine areas — from recruitment to organisational culture — with diagnostic questions, measurable demands and a sample provision.*

An inclusive policy should cover all moments of professional life. For each area, we provide diagnostic questions, demands, a sample provision, measures, and a typical employer argument and union response. The provisions are for educational purposes and require adaptation to national law and the conditions of the workplace.

7.1. Recruitment and employment

Recruitment can perpetuate inequalities or prevent them.

Element	Content
Diagnostic questions	• Are the advertisements and criteria public, neutral and accessible? • Is the process accessible to people with disabilities and those with limited language skills?
Trade union demands	• neutral, accessible advertisements with ranges • objective criteria and reduction of bias (e.g. CV anonymisation) • recognition of qualifications from abroad • participation of employee representatives in monitoring
Sample provision	"Recruitment is conducted on the basis of transparent criteria related to the position; questions not related to the job are prohibited; the salary range is provided in the advertisement."
Implementation measures	percentage of advertisements with salary ranges; diversity of candidates at stages; number of complaints
Employer's argument → union's response	"Anonymisation will make assessment difficult." → Applies to the first stage and reduces bias; the assessment of competencies continues on the basis of explicit criteria.

7.2. Remuneration

Pay inequalities are usually invisible without data analysis.

Element	Content
Diagnostic questions	• Are there explicit pay ranges and grading criteria? • Are bonuses discretionary? • Has the pay gap been investigated?
Trade union demands	• transparency of pay and criteria • annual audit of the pay gap • equal access to bonuses and benefits • corrective action plan
Sample provision	"The employer conducts an annual audit of remuneration by gender, form of employment and job category; it consults the results with the trade union and agrees on a corrective action plan."
Implementation measures	size of the pay gap; share of discretionary components; number of adjustments
Employer's argument → union's response	"We cannot disclose salaries." → The audit uses aggregated data, and the transparency of the criteria results from Directive 2023/970.

7.3. Promotions, training and development

The lack of transparent pathways perpetuates job segregation.

Element	Content
Diagnostic questions	• Are the promotion criteria public? • Is access to training equal and monitored?
Trade union demands	• transparent promotion criteria • equal access to training • mentoring for under-represented groups • monitoring of group participation
Sample provision	"Promotions are made according to open criteria; once a year, the parties analyse data on promotions and training broken down by groups and forms of employment and agree on compensatory measures."
Implementation measures	participation of groups in promotions and training; number of people in mentoring
Employer's argument → union's response	"Promotion depends on performance." → Therefore, the criteria must be transparent — otherwise, "performance" can be a cover for prejudice.

7.4. Reconciling work and private life

Predictability and flexibility are decisive in combining work with care.

Element	Content
Diagnostic questions	• Are the schedules predictable? • Are requests for flexibility processed efficiently and without penalty?
Trade union demands	• flexible organisation and predictable schedules • leave and carers' leave • protection against penalties for exercising rights • remote work where possible
Sample provision	"Requests for flexible work arrangements are processed within 14 days, and a refusal requires written justification; the exercise of these rights must not worsen the employee's situation."
Implementation measures	time taken to process applications; percentage of refusals; complaints about punishment
Employer's argument → union's response	"Flexibility will disrupt work." → Predictable rules and a pilot show that flexibility reduces turnover and absenteeism.

7.5. Disability, health and accessibility

Accessibility and reasonable accommodations determine effective participation in the workplace.

Element	Content
Diagnostic questions	• Is there a reasonable accommodation procedure with a defined deadline? • Are buildings and tools accessible? • Is medical data protected?
Trade union demands	• reasonable accommodations and an accessibility audit • adjustment of working time

Element	Content
	• secure disclosure of needs and data protection • support for return after illness
Sample provision	"The employee has the right to request a reasonable accommodation; the employer responds within 21 days, and a refusal requires justification and the indication of alternatives; health data is subject to special protection."
Implementation measures	number of requests and time taken to implement them; results of the accessibility audit
Employer's argument → union's response	"The adjustments are too expensive." → Many improvements are cheap or cost-free; the key is the procedure, not a one-off expense.

7.6. Counteracting discrimination and harassment

Without a secure reporting procedure, problems remain hidden.

Element	Content
Diagnostic questions	• Is there a multi-channel reporting procedure? • Is protection against retaliation and trade union involvement provided?
Trade union demands	• multi-channel, independent handling of complaints • response times • protection against retaliation • support for the reporting person and involvement of the trade union
Sample provision	"A report can be made directly, through a trade union or via a confidential channel; receipt is confirmed within 7 days; retaliation against the reporting person, witness or supporting person is prohibited and treated as a serious violation."
Implementation measures	response time; percentage of cases with protective measures; reports of retaliation
Employer's argument → union's response	"This will open the door to false accusations." → The procedure protects both parties: it ensures a fair explanation and the right to be heard, and removes impunity for violations.

7.7. Migrants and foreign workers

Language barriers and dependence on intermediaries increase the risk of exploitation.

Element	Content
Diagnostic questions	• Is the information in understandable language? • Is there wage or job segregation?
Trade union demands	• information in understandable language • equal pay and counteracting segregation • support in the legalisation of employment • prohibition of recruitment fees and the right to representation
Sample provision	"Key information on remuneration, working time, complaints and safety is available in a language that the employee understands; it is prohibited to charge recruitment fees to the employee."
Implementation measures	availability of documents in appropriate languages; wage differences by origin; union interventions
Employer's argument → union's response	"It is the intermediary who is responsible for their terms and conditions." → The contracting authority shares responsibility; we negotiate an audit of subcontractors and access to reports.

7.8. Employees in non-standard forms of employment

Temporary, agency, platform and subcontractor workers are often outside company standards.

Element	Content
Diagnostic questions	- Do company standards cover these groups? - Who is responsible for their conditions and access to procedures?
Trade union demands	- equal health and safety and anti-discrimination standards - access to reporting procedures - employment stabilisation pathways - clauses on the contracting authority's liability and audit of subcontractors
Sample provision	"Standards of equal treatment, health and safety and reporting procedures apply to temporary workers, agency workers and subcontractors on the premises; the employer requires subcontractors to comply with them."
Implementation measures	percentage of people covered by the standards; conversion of contracts to permanent contracts; audit results
Employer's argument → union's response	"We are not responsible for the subcontractor's employees." → Since they work at the facility, the standards of safety and dignity must apply to them; this is also to protect the reputation.

7.9. Organisational culture and participation

The work culture determines whether formal rights are real.

Element	Content
Diagnostic questions	- Are employees consulted on decisions? - Are there secure reporting channels and inclusive language?
Trade union demands	- consultation on decisions and participation in the creation of procedures - inclusive language and representation of different groups - secure reporting channels - regular evaluation of policies
Sample provision	"Changes to the regulations on equal treatment are consulted with the union; once a year, the parties jointly review the functioning of the inclusion policies."
Implementation measures	number of consultations; participation of groups in representative bodies; result of the safety survey
Employer's argument → union's response	"Consultations slow down decisions." → They reduce the risk of incorrect solutions and disputes; the cost of corrections after implementation can be higher.

Negotiation minimum

Each agreement should include at least: definitions, a reporting procedure, protection against retaliation, reasonable adjustments, staff training, monitoring and the union's participation in the assessment of implementation.

The most important conclusions for the trade union

- There are ready-made, measurable demands for each area — don't start from scratch.
- The provisions are templates to be adapted, not ready-made legal clauses.
- Extend company standards to migrants and people in atypical forms of employment as well.
- Structural thinking (procedure, prohibition of retaliation, transparency) helps many groups at once and prevents "competition of grievances".

Chapter 8. How to document agreements?

***Purpose of the chapter:** to teach how to turn verbal declarations into specific, enforceable provisions.*

A well-drafted provision distinguishes an agreement from a wish. Each provision should indicate: who is responsible, what action is to be taken, by what date, for which group, with what resources, according to what criteria, how it will be assessed, what the role of the union is, and what will happen in the event of non-implementation.

Sample provision — the anatomy of a well-drafted provision

"The HR department (who) will conduct a pay gap audit (what) by 31 March of each year (deadline) for all employees and temporary workers (group), and will present its results to the joint committee (criterion and role of the union). If objectively unjustified differences are found, the parties shall agree on a remedial plan within 60 days (consequence of failure to achieve the objective)."

8.1. Model clauses for adaptation

The following clauses are for educational purposes and need to be adapted to national law, the type of document (collective agreement, regulations, agreement, procedure) and the structure of employee representation.

Subject	Sample clause
Equal pay	"Remuneration shall be determined according to objective, gender-neutral criteria. Differences must be justified by factors unrelated to the protected characteristic."
Payroll audit	"The employer conducts an annual audit of the pay gap by gender, form of employment and job category; it consults the results with the trade union and agrees on a remedial plan."
Reasonable accommodations	"An employee may request adjustments to their position, tools, communication or work organisation. Refusal requires written justification and the indication of alternatives."
Accessibility	"The employer shall conduct an accessibility audit and adopt an adaptation plan with a budget and deadlines, updated annually in conjunction with the trade union."
Flexible work organisation	"Requests for flexible work arrangements are considered within 14 days; refusal requires written justification. The exercise of these rights must not worsen the employee's situation."
Reporting violations	"An employee may report a violation directly, through the trade union or via a secure confidential channel; the report shall be dealt with within the time limit specified in the procedure."
Prohibition of retaliation	"Retaliatory actions against a reporting person, witness or supporting person are prohibited and treated as a serious breach of the employer's obligations."
Monitoring of promotions	"Once a year, the parties analyse data on promotions and training, broken down by groups and forms of employment, and agree on compensatory measures."
Consultation with the trade union	"The trade union shall be consulted on changes to equal treatment procedures, which shall receive the aggregated data necessary to assess their functioning."

Legal note — data and privacy

The provision on data should provide for aggregated, voluntary, anonymous or pseudonymised information. Example: "The employer provides the trade union with aggregated information on recruitment, types of contracts, training, promotions, remuneration and reports — to the extent permitted by law and without the possibility of identifying individuals without their consent."

The most important conclusions for the trade union

- A provision without a responsible person, a deadline and a measure is not a commitment, but a declaration.
- The clauses in the handbook are educational templates — adapt them to national law and the type of document.
- Always add the consequence of failure to achieve the objective (e.g., the obligation to have a remedial plan).
- Include data in clauses as aggregated and in accordance with data protection law.

Chapter 9. Implementation and monitoring of the agreement

Purpose of the chapter: to ensure that the arrangements are implemented, measured and corrected, and not shelved.

Signing the agreement is not the end, but in fact the beginning. Monitoring determines whether the provisions will change the daily experience of employees. The best solution is a joint committee of the employer and the union with a regular reporting cycle.

9.1. Elements of implementation and monitoring

- implementation schedule with stages and deadlines;
- identification of the persons responsible for each action;
- a joint committee of the employer and the trade unions;
- quantitative and qualitative indicators;
- regular reporting and consultation with employees;
- review of procedures and correction mechanisms;
- evaluation of effectiveness and communication of results.

9.2. Performance indicator vs result indicator

The performance indicator measures effort (what has been done). The result indicator measures the change (what has improved as a result). Actions alone are not enough — the effect must be checked.

Output indicator	Outcome indicator
number of training sessions conducted	decrease in the number of reports of discriminatory practices
number of procedures implemented	increase in the percentage of employees who consider reporting to be safe
number of payroll audits	reduction of the unjustified pay gap

9.3. Inclusion policy monitoring plan

Objective	Action	Responsible person	Deadline	Indicator	Role of the union
Equal pay	Pay gap audit	Human Resources Department	annually	gap size	consultation of results, corrective action plan
Secure reporting	Procedure channels +	Employer	6 months	% familiar with the procedure	co-management of the reporting channel
Accessibility	Audit + adjustment plan	Administration	12 months	% of improvements implemented	reviewing the plan
Work culture	Safety survey	HR + union	annually	assessment in the survey	co-creation of the survey

The full version of the table (with columns: data source, measurement frequency, corrective action) can be found in the toolkit in Chapter 11.

Legal note — data source and frequency

For each indicator, determine the data source (e.g., HR and payroll system, report register, survey) and the measurement frequency. Without this, the indicator remains a declaration. Process personal data only in an aggregated form.

The most important conclusions for the trade union

- Implementation without monitoring is an agreement on paper — schedule a review after 3, 6 and 12 months.
- Measure not only actions, but above all results (real change for employees).
- A joint committee of the employer and the union is the most durable control mechanism.
- Each indicator needs a data source, measurement frequency and corrective action.

Chapter 10. Case studies

***Purpose of the chapter:** to show the entire negotiation process using realistic examples, including those in which the union does not immediately achieve its entire goal.*

The first case is based on a scenario from the project Playbook (CleanPlus simulation). The others are clearly marked as model (educational) examples — they do not reproduce the actual arrangements of the project, but combine patterns that are repeated in the FairForward reports. The examples deliberately show employer resistance and phased solutions.

10.1. Remuneration and dignity of cleaning staff (based on the CleanPlus simulation)

Source

Negotiation scenario from the project Playbook (SIAT fishbowl exercise).

Element	Content
Situation	A cleaning company provides services for a large plant; most of the cleaners are migrant women and older women from the local area. The case has been covered by the media.
Employee problem	Wages below the industry minimum, no allowances or written contracts, no access to facilities, fear of retaliation.
Employees' perspective	They want equal treatment, stable contracts and respect; they are afraid of losing their jobs and having their working hours reduced.
Employer's position	"Limited" budget; offers a "performance bonus" instead of a pay rise; avoids written commitments.
Union data and arguments	Comparison of rates with the industry minimum, records of overtime, reports of threats, legal and reputational risk to the client.
Negotiation objective	Minimum: industry rate and written contracts. Optimum: additionally, outstanding overtime, a ban on retaliation and access to facilities.
Union strategy	Linking the liability of the subcontractor and the client, bundling demands, media pressure as a BATNA.
Course of negotiations	The employer refuses; after being informed of the risk of losing the contract and of a collective dispute, it agrees to phasing.
Agreed solution	Increase to the industry rate in two stages, written contracts, a non-retaliation clause, access to facilities; outstanding overtime to be discussed further.
Monitoring	Joint quarterly committee, report on rates and schedules, union reporting channel.
Partial result	Not all arrears were obtained immediately; the union planned to return to the topic after the pilot.
Conclusions for others	Responsibility in the subcontracting chain and reputational pressure are strong levers; a phased solution can be more realistic.

Questions for reflection

- Does the outcome change only one conflict, or also the structure of inequality?
- How can female employees be protected from retaliation during the pilot period?
- When to return to outstanding overtime and with what support?

10.2. Accessibility and promotion of an older employee with a disability (model example)

Model example (educational)

Situation constructed for training purposes; it does not represent an actual case.

Element	Content
Situation	An experienced administrative employee with mobility limitations cannot get to the floor where meetings and training sessions are held.
Employee problem	Architectural barrier, being overlooked for promotions and training; the supervisor considers "remote participation to be sufficient".
Employee perspective	Feeling of exclusion; fear that asking for adjustments will harm their career.
Employer's position	"Reconstruction is too expensive", "it concerns one person".
Data and arguments of the union	Obligation to make reasonable adjustments, data on the lower share of people with disabilities in promotions, low cost of some solutions.
Negotiation objective	Min.: reasonable adjustment procedure with a defined deadline and meetings at an accessible location. Optimum: accessibility audit and adaptation plan with budget.
Union strategy	Separating a cheap immediate solution from a long-term investment; relying on a legal obligation.
Course of negotiations	The employer rejects the costly reconstruction, but accepts the cheap solutions and the procedure.
Agreed solution	Meetings and training at an accessible level, reasonable adjustment procedure (21 days), accessibility audit in 12 months, inclusion of the employee in the training plan.
Monitoring	Register of requests for reasonable adjustments, annual review of data on promotions and training.
Partial result	Full redevelopment postponed; the union has obtained a schedule and will return to the investment after the audit.
Conclusions for others	"Applies to one person" does not remove the obligation; separating low-cost and costly activities enables rapid progress.

Questions for reflection

- How can cost-free solutions be separated from budget investments?
- How can you ensure that the improvement procedure does not remain a dead letter?
- How can access to promotion be monitored after the barrier has been removed?

10.3. Unpredictable schedules and care responsibilities (model example)

Model example (educational)

Situation constructed for training purposes; it does not represent an actual case.

Element	Content
Situation	In a plant with shift work, schedules are announced several days in advance, which makes it difficult to care for children and dependents.

Element	Content
Employee problem	Lack of predictability, unequal distribution of shifts, questioning the commitment of people asking for flexibility.
Employee perspective	Parents and carers — more often women — are afraid of losing shifts or being left out of projects.
Employer's position	"Flexibility will disrupt work", "the schedule depends on production".
Union data and arguments	The right to apply for flexible work organisation, data on rotation and absenteeism, examples of predictable schedules in the industry.
Negotiation objective	Min.: publication of rosters in advance and application procedure. Optimum: fixed availability bands and piloting of predictable shifts.
Union strategy	Pilot in one department with a joint evaluation after 6 months; linked to a reduction in turnover.
Course of negotiations	The employer is concerned about the costs; it agrees to a conditional pilot.
Agreed solution	Rostering 2 weeks in advance in the pilot department, requests for flexibility within 14 days, prohibition of penalties for exercising entitlements, evaluation after 6 months.
Monitoring	Turnover and absenteeism rates, employee survey, review of requests for flexibility.
Partial result	Solution limited to the pilot; extension dependent on results.
Conclusions for others	A pilot with clear indicators reduces employer resistance and provides evidence for further discussions.

Questions for reflection

- What indicators will convince the employer to extend the pilot?
- How can informal punishment for flexibility be prevented?
- How can the voice of caregivers be included in the design of rosters?

The most important conclusions for the trade union

- Realistic cases often end in a phased solution, not immediate success.
- A pilot with metrics and joint evaluation reduces resistance and builds evidence for further negotiations.
- Reputational pressure, responsibility in the subcontracting chain and legal obligations are real levers.
- A partial result is not a failure if monitoring has been secured and a return to the topic has been planned.

Chapter 11. Practical toolkit

Chapter objective: to gather short, print-ready working tools in one place.

The following tools can be copied and printed as separate materials. Some of them have already appeared in Chapters 3–9; here they form a coherent set.

11.1. Tool index

1. Problem diagnosis checklist (Chapter 3).
2. Negotiation demand card (chapter 4 and below).
3. Stakeholder map (chapter 5).
4. Party interests analysis sheet (below).
5. Table of minimum and maximum goals (chapter 5).
6. Checklist for preparing the negotiating team (chapter 5).
7. Template of the agenda for the meeting with the employer (below).
8. List of questions for the employer (below).
9. Implementation plan template (below).
10. Monitoring plan template (below).
11. Checklist for the evaluation of the draft agreement (below).
12. List of "10 principles for effective negotiation of inclusive policies" (below).

11.2. Parties' interests analysis sheet

Issue	Union position	Union interest	Possible interest of the employer	Common ground (ZOPA)
Payroll audit	annual audit	equality, trust, evidence	cost control, reputation	audit on aggregated data
Reporting procedure	multi-channel, with protection	security, voice	reduction of risk and disputes	procedure with deadlines and confidentiality

11.3. Template of the agenda for the meeting with the employer

1. Purpose of the meeting and agreement on the agenda.
2. Presentation of the problem and data.
3. The union's demands with justification.
4. Employer's position and questions.
5. Search for solutions and packages.
6. Arrangements, deadlines and responsible persons.
7. Determining the method of monitoring and the date of the next meeting.

11.4. List of questions for the employer

- What data on wages, promotions and training, broken down by groups, can you provide?
- What is the procedure for reporting discrimination and harassment and who conducts it?
- What is the average time taken to process a report and how do you protect against retaliation?
- How many requests for reasonable adjustments have been received and how have they been dealt with?
- Do the company standards cover temporary workers and subcontractors?

- How do you measure the effectiveness of the current diversity policy?

11.5. Implementation plan template

Action	Responsible person	Deadline	Resources	Role of the trade union

11.6. Monitoring plan template (full)

Objective	Action	Responsible person	Deadline	Indicator	Data source	Role of the trade union/ corrective action

11.7. Negotiation demand sheet (to be completed)

Field	Entry
Name of the demand	
Problem and persons concerned	
Evidence and legal basis	
Proposed provision	
Minimum / optimal goal	
Possible concessions	
Employer's arguments / responses	
Method of monitoring	

11.8. Checklist for assessing the draft agreement

Checklist — is the draft agreement good?

- It contains definitions and a clear scope of application (including persons on atypical contracts).
- Each commitment has a responsible person, a deadline and a measure.
- It provides for protection against retaliation and a reporting procedure with deadlines.
- It takes into account reasonable adjustments and accessibility.
- It defines the role of the union in monitoring and access to aggregated data.
- It includes the consequence of non-implementation (e.g. a remedial plan).
- It is written in plain language and available digitally and in print.

The most important conclusions for the trade union

- The tools are effective when they are short, printed and actually used in meetings.
- The demand sheet and the monitoring plan are the minimum with which it is worth starting each case.
- The agreement assessment checklist protects against superficial commitments.

Summary

The main topic of this handbook is not what DEI policies are, but the process by which a trade union turns employees' experiences into lasting, concrete and monitorable solutions. This process has a fixed logic: listening and diagnosis, mandate, demand, preparation, negotiation, recording, implementation and monitoring.

In any situation, it is worth asking: what can the union representative do now? The answer almost always leads to a specific action – collecting data, formulating a demand, preparing a clause or designing an indicator. Inclusion only becomes real when it is negotiated, written down and enforced. The trade union is not the recipient of the employer's policy, but a co-creator of working conditions and a representative of those who find it most difficult to speak out.

The last sentence for the negotiator

Don't just ask: "Do we have an equality policy?" Ask: "Can the employee who is most afraid to report a problem really benefit from it?"

10 principles for effectively negotiating inclusive policies

1. Treat inclusion as a topic of working conditions, pay, safety and dignity — not as an issue of organisational image.
2. Listen first to those who find it most difficult to speak; their experience is a source of knowledge and mandate.
3. Combine employee accounts with data — evidence is stronger than belief alone.
4. Translate the problem into a measurable demand: who, what, by when and how it will be checked.
5. Prepare: mandate, interests of the parties, data, BATNA, minimum and optimal goals.
6. Negotiate interests, not positions; return to objective criteria and the law.
7. Distinguish between a declaration and a commitment — demand deadlines, responsible persons and measures.
8. Ensure protection against retaliation and the confidentiality of whistleblowers at every stage.
9. Record the arrangements and plan monitoring during the negotiations, not after them.
10. Accept phased solutions, but plan to return to the topic and build employee support.

Bibliography and list of basic regulations

Legal status as of August 2026. The list includes the most important acts cited in the handbook; it is not exhaustive.

European Union law

- Charter of Fundamental Rights of the European Union (Articles 21, 23).
- Treaty on the Functioning of the EU (Articles 19, 157).
- Directive 2000/43/EC — equal treatment irrespective of racial or ethnic origin.
- Directive 2000/78/EC — general conditions for equal treatment in employment.
- Directive 2006/54/EC — equal opportunities and equal treatment of men and women (recast).
- Directive 2008/104/EC — temporary agency work.
- Directive 2019/1152 — transparent and predictable working conditions.
- Directive 2019/1158 — work-life balance.
- Directive 2019/1937 — protection of persons who report breaches of EU law.
- Directive 2022/2041 — adequate minimum wages.
- Directive 2023/970 — pay transparency and enforcement of equal pay (transposition deadline: 7 June 2026).

International law and documents

- UN Convention on the Rights of Persons with Disabilities.
- ILO Conventions Nos 87 and 98 (freedom of association and collective bargaining).
- ILO Convention No. 190 on Violence and Harassment in the World of Work (the Council of the EU called on Member States to ratify it in 2024).
- European Commission documents and communications on equality and non-discrimination.

FairForward project sources

The handbook synthesises the materials of the FairForward project. In particular, the following were used:

- the project Playbook for CIAT and SIAT training (including exercises, TechUni study, CleanPlus negotiation simulation, force field analysis, stakeholder mapping, World Café);
- reports from CIAT and SIAT training sessions;
- national and European legal reports and their consolidation;
- reports from focus groups in partner countries;
- conclusions and recommendations from the Inclusion Forum;
- information provided by project partners.

Legal disclaimer

This publication is for educational and informational purposes. It does not constitute legal advice and does not replace individual consultation with a lawyer or with the competent institution. The legal status is described as of August 2026; the regulations and the practice of their application may change, and different regulations apply in individual countries and workplaces. Sample clauses and templates should always be adapted to national law, the type of document and the conditions of the workplace in question. Examples marked as "model" are educational constructs and do not reproduce the actual arrangements of the project.



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