



European Network Against Racism

Réseau européen contre le racisme

ENAR Shadow Report 2012-2013

ENAR SHADOW REPORT

Racism and related discriminatory practices in employment in the United Kingdom

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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Executive summary

There is strong evidence that ethnic minorities in the United Kingdom continue to experience racism, discrimination and poorer outcomes in the labour market. This report takes on a more narrow focus than previous ENAR Shadow Reports reports, by exploring the situation of racism and discrimination in the field of employment in the United Kingdom for the period of March 2012 to March 2013. The aim of this report is to contribute to knowledge, provide insight from activists and professionals on the ground working to combat racism and discrimination in the United Kingdom and to act as a tool by which to influence policy.

Ethnic minorities account for 14% in England and Wales, 4% in Scotland and 1.8% of the population in Northern Ireland. The largest group in all three countries is Asian, followed by Black, Mixed ethnic groups and 'Other' ethnic groups. There has been an increase in the population of Other White in all four countries, which is largely attributed to an increase of immigrants from A8 European countries¹. Christianity is the main religion of the UK (60% of England and Wales, 53.8% in Scotland and 82% in Northern Ireland). The second largest religion is Islam, (4.8% of England and Wales and 1.4% in Scotland).

UK Context

The UK has a weak economic outlook since the 2008 global financial crisis and is unlikely to experience substantial growth due to the government's austerity policy. Ethnic minorities are likely to be disproportionately affected by the recession as they have a generally poor economic profile. They are more likely to be in low paid work, have higher rates of self-employment, unemployment and economic inactivity.

The UK has a history of equality legislation that protects the rights of different groups. The Equality Act 2010 combines and harmonises nine previous pieces of equality legislation to prohibit unfair treatment in access to employment and private and public services. Since the passing of the Act, the government has scaled back original provisions at the expense of the individual's rights. The Equality Act does not cover Northern Ireland and the government there has so far failed to adopt an equivalent single equality act.

Manifestations of Racism and Discriminatory Practice

Labour market discrimination and racism are a persisting problem in UK. Ethnic minorities are more likely than the majority to report experiences of discrimination in the workplace. People with a 'minority ethnic' sounding name are a third less likely to be shortlisted for jobs than people with a 'white' name. Minorities and migrants feel they are given more demanding work, not allocated the more desirable shift hours and are given roles with less status. Direct racial discrimination, harassment and bullying are still experienced in workplaces, with evidence that employers' failure to adequately deal with grievances causes the escalation of issues to employment tribunals.

¹ 'A8' refers to the eight countries which joined the EU in May 2004: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

Tackling the Challenges

The government has been largely silent on tackling the issues of ethnic minority unemployment and persisting discrimination. Recent programmes to get people into work through the Work Programme and Apprenticeships for young people seem to be inadequate in addressing ethnic minority unemployment. Indeed, the recent introduction of fees to access employment tribunals and making conciliation a mandatory step before the tribunal has some fearing that the justice system will encourage compensating discrimination rather than challenging unlawful practice. It is important to note that racial discrimination cases have a very low success rate when they do reach the tribunal stage.

A number of government bodies are responsible for enforcing employment law. The Equality and Human Rights Commission (EHRC) is the UK's equality body, however it does not bring cases to court on behalf of individuals, except in strategic cases. Activists are concerned with the reduced capacity of the EHRC due to cuts in government spending as well as the EHRC's lack of intervention in challenging racial discrimination.

Recommendations:

Central and Local Government

- Make a commitment to individual rights over business interests by reinstating provisions in the Equality Act including: the ability to bring discrimination cases on the grounds of dual characteristics; making employers liable for third party harassment; mandatory gender pay gap reporting
- Make the protection of workers transparent and through simplifying the current enforcement framework by creating a 'Fair Employment Agency'
- Show commitment to racial equality by making a ministerial department responsible for developing and delivering an updated race equality strategy
- Reduce unnecessary steps in access to justice by abandoning the 'early conciliation' model
- Work with the Northern Ireland Assembly to adopt a single equality bill
- Create an employment growth strategy which addresses job creation in diverse industries and the employability of particular groups in terms of their potential contribution, barriers to access and gaps in skills
- Work with local authorities to improve information about apprenticeships in schools, especially in areas with high deprivation, inactivity and unemployment among young people
- Work with providers to improve access and continuation rates on the Work Programme
- Use lessons from previous ethnic minority employment interventions by the Department of Work and Pensions (DWP) to plan funded employment interventions
- Use Census data to identify the local labour market profile of ethnic and migrant groups with the aim of improving opportunities for local people
- Share and replicate good practice that occur in other local authorities

Equality Body

- Use powers to intervene in strategic cases of racial discrimination in employment and make those activities publicly available and up to date
- Translate employment tribunal case information into guidance for organisations in adhering to equality legislation
- Ensure diversity monitoring is conducted consistently in all public authorities

- Conduct an inquiry into access to justice for discrimination cases that addresses the particularly low success rates for cases on the grounds of racial discrimination. This would include the profile of claimants and respondents, types of claims and which claims are withdrawn, dismissed or are successful at conciliation, employment tribunal and/or the employment appeals tribunal.

Civil Society, Employers and Individuals

- Continue to monitor examples of racism and discriminatory practices in employment and effective practices addressing underlying inequalities and discrimination
- Work with private sector organisations to meet the employment needs of different population groups
- Work with other organisations to share good practice and build coalitions
- Monitor and review recruitment, progression and retention of the workforce by equality strands in order to adopt practices which will reduce inequalities in these areas, for example standard application forms in place of CVs, reviewing the diversity of shortlists for positions – including board members
- Engage in benchmarking activities to act on shortcomings and share successes
- Support staff and act effectively in cases of workplace race discrimination grievances
- Challenge racism and discriminatory practices in the workplace
- Participate in community outreach, such as mentoring programmes or job shadowing, to support the access and progression of others into different careers
- Participate in public consultations on policies which are likely to have a detrimental impact to particular groups in society

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1. Introduction

Racism is a reality in the lives of ethnic and religious minorities in the United Kingdom. The extent and manifestations of this fact are often unknown and undocumented, especially with regard to official data sources. As a consequence, it can be difficult to analyse the situation and establish solutions. Even when there is extensive official data, NGOs offer a vital alternative data source, which relays individuals and communities' experiences of racism. The ENAR Shadow Reports have become a major tool for monitoring the situation of racism and xenophobia in EU Member States. Both ENAR's national and European Shadow Reports have proved to be an invaluable documented starting point for strategic and coordinated action, particularly for anti-racist civil society advocacy towards national governments, European institutions and the media.

The aim of this report, therefore, is to contribute to knowledge and provide insight from activists and professionals on the ground, working to combat racism and discrimination in the United Kingdom as an advocacy tool by which to influence policy. This report takes on a more narrow focus than previous reports, by exploring the situation of racism and discrimination in the field of employment in the United Kingdom for the period of March 2012 to March 2013. The results will be used at national level to influence policy developments and will be further compiled into a European comparative report to influence European policies.

After an introduction to the ethnic and religious diversity in the UK, this report will cover inequalities, racism and discriminatory practices in the labour market. Chapter two will explore the labour market context of different groups and the legal framework in the UK concerning discriminatory practices in employment. Chapter three will explore the manifestations of racism and discrimination in employment, particularly in relation to its perception and incidence. Chapter four will then assess the mechanisms to tackle inequalities and discrimination by government, the judiciary, civil society and by employers. The conclusions will then assess the political and social developments in this area and highlight areas for improvement.

1.1 Definitions

The UK has established definitions for what makes up racial, ethnic, national and religious groups for the purposes of equality and anti-discrimination legislation. Two of the nine groups with 'protected characteristics' (i.e. protected under equality legislation) are relevant to this report. The two protected characteristics include race – defined by nationality and citizenship, ethnic or national origin – and religion.²

The standardisation of the ethnic and religious categorisation has developed from the Office of National Statistics and is employed in their population surveys in England and Wales. The largest population group is broadly categorised as 'White British' and includes four national groups English, Scottish, Welsh and Northern Irish.³ As a result, any other group is considered an ethnic minority group. In practice, the term 'black and minority ethnic' group (BME) is commonly used in the UK to refer to so-called 'visible minorities' or people of a non-white background. This term largely excludes other minority groups who self-identify as white – namely Gypsy, Irish Travellers and Other White – who may have their own particular experiences of discrimination in the UK based on their ethnic

²As defined in the Equality Act 2010, Pt 2(9.1-10.3). See: EHRC. 2011. *Employment Statutory Code of Practice*. 37-41

³In England and Wales, White British includes the national groups of the British Isles, namely English, Scottish, Welsh and Northern Irish.

background.⁴ Similarly, as the UK is traditionally and predominately a Christian country, any person who is from a non-Christian background would be considered a religious minority.

There is no single definition of ‘migrant’ in the UK, with different datasets collecting information that can then be used to classify people as migrants. For example, ‘country of birth’ data collected by the Census, the Annual Population Survey and Labour Force Surveys, can be used to identify migrant populations. However this information alone does not convey the person’s length of residence in the UK or indeed whether a person is a UK citizen (through birth or naturalisation) born abroad. Sometimes people of minority ethnic and religious groups are described through their generation away from immigration to the UK, such as being a ‘second generation migrant’ or ‘British-born Indian’; etc. In popular discourse, ‘migrants’, ‘foreigners’, ‘foreign nationals’, and ‘asylum seekers’ are often used interchangeably.⁵ So while there is data of the categories of minority ethnic groups by migrant status, this is not always employed accurately in mainstream usage.⁶

1.2 Statistical overview

The UK’s population is estimated at 63.1 million people, of which roughly 56 million people are living in England and Wales, 14% of who identify as from an ethnic minority group.⁷ This compares with ethnic minorities accounting for 4% of the population in Scotland and 1.7% of the population in Northern Ireland.⁸

There is a separate Census for England and Wales, Northern Ireland and Scotland , with ethnic categories changing depending on their relevance to the population. However the broad categories of White, Asian, Black, Mixed and Other are used throughout. There has been an overall increase in the proportion of ethnic minority groups in the UK in the last 20 years which accounts for the overall increase in the UK population.⁹

The ‘Asian’ category is the largest group in all three countries, comprising 7.51% of the population of England and Wales, 2.7% in Scotland and 1.1% in Northern Ireland. The second largest group is ‘Black’ accounting for 3.33% of the population in England and Wales, 0.7% of Scotland and 0.2% in Northern Ireland. The Mixed ethnic group represents one of the fastest growing categories, making up 2.18% of the population in England and Wales, 0.4% of Scotland and 0.3% in Northern Ireland. The ‘Other’ ethnic group is the smallest and most diverse of the ethnic minority categories and now also includes a sub-category for people identifying as Arab. Other ethnic groups account for 1.01% of the population in England and Wales, 0.3% of Scotland and 0.1% of Northern Ireland.¹⁰ For the first time,

⁴ Throughout the report ‘ethnic minority’ will be used for non-white minority groups. This is because white minority ethnic groups are not included in the definition of ‘black and minority ethnic group’ in domestic literature. Where appropriate, other white groups may appear throughout the report in relation to their migrant status (i.e. A8 migrants) or recognised status (for example in the case of Gypsy and Irish Travellers in Northern Ireland).

⁵ For fuller discussion see: Anderson, B. and Blinder S. *Who Counts as a Migrant? Definitions and their Consequences. Migrant Observatory Briefing*. COMPAS, University of Oxford, Oxford, 2013

⁶ The new 2011 Census questions on passports held, the year arrived in the UK and the length of time intending to stay in the UK, can provide a better picture of migration and transnational affiliations if the ONS releases the data by ethnic group.

⁷ ONS. Table DC2205DW - Ethnic Group by Sex and Country of Birth, ONS, London, 2013

⁸ National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release 2A*. National Records of Scotland, Edinburgh, 2013 and NISRA. *Table DC2101NI: Ethnic Group by Sex and Age’. Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language*. Northern Ireland Statistics and Research Agency, [n.p], 2013

⁹ Jivraj S, *How has ethnic diversity grown 1991-2001-2011? ESRC Centre on Dynamics of Ethnicity (CODE)*, Manchester, 2012.

¹⁰ ONS. Table DC2205DW - Ethnic Group by Sex and Country of Birth, ONS, London, 2013; National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release 2A*. op. cit. and NISRA. *Table DC2101NI: Ethnic Group by Sex and Age’. Census 2011: Detailed*

the 2011 Census recorded the Gypsy and Irish Traveller populations as 0.1% of England and Wales and also Scotland.¹¹ Irish Travellers account for 0.07% of the population in Northern Ireland.¹²

For the first time in its history, the 2011 Census of England and Wales collected information on the year of arrival for those people born outside the UK, allowing for a better understanding of the migrant population. The top five countries of birth for people settled in the UK before 1981 included Poland, the Republic of Ireland, India, Italy, and Pakistan. However, when looking only at those people who arrived since 2001, the top five countries include Lithuania, Poland, Romania, China and the Philippines.¹³ In other words, people born in these countries are more likely to be recently settled immigrants to the UK. The population of Northern Ireland has been particularly affected by A8 European immigration; it has experienced a 6% increase in the White group since the last Census.¹⁴ In Scotland, 55% of people born abroad arrived in the UK between 2004 and 2011, with 1.2% of the population overall stating their ethnic group was Polish.¹⁵

The UK is traditionally and predominately a Christian country, with just under 60% of the population of England and Wales identifying as Christian.¹⁶ Unlike in England and Wales, surveys in Scotland and Northern Ireland collect information on the different Christian denominations, with people in these countries more likely to describe themselves as Christian than any other religion, with Christians comprising 53.8% of the population in Scotland and 82.6% in Northern Ireland¹⁷. While a breakdown of non-Christian religions is not available for Northern Ireland, 0.8% of the population has a non-Christian religion and ethnic minorities account for 46% of those brought up in non-Christian religions.¹⁸ While comprising very small numbers of the population, Muslims are the second largest religious group in England, Wales and Scotland (4.8% and 1.4% respectively).¹⁹

Despite the majority of people being White British and Christian, the UK's population is ethnically and religiously diverse. Diversity is not experienced evenly but rather is concentrated in England and in cities. London was the most ethnically diverse area,²⁰ with the highest proportion of ethnic minority groups and the lowest proportion of people identifying as White British (45%).²¹ Wales, the South West and North East of England were the least diverse areas with over 95% of these region's populations identifying as White.²² Slough, Luton and Leicester are the first local authorities outside

Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language. op. cit.

¹¹ ONS. *Table DC2205DW - Ethnic Group by Sex and Country of Birth*, ONS, London, 2013 and National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release 2A. op. cit.*

¹² NISRA. *Table DC2101NI: Ethnic Group by Sex and Age. Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language. op. cit.*

¹³ ONS. *Table DC2804EWR- Country of birth by year of arrival in the UK (regional)*. Office of National Statistics, 2013

¹⁴ NISRA. *Table DC2101NI: Ethnic Group by Age by Sex*, op. cit.

¹⁵ National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release*, op. cit.

¹⁶ ONS. *Table KS209EW – Religion*. Office for National Statistics, 2013

¹⁷ National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release*, op. cit and NISRA. *Table DC2101NI: Ethnic Group by Age by Sex*, op. cit.

¹⁸ NISRA. *Table DC2101NI: Ethnic Group by Age by Sex*, op. cit.

¹⁹ ONS. *Table KS209EW – Religion*. Office for National Statistics, 2013 and National Records of Scotland, *2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release*, op. cit

²⁰ In the Census, London is classed as an area comparable to East of England, West Midlands;etc, whereas the local authorities in London, such as Newham and Westminster, are comparable to local authorities – more popularly known as cities - such as Slough and Luton.

²¹ ONS. *Table DC2101EW - Ethnic group by sex by age*. ONS, London, 2013

²² Office for National Statistics. England and Wales has become more ethnically diverse in the past decade. 2012. 11 December, <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/sty-ethnicity-in-england-and-wales.html>

of London where no ethnic group accounts for the majority of the population, with the White British population accounting for 35%, 45% and 45% of their populations, respectively.²³ Other highly diverse local authorities include Birmingham, Bradford, Manchester and Oldham.²⁴

2. The context: labour market and legal framework

This section will first look at the outlook of the labour market, with specific reference to how different groups fare in terms of economic activity and in relation to each other. The second part of this section will focus on the legal framework which protects people from discrimination based on their ethnic, national, racial, or religious background.

2.1 Outlook of the labour market

The UK has the sixth largest economy in the world with a GDP of 2.4 million US Dollars.²⁵ Despite its size, the economy has not experienced substantial growth since the global financial crisis in 2008. The economy had contracted by the beginning of 2012, in turn leading to the first double-dip recession since 1978.²⁶ In February 2013, the credit ratings agency, Moody, downgraded the UK to AA1 as a result of slow economic growth and commitment to austerity.²⁷ This preceded Fitch's downgrade in April 2013 to reflect the UK's 'weaker economic outlook'.

The previous recessions experienced in the UK (1980-81 and 1990-91) were followed by rising unemployment, even after the recession came to an end.²⁸ In the case of the current recession, this lack of growth in the economy is exacerbated, and in part fuelled, by the Government's austerity policies. Recessions tend to disproportionately affect the least skilled and qualified, with effects experienced unevenly by further disadvantaging groups with already poor economic standing.²⁹ On average, ethnic minorities are in a poorer economic position in relation to the majority, based on their lower employment rates, lower average earnings, poorer progression in the workplace and higher levels of self-employment.³⁰ Young people have experienced higher rates of unemployment since the start of the recession with young black men being the worst affected.³¹

The UK is one of the biggest recipients of migrants from countries most affected by the financial crisis, particularly those in southern Europe, with numbers almost doubling in recent years.³² The Organisation for Economic Co-operation and Development (OECD) reported that for the financial year 2013, despite the economic downturn, male migrants in the UK had higher levels of

²³ Simpson L. *Does Britain Have Plural Cities?* Centre on Dynamics of Ethnicity (CoDE), Manchester, 2013

²⁴ Ibid., The Centre on Dynamics of Ethnicity (CoDE), based at Manchester University, have created an area profiler tool which can be used to develop general profiles of local authorities in England and Wales using the Census data. For more see: <http://www.ethnicity.ac.uk/>

²⁵ World Bank. "GDP Ranking. World Development Indicators", World Bank. <http://data.worldbank.org/data-catalog/GDP-ranking-table>

²⁶ The Independent, "Review of the economy in 2012 : This was not supposed to happen". Chu, B. 22 Dec 2012.

²⁷ FT. "UK loses triple A credit rating". Rodrigues, V. and Foley, S. 22 Feb 2013; BBC. "Sterling steadies after loss of UK AAA credit rating". 25 Feb. 2013 and BBC. "Fitch downgrades UK credit rating to AA+" 19 April 2013

²⁸ Hogarth T., Owen D., Gambin L., Hasluck C., Lyonette C., Casey, B. *The Equality Impacts of the Current Recession*, EHRC, London, 2009

²⁹ Ibid.,

³⁰ Strategy Unit, *Ethnic Minorities and the Labour Market*, Cabinet Office, London, 2003

³¹ The Guardian, "Half of UK's young black males are unemployed", Ball J., Milmo D. and Ferguson B. 9 March 2012; and DWP. *Young men and women's labour market status by ethnicity and education status*. DWP, [n.p.], 2013

³² OECD, *International Migration Outlook 2013*. [n.p.] OECD Publishing, 2013

employment than 'native-born' men from 2007 onwards; the reverse being true for foreign-born women.³³ However, it is important to consider economic activity, in conjunction with the quality of the work engaged. Some sectors that are characterised by low pay and poor working conditions such as hospitality, meat processing and agriculture, have a higher proportion of migrant workers.³⁴ In an inquiry into the meat processing and agricultural sectors, the Equality and Human Rights Commission (EHRC) found that more than twice as many migrants (mainly Lithuanian, Latvian, Slovakian, and Portuguese) in this industry were agency workers rather than permanent staff.³⁵

There is evidence that there is a concentration of particular groups in specific industries and sectors. Ethnic minorities are employed in 33% of all workplaces and non-UK nationals are employed in 26% of all workplaces³⁶. In 8% of workplaces, at least 25% of employees are non-UK nationals.³⁷ Research commissioned by the EHRC³⁸ found that some groups tended to cluster in particular industries and occupations. Pakistani men tended to work as taxi drivers (24%), African and Caribbean women worked as care assistants or nursing auxiliaries (21% and 13% respectively). Whereas Indian men clustered in ICT (10%) and Indian women tended to work as doctors or nurses (15%).³⁹

Research also shows⁴⁰ that some ethnic minority migrant groups are more likely to be minimum wage workers. Pakistani/Bangladeshi workers are most likely and Black and Indian workers are least likely to earn the minimum wage (12.3%, 5.1% and 6.7% respectively). This compares to 7.2% of white workers. Furthermore Pakistani/Bangladeshi workers have the highest pay gaps in comparison with white workers, with a gap of 10% and 23%.⁴¹ Minimum wage jobs are often temporary, part-time, in small firms, in the private sector and in low-paying occupations and industries.⁴² This means that groups with higher rates of these types of jobs will have more difficulty in improving their earnings, achieving employment security and career progression and development.⁴³

Labour Market Activity⁴⁴

When looking at the 16+ population overall, White Other, Indian and Other Asian men have the highest rates of economic activity in employment (78.3%, 70.6%, 66.3% and 63.3% respectively). This compares with 60.3% of White British men. All groups, with the exception of Pakistani and Bangladeshi, are more likely to be working as full-time employees rather than part-time employees or as self-employed. Pakistani men are more likely to be working as self-employed and Bangladeshi

³³ Ibid.,

Janta, H. Ladkin A., Brown, L. and Lugosi, P. "Employment experiences of Polish migrant workers in the UK hospitality sector". *Tourism Management* 32. 2011, p. 1007-1008; and see review of literature in: Wallace, A., McAreavey, R. and Atkin, K. *Poverty and Ethnicity in Northern Ireland. An Evidence Review*, JRF, York, 2013

³⁵ EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, EHRC, London, 2010

³⁶ Van Wanrooy B., Bewley H., Bryson A., Forth J., Freeth S., Stokes L., and Wood S. *The 2011 Workplace Employment Relations Study. First Findings*, Department for Business, Innovation and Skills, [n.p.], 2013 p 34

³⁷ Ibid., 34

³⁸ Smeaton, D., Hudson, M., Radu, D., and Vowden, K. *The EHRC Triennial Review: Developing the Employment Evidence Base*. EHRC, Manchester, 2010

³⁹ Ibid.,

⁴⁰ Numbers for Pakistani and Bangladeshis are aggregated in this example. Low Pay Commission. *National Minimum Wage: Low Pay Commission Report*, Stationery Office, London, 2013, p. 24

⁴¹ Numbers for Pakistani and Bangladeshis are aggregated in this example. Low Pay Commission. *National Minimum Wage: Low Pay Commission Report*, Stationery Office, London, 2013, p. 24

⁴² Ibid.,18

⁴³ Ibid.; and Whittaker M. and Hurrell A., *Low Pay Britain 2013*, The Resolution Foundation, London, 2013

⁴⁴ All data from this point until Section 2.2 is from ONS. *Table DC6201EW - Economic activity by ethnic group by sex by age*, ONS, London, 2013 (unless otherwise stated, as in footnote 45). This section uses the 2011 Census of England and Wales as it builds the most comprehensive picture of the labour market situation of the population by ethnicity, gender and age. While there has been an Annual Population Survey since the last Census, it does not provide enough detail for key categories, such as full versus part-time work, self-employment and reasons for economic inactivity.

men are more likely to be employees, however working part-time. When looking at specific age cohorts, it can be seen that White British men (aged 16-24) have the highest rates of economic activity in employment in comparison to all other ethnic groups, with a third of their population concentrated in full-time employment.

In terms of unemployment, there appears to be a distinct pattern on the basis of ethnicity. Among 16+ ages overall, almost all ethnic minority groups have a higher proportion of their male population unemployed than their White British counterparts. This is particularly acute for men of Black backgrounds (African, Caribbean, Black Other and Mixed) who are 2.5 to 3 times more likely to be unemployed than White British men. Among the 16-24 age group, all ethnic groups experience much higher rates of unemployment than the general over 16 population, but men with Black, Pakistani or Bangladeshi heritage have the highest rates of unemployment. Bangladeshi men in the 25 – 49 age group experience high rates of unemployment as well, however these rates have fallen while their rates of part-time employment have increased between the 1991 - 2011 period.⁴⁵

Gypsy and Irish Travellers and Arab men have the lowest proportion of their population in employment across ethnic groups in the 16+ age cohort (46% and 49% respectively). For Gypsy Traveller men, this can be attributed to high rates of unemployment and inactivity due to long-term sickness or disability, whereas for Arab men this is due to a high proportion who are studying. Overall, all ethnic minority groups have higher proportions of their male populations studying than the White British group, and among the younger age groups, Chinese and Arab men are most likely to be studying than performing any other type of activity (78% and 69% respectively). This compares with only 28% of White British men in the same age group studying.

Overall, the labour market profile of women is different than for their male counterparts. Most ethnic minority groups have higher rates of activity in employment than White British women in the 16+ group. White Other, Caribbean, Mixed Other and Indian women have the highest rates of employment of all ethnic groups (66.5%, 58.2% 57.8% and 57.4% respectively). White British women of younger ages are more likely to be in employment than all other ethnic groups.

Gypsy and Irish Travellers, Pakistani and Bangladeshi women were the only groups to have roughly a similar proportion of their population working either full or part-time. All other groups were more likely to be working as full-time employees rather than part-time employees. Women across ethnic groups were less likely to be self-employed in relation to their male counterparts, with White Other and Chinese women more likely to be self-employed than other groups.

Similarly to their male counterparts, women of all ethnic minority groups have higher rates of unemployment than White British women in the 16+ group. Women of Black, Pakistani or Bangladeshi heritage have the highest rates of unemployment, two to four times higher than White British women. This high unemployment, although less pronounced, is also true for their population aged 16-24.

Gypsy and Irish Travellers, Pakistani, Bangladeshi and Arab women experience much higher rates of economic inactivity than other ethnic groups, with under two thirds of their population in this category. This inactivity can be largely attributed to these women being between four to five times more likely to be looking after the home or family than their White British counterparts. Women have lower rates of studying than their male counterparts, although ethnic minority women are

⁴⁵ Nazroo, J. and Kapadia, D. *Have ethnic inequalities in employment persisted between 1991 and 2011?* Centre on Dynamics of Ethnicity (CoDE), Manchester, 2013

more likely to be studying than White British women. Among the younger age cohort, Chinese and Arab women are by far the most likely to be studying (76% and 59% respectively).

While economic activity data shows that most ethnic minorities have good rates of participation in education, their overall activity profile is worrying. High rates of self-employment, unemployment and inactivity coupled with low pay suggests that they have more difficulties in accessing the labour market.

2.2 Legal framework

The United Kingdom is among the countries with the strongest anti-discrimination legislation, however provisions are not consistently applied through the different countries. The UK has a devolved government, which means that certain powers have been transferred from Parliament to the National Assembly in Wales, the Northern Ireland Assembly and the Scottish Parliament. Devolution has not affected powers to pass anti-discrimination legislation, with the exception of Northern Ireland. The two main pieces of equality legislation that relate to employment are the Equality Act 2010 (for England, Wales and Scotland) and the Northern Ireland Act 1998.

The main provisions of the Equality Act 2010, which received Royal Assent in April 2010, came into force in October 2010.⁴⁶ The Act combines nine previous pieces of equality legislation in an effort to harmonise and simplify legislation to prohibit unfair treatment in access to employment and private and public services. The legislation outlines how discrimination, harassment and victimisation are unlawful across nine 'protected characteristics': disability; gender reassignment; pregnancy and maternity; race; religion or belief, sex and age; marriage and civil partnership; sexual orientation.⁴⁷

Section 149 of the Act, the Public Sector Equality Duty (PSED), came into force in April 2011. The PSED specifically relates to the general equality duty for public authorities, in the exercise of their functions, to have due regard to the elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.⁴⁸

The Equality Act 2010 is compliant with EU Directive 2000/78/EC, known as the Employment Directive, which establishes a general framework for equal treatment in employment and occupation. It is also affected by EU Directive 2000/43/EC (equal treatment between persons irrespective of racial or ethnic origin), EU Directive 2004/113/EC (equal treatment between men and women in the access and supply of goods and services) and EU Directive 2006/54/EC (equal opportunities and equal treatment between men and women in matters of employment and occupation).⁴⁹ The Equality Act goes further than the EC directives as it contains provisions for anti-discrimination in the provision of goods and services on the grounds of age, sexual orientation, religion or belief, and disability.

Northern Ireland was the first country in the UK to establish a commission which covered all equality grounds, the Equality Commission for Northern Ireland. The Northern Ireland Assembly has been devolved powers in relation to anti-discrimination legislation and at the time of writing, still has not adopted an equality act which covers all equality grounds. Instead, there are individual acts which

⁴⁶ The Act is applicable to England, Scotland and Wales. Section 153 of the Act enables ministers in the Welsh Assembly and Scottish Parliament to impose specific duties on certain Welsh and Scottish public bodies through secondary legislation.

⁴⁷ Equality Act 2010, Pt 2, C2, s13(1-7); s27 (1-5) and s26(1-5)

⁴⁸ The protected characteristic of marriage and civil partnership only applies to the first of three duties.

⁴⁹ *Equality Act 2010. Explanatory Notes Revised Edition*, Stationery Office, London, 2010

cover particular equality strands. The Race Relations (Northern Ireland) Order 1997 prohibits discrimination and harassment on the grounds of race, colour, ethnic or national origins, nationality.⁵⁰ The Fair Employment and Treatment (Northern Ireland) Order 1998 prohibits discrimination and harassment on the grounds of religious belief and political opinion.⁵¹ This Act also contains provisions relating to equality monitoring and the statutory duty to promote fair participation in employment.

Section 76 of the Northern Ireland Act 1998 makes provisions that public authorities have due regard for the need to promote equality of opportunity in carrying out its functions between people of the different protected characteristics but does not have the duty to eliminate discrimination, harassment, victimisation and any other prohibited conduct, unlike in the Equality Act 2010.⁵² Section 76 does state that public authorities cannot discriminate on the basis of religious belief or political opinion when carrying out functions relating to Northern Ireland. Similarly, the Fair Employment and Treatment (NI) Order 1998 requires all employers who employ more than ten employees in Northern Ireland to register with the Equality Commission and provide a monitoring return each year, but only by 'community' background (i.e. Protestant and Roman Catholic).⁵³ However in practice most public sector employers also monitor ethnic origin.

3. Manifestations of racism and structural discrimination in employment

Section 2.1 outlined the labour market position of different groups, however this information is not able to show the reasons behind different groups' positions in relation to each other, or the extent to which racism and discrimination are contributing factors. This next section will focus on manifestations of racism and structural discrimination in employment. In this section, evidence and statistical data that show the incidences of discrimination and racism in the labour market will be considered.

3.1 Perceptions of discrimination in employment

Activists and individuals believe that labour market discrimination and racism are a persisting problem, highlighting low pay, high rates of unemployment and racism and discrimination in the workplace.⁵⁴ This belief is contrasted with actions by the Government, a coalition between the Conservative and Liberal Democrat parties,⁵⁵ to reduce access to employment tribunals, benefits and public spending and inaction over high rates of ethnic minority unemployment.

⁵⁰ The Race Relations (Northern Ireland) Order 1997, Pt1, s5(1-5)

⁵¹ Fair Employment and Treatment (Northern Ireland) Order 1998, Pt1, s3-3A. This Order has been amended to: [Fair Employment and Treatment Order \(Amendment\) Regulations \(Northern Ireland\) 2003](#) to meet the requirements of the EU Framework Directive for Equal Treatment in Employment and Occupation

⁵² Northern Ireland Act 1998

⁵³ Fair Employment and Treatment (Northern Ireland) Order 1998, Pt7 s48(2) and Pt7 s52(11)

⁵⁴ UK NGOs Against Racism. *Joint submission by UK NGOs Against Racism to the UN Committee on the Elimination of Racial Discrimination (CERD) with regard to the UK Government's 18th and 19th Periodic Reports*. Runnymede Trust, London, 2011

⁵⁵ The two major political parties in the UK are the Labour and Conservative Parties. Traditionally, the Labour Party has been the more positive than the Conservative Party in terms of supporting immigration and strengthening equalities legislation. In the 2010 general election the Conservative Party entered in a coalition government with the Liberal Democrat Party. For more information on the party stances towards immigration at the last general election see: BBC. Where they stand: guide to party election policies. http://news.bbc.co.uk/1/hi/uk_politics/8515961.stm

Often labour market discrimination is framed in a way that casts British workers as the victims of job displacement in favour of migrant workers.⁵⁶ Immigration has been consistently an election issue in the UK, with political parties' ideological positions shifting over the years to the centre and right of the political spectrum. Since coming into power, the Conservative Party has focused on reducing net migration and more recently have been exploring how to limit benefits to European Union migrants. This is in part linked to further extending entry limitations to Romanian and Bulgarian nationals because of the perception that hundreds of thousands of these nationals will arrive to the UK without job prospects and put a strain on public services.⁵⁷

A recent example of this was the Eastleigh (Hampshire) by-election in May 2012 which saw more anti-immigrant political rhetoric as a result of the rise of popularity of the Euro- party, UK Independence Party (UKIP).⁵⁸ Months before the election, the Immigration Minister, Damian Green (Conservative Party), made clear that the Government would be limiting immigration because in its view, too many new jobs were going to immigrants rather than indigenous workers.⁵⁹ After the election, in which the Liberal Democrats held their existing seat, the leader of the Labour Party, the party in opposition, Ed Miliband stated that his party had 'got it wrong' on immigration policy in the past.⁶⁰

3.2 Incidence of discrimination in employment

As Section 2.1 outlined, minority ethnic groups tend to have higher rates of unemployment, economic inactivity and self-employment than White British groups. The employment gaps can indicate inequalities in the labour market but not the extent to which these inequalities are due to racism and discriminatory practice.

The Citizenship Survey and the Fair Treatment at Work Survey (FTWS) are the most recent and comprehensive data available that report people's experiences with labour market discrimination.⁶¹ While these findings do not poll for people's belief in the pervasiveness of discrimination in employment, they do indicate personal experience. This has important implications for people's job satisfaction, commitment, the extent to which they feel they belong and the likelihood that they will remain in a particular job.⁶²

The last Citizenship Survey (April 2010-March 2011) found that people from minority backgrounds were more likely to feel that they were refused a job and refused a promotion in the past 5 years due to their race or colour as compared to white respondents (8% and 7% respectively vs. 1% of white respondents for each question). Black groups were most likely to believe their race or colour played a

⁵⁶ *The Independent*. "Ukip prepares to put fears over mass Romanian and Bulgarian immigration at heart of campaign strategy". Morris, N. 14 Jan 2013

⁵⁷ James M and Rashid N. 'Romanian and Bulgarian migrants – it's not immigration but xenophobia we should be discussing' 28 Nov 2013 Open Democracy <http://www.opendemocracy.net/ourkingdom/malcolm-james-naaz-rashid/romanian-and-bulgarian-migrants-it%E2%80%99s-not-immigration-but-xenoph>

⁵⁸ UKIP has never succeeded in electing a member to the House of Commons, the lower house of Parliament.

⁵⁹ "Damian Green's speech on making immigration work for Britain" 2 February 2012 <https://www.gov.uk/government/speeches/damian-greens-speech-on-making-immigration-work-for-britain>

⁶⁰ Politics.co.uk, "Ed Miliband's immigration speech in full", 22 June 2012 <http://www.politics.co.uk/comment-analysis/2012/06/22/ed-miliband-s-immigration-speech-in-full>

⁶¹ The Citizenship Survey, commissioned by the Department for Communities and Local Government (DCLG), was discontinued in 2011 following a Government consultation, "The Future of the Citizenship Survey". The FTWS was commissioned by the Department for Business, Enterprise and Regulatory Reform which is now the Department for Business, Innovation and Skills (BIS)

⁶² For further discussion see: Rolfe H., Dhudwar A., George A., and Metcalf H. *Perceptions of discrimination in employment*. Government Equalities Office, London, 2009

part in job refusal or lack of promotion (13% and 12% respectively), while Pakistanis were most likely to believe their religion was a factor in their job refusal (7% as compared to only 2% for all ethnic minority groups).⁶³

According to the FTWS, 13% of British employees experienced unfair treatment⁶⁴ and 7% experienced discrimination in the workplace.⁶⁵ White British and ethnic minorities had similar rates of reporting unfair treatment (13% and 15%), though ethnic minorities were more likely to report discrimination than White British respondents (12% and 7% respectively). Similarly, those born outside of the UK were more likely to report discrimination than UK born respondents (10% and 7%).⁶⁶ Survey respondents were more likely to think discrimination, rather than unfair treatment, in the workplace was due to their race, ethnic group or colour (16% and 8%), nationality (13% and 7%) and religion or belief (3% and 3%).

It is possible that people are more likely to attribute unfair treatment to individualised reasons rather than institutional or direct racism. In the FTWS the top two reasons cited for questions regarding discrimination and unfair treatment in the workplace were ‘the attitude and personality of others’ (41% and 45%, respectively) and ‘people’s relationships at work’ (35% and 38%). One UK Expert believed that often people are reluctant to first think their race was the reason for their unfair treatment:

‘You’ll find that the individual believes race is the issue but is reluctant to label it as such and instead says they are ‘unfairly treated’; etc. A prime example was in Lewisham; a lady came in for an appointment [at the Race Equality Council (REC)] and each time I asked what was the reason [for her unfair treatment by her employer] she said didn’t know - but she found her way to the REC. Often individuals don’t like to accept it for themselves... in my experience people tend not to jump to that conclusion...’⁶⁷

3.3 Patterns of inequality over the course of time

Analysis of Census data from 1991-2011 shows that major ethnic inequalities have remained in employment for people ages 25-49.⁶⁸ Overall, White British men and women had a consistent advantage between these years in respect to ethnic minorities of the same gender. Black African and Caribbean men had consistently high rates of unemployment, more than double those of white men, and there was a persistent high unemployment for their female counterparts. Pakistani and Bangladeshi women experienced the highest rises in economic activity, although out of all ethnic groups during that period, they were the least likely to be in the labour market.⁶⁹

UK academics have analysed the labour market activity of different groups to determine the extent to which an ‘ethnic penalty’ exists – or, the disadvantage ethnic minorities have in the labour market after accounting for differences in human capital (such as educational attainment) and demographic characteristics (such as age). One study⁷⁰ found ethnic penalties in the labour market from 1985 – 1995. Pakistani and Bangladeshi men had higher levels of unemployment than their white and Indian

⁶³ DCLG. *Citizenship Survey: 2010-11 (April 2010–March 2011), England – Tables*. DCLG, London, 2011

⁶⁴ Unfair or less favourable treatment is treatment which is considered less favourable to a real or hypothetical comparator in broadly comparable circumstances.

⁶⁵ Fevre R., Nichols T., Prior G. and Rutherford I. *Fair Treatment at Work Report 2009: Findings from the 2008 Survey. Employment Relations Research Series 102*, Department for Business, Innovation and Skills, London, 2009

⁶⁶ *Ibid*; Table B8.1 p. 209-211

⁶⁷ Telephone interview with UK Expert from the Discrimination Law Association

⁶⁸ Nazroo, J. and Kapadia, D. *Have ethnic inequalities in employment persisted between 1991 and 2011?* op. cit

⁶⁹ *Ibid.*,

⁷⁰ Berthoud R. “Ethnic employment penalties in Britain”, *Journal of Ethnic and Migration Studies*. 2000, 26(3): 389–416

counterparts. African men had consistently high rates of unemployment and were much less likely to have a job than other ethnic groups, despite having good levels of education. British born Caribbean men with no qualifications also experienced an ethnic penalty.⁷¹ A similar analysis⁷² for the years of 2001-2004 found that women and men in all ethnic minority groups (except Chinese) experienced ethnic penalties, most markedly among Africans. Penalties across generations were small, but still substantial for African, Caribbean, Black Mixed, Pakistani and Bangladeshi men and women. In both of these studies, the ethnic penalty for Caribbean men seemed unlikely to lessen.⁷³ The more recent study suggested, 'unequal treatment on the grounds of race or colour is likely to be a major factor underlying the pattern of ethnic penalties'.⁷⁴

3.4 Discrimination in access to employment

Research has found the existence of direct discrimination in terms of accessing employment, especially at the stage of application. A test commissioned by the Department for Work and Pensions (DWP) found that people with a 'minority ethnic' sounding name are almost a third less likely to be shortlisted for jobs than people with a 'white' sounding name.⁷⁵ Evidence submitted for an inquiry into minority ethnic women's employment stated that people who changed their surnames on their CV to sound more traditionally British experienced more interview offers.⁷⁶ This was also the case of Max Kpakio, who took Virgin Atlantic Airways to the Employment Tribunal over name-based discrimination. His alter ego, 'Craig Owen' was subsequently invited to interview while he was not. Kpakio subsequently lost his case because, unlike in the DWP test, the two applicants did not have the same skills and experience.⁷⁷

However, having a white-sounding surname does not necessarily help the applicant at the point of a face-to-face interview. There have been reports of the attitudes of prospective employers changing once non-white applicants (with British or European sounding names) arrive at interview.⁷⁸ This experience may be more likely in the case of black Caribbean applicants who have been found to experience less name-based discrimination in the DWP research, perhaps due to the similarity of the names to white groups.⁷⁹ Also there has been evidence that Gypsy and Travellers have experienced discrimination when applying for work, such as not being called for interviews or job already being filled.⁸⁰ One practice was to for people of these backgrounds to use a 'care of' address for their business as to disguise that they live on a Traveller site.⁸¹

⁷¹ Ibid.,

⁷² Heath A. and Cheung S.Y. *Ethnic Penalties in the Labour Market: Employers and Discrimination*, Department for Work and Pensions, Research Report No 341. Published for the Department for Work and Pensions by Corporate Document Services, Leeds, 2006

⁷³ Ibid.,

⁷⁴ Ibid., 2 and 33-38

⁷⁵ Wood M., Hales J., Purdon S., Sejersen T. and Hayllar O. *A test for racial discrimination in the recruitment practice in British cities. Research Report No 607*, Stationery Office, London, 2009

⁷⁶ All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, op. cit.

⁷⁷ BBC News. "Virgin Atlantic job name change race claim by Max Kpakio dismissed", 19 April 2013

⁷⁸ Interview with UK Expert Elena Noel. Also see: All Party Parliamentary Group on Race and the Community. 2012. All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, op. cit. and Rolfe H., et. al. *Perceptions of discrimination in employment*, op. cit. p. 48

⁷⁹ Wood M et al. *A test for racial discrimination in the recruitment practice in British cities. Research Report No 607*, op. cit.

⁸⁰ Cemlyn S, Greenfields M, Burnett S, Matthews Z and Whitwell C. *Inequalities experienced by Gypsy and Traveller communities: A review*. EHRG, London, 2009 pp. 40-41

⁸¹ Ibid., 41

A smaller scale study found that ethnic minority candidates were 15% less likely than white candidates to be offered a job by a recruitment agency (29% and 44% respectively) yet had the same rates of being offered a job when applying to the company directly (29%).⁸² This points to the possibility that ethnic minorities are placed at a disadvantage, with recruitment consultants opting to push those 'who are easier to place' forward for jobs.⁸³ A similar issue has been highlighted in research in Northern Ireland; there is a perception of benefits staff placing unemployed ethnic minorities in the 'difficult-to-deal-with' pile instead of helping them back into work.⁸⁴

There have been examples cited in the literature where religious minorities have perceived discrimination based on their dress; a particular dress would signify their lack of competence in performing a job.⁸⁵ The All Party Parliamentary Group (APPG) on Race and the Community's inquiry into women's employment heard how some Muslim women began being more successful at interviews once they remove their hijab.⁸⁶ One case example in the research in Higher Education found that a woman's dress (wearing a niqab) would, 'not be useful for the role of adviser, as people needed to see her face.'⁸⁷ In another study, a Sikh man recounted how his beard and turban caused his rejection for a job at a recruitment agency: 'It was in a restaurant and they told me because you have got turban and you have got beard it is against our, I mean, it is not good for health and safety because you have got a beard.' He was also rejected for a parking warden position because the company said their hat, which he would be unable to wear, was a mandatory part of the uniform.⁸⁸

3.5 Discrimination in the workplace

There have been no large-scale studies looking into racism and discriminatory practice in the workplace during the 2012/2013 period. Our knowledge base of direct and indirect discrimination is based on research conducted in previous years by the Government Equalities Office (GEO), EHRC, NGOs and the academy, which sometimes look at particular ethnic groups, workplaces or industries. So while it may not be possible to determine the real extent of the pervasiveness of racial discrimination in workplaces, research does indicate that migrants and minorities do experience racism and unfair treatment and have more problems at work.⁸⁹

Studies often highlight how organisational cultures influence the experience of minority and migrant groups at work. Workplaces where the pervading culture is a result of a particular group - such as how one workplace in Scotland was described as 'male dominated, macho, Protestant, patriarchal and no interest in diversity issues' - are likely to make others feel isolated or disadvantaged in that workplace.⁹⁰ This feeling of isolation or being marginalised has been reported in relation to religious

⁸² Race for Opportunity, *Race and Recruitment: Exposing the Barriers*, 2011

⁸³ All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, op. cit.

⁸⁴ Wallace, A. et. al. *Poverty and Ethnicity in Northern Ireland. An Evidence Review*, op. cit.

⁸⁵ Kabeer N. and Ainsworth P. *Life chances, life choices: exploring patterns of work and worklessness among Bangladeshi and Somali women in Tower Hamlets*. [n.p.], [n.p.], 2011 and Aston J. et. al. *Research Report 458: Pakistani and Bangladeshi women's attitudes to work and family*, op. cit.

⁸⁶ This report also found that these women faced assumptions about their job commitment in relation to their plans for marriage or motherhood. For more see: All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, op. cit.

⁸⁷ Hey V., Dunne M., Ansley S., Kimura M., Bennion A. and Brennan J. *The experience of black and minority ethnic staff in higher education in England*, ECU, London, 2011, p. 23

⁸⁸ Rolfe, H., et. al. *Perceptions of discrimination in employment*, op. cit. p. 44

⁸⁹ Holgate J., Pollert A., Keles J., and Kumarappan L. "De-collectivization and employment problems: the experiences of minority ethnic workers seeking help through Citizens Advice". *Work Employment Society*, 2012, 26: 772-788

⁹⁰ Kamenou N., Netto G. and Fearfull A. *Ethnic Minority Women in the Scottish Labour Market: Employers' Perceptions*, British Journal of Management, 2013, 24(3), p. 405

groups, such as Muslims not being given flexible time during their working day for prayer.⁹¹ Organisational cultures also influence people's interactions at work, affecting their experience in the workplace. Opportunities to socialise with colleagues has been cited in literature as putting particular people (especially women and religious minorities) at a disadvantage in establishing social relationships in the workplace, receiving information they might not otherwise receive and gaining promotion.⁹²

In more extreme examples, organisational cultures can legitimise working environments hostile to those who do not 'fit in'. Particularly in the case of migrants, behaviour ranging from misunderstandings to offence is unmediated or challenged, assuming the migrant will 'develop a thick skin' and adapt to the culture.⁹³ This is evident particularly when harassment is downplayed as banter, as in one example from a report into the construction industry where an employee who perceived banter as racist was explicitly told by a superior that it was not.⁹⁴

In the case of Pakistani and Bangladeshi women, their low rates of economic activity is in part attributed to personal circumstances – such as their high rates of looking after the home or family – however it might also be as a result of experiencing barriers to entering employment, including racism and discrimination. There is evidence of two factors further limiting their employment opportunities: they might be less likely to opt for work where they believe they would experience racism and prefer jobs with flexible working hours when having caring commitments.⁹⁵ One report found that employers assumed that Pakistani and Bangladeshi women would leave work entirely for after marriage or motherhood and would be unsuitable for the opportunities interviewed for; an assumption consistent with other research.⁹⁶

Individual cases of discrimination vary; however, there seem to be persistent themes in how it is manifested in the workplace. For example, research found that migrants in particular feel that they are given more demanding work, are not allocated the more desirable shift hours and are given roles with less status.⁹⁷ Research in the meat processing industry has identified discrimination in terms of allocation of or dismissal from work by nationality, race or colour with some groups being perceived as more 'hardworking' or 'reliable'. Related to this, there is evidence of employers scheduling working shifts by language of the workers to avoid possible tensions due to lack of common first language.⁹⁸ Aside from being discriminatory, this practice has implications for career progression for migrants who would not have the opportunity to improve their English language skills.⁹⁹ More direct

⁹¹ All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, op. cit.

⁹² Hey V. et al. *The experience of black and minority ethnic staff in higher education in England*, ECU, London, 2011 and Vasista V., *Snowy Peaks. Ethnic Diversity at the Top*. London: Runnymede Trust, 2010

⁹³ Stevens M., Hussein S. and Manthorpe J., "Experiences of racism and discrimination among migrant care workers in England; Findings from a mixed-methods research project", *Ethnic and Racial Studies*, 2012, 35:2, 266-269 and Hey V et al. *The experience of black and minority ethnic staff in higher education in England*, op. cit. 66

⁹⁵ Kabeer N. and Ainsworth P. *Life chances, life choices: exploring patterns of work and worklessness among Bangladeshi and Somali women in Tower Hamlets*, op. cit. and Aston J., Hooker H., Page R. and Willison R. *Research Report 458: Pakistani and Bangladeshi women's attitudes to work and family*, Stationery Office, Leeds, 2007

⁹⁶ All Party Parliamentary Group on Race and the Community. *Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women. First Report of Session 2012-2013*, Runnymede Trust, London, 2012

⁹⁷ EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, op. cit.; Rooney E. *Bayanihan. The Filipino Community in Northern Ireland*, op. cit.; Janta, H. et al. "Employment experiences of Polish migrant workers in the UK hospitality sector", op. cit.; O'Brien T. and Ackroyd S. "Understanding the recruitment and retention of overseas nurses: realist case study research in National Health Service Hospitals in the UK." *Nursing Inquiry*, 2012, 19(1), p. 47

⁹⁸ EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, op. cit

⁹⁹ *Ibid.*; and Wallace, A. et. al. *Poverty and Ethnicity in Northern Ireland. An Evidence Review*, op. cit.

forms of discrimination include verbal abuse.¹⁰⁰ Racism by third parties or service users has been documented, with managers not challenging behaviour in order to avoid losing clients or causing further tension.¹⁰¹

Larger companies and organisations have formal internal procedures for reporting grievances; however these procedures are not always effective in addressing issues raised by employees. This ranges from the incident not being dealt with effectively, within a reasonable amount of time or being told discrimination does not exist in the organisation.¹⁰² One UK Expert stated that employers' inaction over incidents are based on whether HR considers whether grievance is likely to be supported in an employment tribunal:

*"Nowadays if there is an internal grievance, HR doesn't make decisions in the cold light of day but what will happen in an employment tribunal in a year's time."*¹⁰³

Research has found that it is employers' inaction or failure to support the worker that leads to employee dissatisfaction, loss of faith in the organisation and incidents escalating to tribunals.¹⁰⁴ In the study of racial discrimination claimants, a common pattern emerged in terms of dismissal:

'Overt racism was ignored or not dealt with effectively by the employer, and this escalated into other difficulties between the claimant and their manager, and sometimes their colleagues too. The claimant was subsequently cast as the villain for "rocking the boat" and work became increasingly unpleasant before the claimant was finally dismissed'.¹⁰⁵

There were two widely publicised cases involving unfair and constructive dismissal during the reporting period, which both involved raising the issue of discrimination based on racial background. Alfred Bacchus said he was singled out, harassed by his bosses at GCHQ (UK Intelligence Agency) which forced him to resign, after an internal report was written which highlighted the 'racist culture' in the department.¹⁰⁶ In another case, the footballer Mark McCammon said he was treated less favourably than white players by his employer, Gillingham Football Club, and was dismissed after confronting the Club's manager about the discrimination.¹⁰⁷ These cases are not necessarily indicative of discrimination cases brought to tribunal, but rather serve as examples of different cases and outcomes.

3.6 Economic sectors

Workplaces with 50 or more employees, the public sector, and workplaces that recognise trade unions have been found to almost universally adopt policies on equal opportunities, with the majority of policies including a protection on the grounds of race and religion in the workplace (86% and 81% respectively).¹⁰⁸ Roughly half of large private and public sector organisations were found to have formal strategic plans with objectives to be achieved in terms of employee diversity (47% and

¹⁰⁰ Hey V. et. al. *The experience of black and minority ethnic staff in higher education in England*, op. cit; EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, op. cit; and Janta, H. et al. "Employment experiences of Polish migrant workers in the UK hospitality sector", op. cit. p. 116

¹⁰¹ Rooney E. *Bayanihan. The Filipino Community in Northern Ireland*, op. cit.; Aston J., et. al., *The experience of claimants in race discrimination Employment Tribunal cases*, op. cit. p 17-18

¹⁰² Rolfe, H., et. al. *Perceptions of discrimination in employment*, op. cit. p. 76

¹⁰³ *David Stephenson; Barrister and Member Discrimination Law Association*

¹⁰⁴ Aston J. et. al. *The experience of claimants in race discrimination Employment Tribunal cases*, op. cit. p. 19 and 46

¹⁰⁵ *Ibid.*, 12

¹⁰⁶ *The Independent*. "GCHQ spared having inner workings made public after 'racism' case is settled out of court at the last minute." Taylor J., 11 Sept 2012

¹⁰⁷ *The Guardian*. "Mark McCammon wins racism cases against Gillingham FC", 30 July 2012

¹⁰⁸ Van Wanrooy B., Bewley H., Bryson A., Forth J., Freeth S., Stokes L., and Wood S. *The 2011 Workplace Employment Relations Study. First Findings*, Department for Business, Innovation and Skills, [n.p.], op. cit., 2013, p 35

50% respectively). Small enterprises however had very low rates, at 17%.¹⁰⁹ Despite these provisions, the majority of employers have been found to not monitor or review their recruitment and selection procedures in identifying indirect discrimination (77% and 82% respectively).¹¹⁰ As compared to 2004, an increasing number of employers did not monitor or review recruitment or make special procedures to attract ethnic minority applicants in comparison to 2004; this illustrates that there is less willingness to challenge inequalities among employers.

In terms of recruitment, the private sector has been shown to be more prone to racial discrimination. The name-based application test commissioned by the DWP found that discrimination was nearly nine times higher in the private sector than the public sector (35% and 4% respectively).¹¹¹ The disparity was in part due to private sector organisations' recruitment process opting for CVs rather than a standard application; minority ethnic names were more likely to be discriminated against in applications calling for a CV rather than an application form (38% and 1% respectively).

Private sector recruitment practice that also poses barriers for certain groups include relying on 'who you know' or word of mouth, rather than opportunities being widely advertised. This issue was identified by the EHRC in their inquiry into the construction industry that has disproportionately low rates of minority ethnic employment and also a reputation for being racist.¹¹² Conversely, they also found this to be the case with the meat processing industry, however as the workforce is largely dominated by migrant workers, the practice poses a barrier to white British workers.¹¹³ Being 'known' has also been shown to place certain workers at a disadvantage; for example in 2009 a blacklist compiled workers in the construction industry for 20 years which identified 'troublemakers', such as union members.¹¹⁴

3.7 Geographical areas and relevant actors

Ethnic minority and migrant groups are concentrated around the metropolitan areas of England and most research will therefore focus on these areas. However these groups who live and work in rural areas will have a particular experience in terms of working conditions; for example there have been well documented cases of the exploitation of migrant workers, such as the cases illustrated below.

The Gangmaster's Licensing Authority directly came out of the death of 23 undocumented Chinese migrant workers in 2004, who were cut off from shore while picking cockles, in Morecambe Bay.¹¹⁵ The industries covered by the GLA (agricultural, horticultural and shellfish industries) often hire casual workers for jobs located in dispersed rural or urban-rural areas.¹¹⁶ The apparent widespread mistreatment and discrimination against migrant workers was also found by the EHRC in their inquiry into the meat and poultry processing sectors as described in Section 3.5 of this report. In these cases jobs were located in the East of England, East Midlands and Wales.¹¹⁷

¹⁰⁹ Ibid., 34

¹¹⁰ Ibid., 34

¹¹¹ Wood M., Hales J., Purdon S., Sejersen T. and Hayllar O. A test for racial discrimination in the recruitment practice in British cities. Research Report No 607, Stationery Office, London, 2009

¹¹² EHRC, *Race Discrimination in the Construction Industry Inquiry Report*, op. cit.

¹¹³ EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, op. cit.

¹¹⁴ The most extreme and infamous example of this was found in the construction industry. For more information see: BBC. "Construction industry workers blacklisted for 20 years", 9 June 2013

¹¹⁵ BBC News, "Morecambe Bay: One year on". Casiani D. 5 Feb 2005

¹¹⁶ Geddes A., Scott S. and Nielsen K., *Gangmasters Licensing Authority Evaluation Study. Baseline Report*, GLA, 2007

¹¹⁷ EHRC. *Inquiry into recruitment and employment in the meat and poultry processing sector*, op. cit.

These sectors tend to rely on migrant workers for saving costs as wages are low and jobs are temporary. One UK Expert highlighted the challenges for migrants in Northern Ireland, an area with less ethnic diversity and a larger agricultural sector than England:

*'The first thing we looked at in terms of the people who came to Northern Ireland is the majority - 80% - can't speak English. You can expect what type of job they are getting. We have a big meat processing company... they need low paid and low skilled workers in Northern Ireland and the local boys don't want to do it. Its shift work - and 24 shifts at that... [The EHRC's meat processing report] was very detailed in terms of pay, employment, working environment, health and safety and discrimination. The majority are in that industry in Northern Ireland; you can draw the analogy.'*¹¹⁸

Government Interventions in these areas have been welcomed, especially as the workers experiencing mistreatment and harassment are unlikely to raise a complaint due to their insecure status, as one UK Expert highlighted:

*'... in the private sector people don't take grievances against employers – they are just holding on to their jobs. Social care, cleaning, security... are often fairly insecure contracts and taking grievance on racism is a no-no basically.'*¹¹⁹

It is also important to note that migrants may be more vulnerable to racism and discrimination in the workplace, particularly when their immigration status is tied to their employment and ability to receive public support.¹²⁰ For example, there have been well-publicised cases in previous years with migrant domestic workers enduring exploitative conditions with limited options to challenge their employers and remain resident in the UK.¹²¹

4. Tackling the challenges

This section will focus on how racism and discriminatory practice is being tackled in the UK by the government, judiciary, civil society and individual employers. This will be done through reviewing the relevant policy developments during the March 2012/13 period, quantitative and qualitative research and evaluations related to both policy and practice.

4.1 Public policies

Currently there are no national level programmes that aim to reduce current discrimination in employment. The DWP's Ethnic Minority Advisory Group (EMAG) was reconstituted by the Ethnic Minority Employment Stakeholder Group in 2012; however, since the change there have been no announcements in forthcoming policy to address discrimination in employment.¹²² In the past, the DWP's programmes have been characterised as lacking continuity and thus have had limited success.¹²³

¹¹⁸ Telephone interview with UK Expert Patrick Yu; Executive Director, NICEM

¹¹⁹ Telephone interview with UK Expert Wilf Sullivan; Race Equality Officer, TUC

¹²⁰ Wallace, A. et. al. *Poverty and Ethnicity in Northern Ireland. An Evidence Review*, op. cit.

¹²¹ Open Democracy. "Human Luggage: lives of neo-bondage and servitude", Moss, J. 30 Nov 2012

¹²² DWP. "Ethnic Minority Employment Stakeholder Group". www.dwp.gov.uk/emesg

¹²³ NAO, *Increasing employment rates for ethnic minorities*. London: Stationery Office, 2008

The most relevant government programme in this area is the Work Programme which was introduced in June 2011. The Work Programme aims to support people in addressing barriers in access to employment, including matching their skills and experiences to suitable vacancies.¹²⁴ The programme specifically targets people claiming out of work benefits for a long period or at risk of becoming part of this group. 'Providers' (organisations in the voluntary, private and public sectors) work with job seekers to support them into work and are paid for their results in getting people into work and keeping them in employment.¹²⁵

During the period of June 2011 to March 2013, 1.2 million people were registered on the Work Programme, with the ethnicity of people referred broadly equivalent to people claiming Job Seeker's Allowance and Employment and Support Allowance.¹²⁶ The rates of providers getting people in and keeping them in employment were low, yet broadly similar across ethnic groups.¹²⁷ For this reason, the UK Experts felt that the Work Programme was not particularly effective in getting ethnic minorities into work:

*'We have proof that a lot of the individuals that come for support need the support for Universal Job Match to access positions. But it's not that [the Work Programme] doesn't meet their needs - it's that it's not the easiest route to go down to be successful in gaining employment'.*¹²⁸

*'The Work Programme isn't working and it's not working for Pakistani and Bangladeshi women or African Caribbean people - and those are the groups most affected'.*¹²⁹

The government has also promoted employment for young people through work experience and apprenticeships. These programmes should help ethnic minorities as their populations are more concentrated in younger ages and they have on average higher unemployment rates than White British young people. However, provisional data for 2012/13 shows that only 9.4% of new starters on apprenticeship programmes are ethnic minorities, despite accounting for 18% of the population of those aged 16-24.¹³⁰

Apprenticeship programmes have also been found to not be effective in including ethnic minority young people because of poor promotion in schools.¹³¹ As one UK Expert highlights,

*"There is a massive issue about access - opportunities aren't always being advertised in the right place, with the right people and at the right time. There are many different schemes and most high street brands have them, but if you ask the average person they don't know about it. And with BME communities there are issues of disadvantage and the lack of internet access in disadvantaged areas, and whether young people own their own computer and have access to free wi-fi or the internet. This is key to obtaining employment opportunities and pathways to network for training, education; etc."*¹³²

¹²⁴ *The Guardian*, "Half of UK young black men unemployed", Ball J., Milmo D., and Ferguson B. 9 March 2012.

¹²⁵ DWP. *The Work Programme: the first year*, DWP, London, 2012

¹²⁶ *Ibid* p. 19

¹²⁷ DWP, *First Release: This Statistical Summary aims to give a structured overview of Work Programme Official Statistics produced by the Department for Work and Pensions*, DWP, 2013, p. 33

¹²⁸ Telephone interview with UK Expert Julie J Charles; CEO and Founder, Equalities National Council

¹²⁹ Telephone interview with UK Expert Rob Berkeley; Director Runnymede Trust.

¹³⁰ BIS, *Apprenticeship Programme Starts by Narrow Age Band, Gender, Learners with Learning Difficulties and/ or Disabilities and Ethnicity (2002/03 to 2012/13 in-year estimates)*, BIS, 2013

¹³¹ Newton B., Miller L., Oakley J. and Hicks B. *Report for NAS: Good Practice Evaluation of the Diversity in Apprenticeships Pilots*, Institute for Employment Studies, Brighton, 2012

¹³² Telephone interview with UK Expert Elena Noel; Founder, Empowering People for Excellence

It is not also evident that ethnic minority young people are participating in apprenticeships that will then necessarily lead to a career. They are poorly represented in areas such as construction, engineering and hospitality and have a greater concentration on pre-apprenticeship courses, which are less likely to lead to an apprenticeship offer.¹³³

There are public programmes occurring on the local level however these are at the initiative of local authorities and not the central government. London Borough of Tower Hamlets identified the risk factors associated with the economic inactivity of their residents, including being of Bangladeshi origin, female, living in social housing, not speaking English as a first language, having no qualifications at diploma level or suffering from poor health.¹³⁴ They commissioned further research to identify barriers to employment for Bangladeshi and Somali women in the borough, designed employability interventions and worked with NGOs to help these women into work. The programme, 'Overcoming the Barriers', involved training women to receive qualifications, the organisation of confidence building activities and classes in job search skills and employability.¹³⁵

4.2 Access to effective remedies

In the UK, individuals can bring a claim against their employer through judicial proceedings, conciliation, mediation, and in some cases via the equality body, the Equality and Human Rights Commission (EHRC). These types of proceedings are outlined and assessed in this next section in terms of their effectiveness regarding claims which relate to racial discrimination in the workplace.

4.2.1 Judicial remedies

In the UK, there are two sets of courts to bring judicial proceedings for cases of discrimination on the grounds of racial, ethnic or religious opinion/belief. In Britain, people can bring claims to the Employment Tribunal within three months of their incident or dismissal and, if unsuccessful, can appeal the decision at an Employment Appeals Tribunal. In Northern Ireland, the Fair Employment Tribunal hears cases of religious belief and political opinion and the Industrial Tribunal hears discrimination cases on the other protected grounds, including race.

Tribunals are independent and can ask the employer to pay compensation or reinstate the employee if they lose the case. The employer has 42 days to pay the compensation, which is calculated by the employee's age, salary and length of service and has no upper limit in cases of discrimination.¹³⁶ If the claimant is unsuccessful, they have 42 days from when the decision or reason was delivered to appeal the decision at the Employment Appeal Tribunal.

As of July 2013, the Enterprise and Regulatory Reform Act introduced a number of measures to discourage potential claimants taking their grievance to an employment tribunal. Firstly, there are now fees associated with the employment tribunal process: lodging a claim costs £160 or £250, with a further charge of either £230 or £950 if the case goes ahead. There is also a £400 fee to appeal the

¹³³ *The Guardian*, "Youngsters from ethnic minorities miss out on apprenticeships", Murray J., 22 Feb 2011 <http://www.theguardian.com/education/2011/feb/22/apprenticeships-black-ethnic-minorities-take-up>

¹³⁴ London Borough of Tower Hamlets, "Women, work and worklessness". http://www.towerhamlets.gov.uk/lgsi/851-900/861_diversity_and_equalities/gender_equality/women_work_and_worklessness.aspx

¹³⁵ The independent evaluation of their pilot is pending. London Borough of Tower Hamlets. "Overcoming barriers to work", 12 Oct 2012 http://www.towerhamlets.gov.uk/news_events/news/october/overcoming_barriers_to_work.aspx

¹³⁶ Enterprise and Regulatory Reform Act, 25 April 2013

decision with a further fee of £1200 for a full hearing.¹³⁷ Secondly, people can apply for a partial or full fee remission however the criteria to qualify for a remission have been reduced.¹³⁸ Thirdly, these changes to fees have been made in tandem with access to early conciliation, which is now mandatory in most cases and free of charge (see Section 4.2.2.2).

Nature of Claims and Claimants

Employment tribunal hearings are often open to the public and all cases are made available in hard copy only at the Public Register at the Employment Tribunal regional office at Bury St Edmunds. The Ministry of Justice publishes basic data online about the nature of cases but not about the profile of the claimants or respondents.¹³⁹

The most recent data available on employment tribunal cases at the time of writing are from April 2011 to March 2012. Race discrimination is one of 21 possible claims accepted by employment tribunals.¹⁴⁰ In the 2011/12 period, 4,800 cases were brought on the grounds of race discrimination (1.4% of the total), which represents a decrease from previous years (5,000 claims in 2010/11 and 5,700 in 2009/10). Cases of discrimination on grounds of religion or belief accounted for 940 of the cases accepted in 2011/12 (0.03% of the total), as compared with 880 in 2010/11 and 1000 in 2009/10.¹⁴¹

In Northern Ireland, cases on the grounds of racial discrimination are heard at Industrial Tribunals, whereas cases on the grounds of religious belief or political opinion are heard at the Fair Employment Tribunal. Cases on the grounds of race discrimination accounted for 1.9% and religious belief or political opinion accounted for 5% of all tribunal claims in 2012/13. These tribunals have also experienced a decline in cases brought on the grounds of race discrimination over the past three years: 108 cases in 2012/13, 120 in 2011/12 and 141 in 2010/11.¹⁴²

Only a minority of discrimination cases based on race or religion and belief are successful at the hearing stage. In 2011/12, 3% of cases of racial discrimination and 3% of cases of religion or belief discrimination were successful at hearing. This compares with 17% and 16% being unsuccessful at the hearing stage. Two-thirds of cases on these grounds do not even reach a hearing with just under a third of both types of cases being withdrawn.¹⁴³ In Northern Ireland during the 2012/13 period, 1.5% of cases on the grounds of race were allowed and 30% were withdrawn before hearing.¹⁴⁴

The Survey of Employment Tribunal Applications (SETA) only records general information available on the profile of parties engaged in employment tribunals. The most recent sample from 2008 found that Asian and black people each accounted for 34% of the claimants, 15% were white and 9% were of 'Other' ethnic group or did not respond. These figures were similar to the previous SETA in

¹³⁷ HM Courts & Tribunals Service. *Employment Tribunal and Employment Appeal Tribunal Fees Stakeholder factsheet*, [n.p.] [n.d.]

¹³⁸ HM Courts & Tribunals Service. *T438: Employment Tribunal and Employment Tribunal Fees - Do I have to pay them?* [n.p.] [n.d.]

¹³⁹ All government data and publications are published on www.gov.uk

¹⁴⁰ A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once. For more information on the grounds, see: MoJ. *Table 1 - Ministry of Justice. 2012. Employment Tribunals and EAT Statistics, 2011-12*, Ministry of Justice, London, 2012

¹⁴¹ MoJ. *Table 1 - Ministry of Justice. 2012. Employment Tribunals and EAT Statistics, 2011-12*, Ministry of Justice, London, 2012

¹⁴² OITFET, *Report 2012/13 OITFET*, Office of the Industrial Tribunals and the Fair Employment Tribunal, Belfast, 2013

¹⁴³ MoJ. *Table 2: Employment Tribunal Cases disposed and outcomes of jurisdictions in 2011-12*, Ministry of Justice, 2012 and MoJ, *Employment Tribunals and EAT Statistics, 2011-12*, op. cit,

¹⁴⁴ OITFET, *Report 2012/13 OITFET*, op. cit.

2003.¹⁴⁵ Across all claims, a quarter of claimants did not have a British or Irish nationality and of the race discrimination claimants, just over half were born outside of the UK.¹⁴⁶

4.2.2 Non-judicial remedies

4.2.2.1 Ombudsman or equality body

The Equality and Human Rights Commission (Great Britain) and the Equality Commission (Northern Ireland) are the bodies responsible for eliminating inequalities and discrimination and promoting good relations between groups. These organisations have the power to enforce anti-discrimination laws through various mechanisms; however, in practice, they rarely deal with personal discrimination complaints unless intervening in strategic legal cases (for information on the EHRC's powers in terms of enforcement, see Section 4.2.2.3.). In September 2010, the EHRC published all of the interventions in which it has been involved to that date. Out of the 47 cases, none of the cases heard at an employment tribunal related to the protected characteristics of race or religion. The five cases that appear to be related to employment were on other equality grounds.¹⁴⁷

The EHRC used to maintain a helpline to advise individuals on matters of discrimination and human rights, however this service was discontinued and transferred to the Equality Advisory Support Service in 2012. The helpline does not provide legal advice but, rather, informs individuals of their rights and signposts to access further support.

4.2.2.2 Mediation or conciliation

The Enterprise and Regulatory Reform Act made changes to access to Employment Tribunals in July 2013 to encourage people to settle their claims out of court and to avoid frivolous claims. Depending on the claim, parties are encouraged to use their employer's internal grievance procedures and then failing this, take their claim to the Advisory, Conciliation and Arbitration Service (ACAS) (termed, 'early conciliation') before going on to tribunal.¹⁴⁸ The claimant and respondent are given the opportunity to settle compromise agreements where the employee is offered compensation and withdraws the claim. If the parties do not settle, the claimant can then bring the claim to an employment tribunal.

Prior to these changes, 36% of discrimination cases on the basis of race and 34% on the basis of religion or belief were conciliated through ACAS settlements in Britain.¹⁴⁹ In Northern Ireland, 44% of race discrimination cases were conciliated by the Labour Relations Agency and 9.5% were settled between the parties involved.¹⁵⁰ It is difficult to assess the outcomes of conciliation as cases that are settled out of court by way of financial compensation for the claimant and are usually confidential. Research looking into claimant's experiences with ACAS for race discrimination claims found that,

¹⁴⁵ Peters M., Seeds K., Harding C. and Garnett E. *Employment Relations Research Series No. 107. Findings from the Survey of Employment Tribunal Applications 2008*, Department of Business, Innovation and Skills, London, 2010, p. 57

¹⁴⁶ *Ibid.*, 21

¹⁴⁷ For more information see: EHRC, "Strategic human rights and equality litigation" <http://www.equalityhumanrights.com/legal-and-policy/strategic-human-rights-and-equality-litigation/>

¹⁴⁸ The Enterprise and Regulatory Reform Act, Pt2 s7 (18A-18B)

¹⁴⁹ MoJ. *Table 2: Employment Tribunal Cases disposed and outcomes of jurisdictions in 2011-12*, op. cit and MoJ, *Employment Tribunals and EAT Statistics, 2011-12*, op. cit.

¹⁵⁰ OITFET, *Report 2012/13 OITFET*, op. cit.

*'Some claimants strongly questioned ACAS' impartial role and conveyed concerns about bias towards employers, dissatisfaction with the pressure to settle, and in some accounts there was a feeling that claimant vulnerabilities were being exploited, again particularly where there was a focus on the negatives of the case.'*¹⁵¹

4.2.2.3 Labour inspectorate

The UK does not have a labour inspectorate responsible for enforcing employment law. A number of government bodies are responsible for basic employment rights enforcement, including the Health and Safety Executive, HM Revenues and Customs, Employment Agency Standard Inspectorate (within BIS) and the Gangmasters Licensing Authority (GLA).¹⁵² The Department for Business, Innovation and Skills (BIS) is the government department responsible for providing guidance and advising business on regulations.¹⁵³

The GLA deals with worker welfare and also monitoring illegal labour practices, for example exploitation and unlicensed gangmasters, as described in Section 3.7. People are able to make complaints anonymously either using a helpline or via an online form that is available in eight languages. The GLA has the power to inspect businesses for unlicensed activities and worker exploitation, revoke licenses and prosecute businesses found to be operating illegally.¹⁵⁴

The EHRC can also investigate companies and organisations that may be implementing discriminatory practice and can intervene in strategic legal cases ('test cases'). Employment Tribunals are supposed to record all individual complaints and decisions and send them to the EHRC for monitoring purposes and possible action. The EHRC has stated that their early stage interventions have an 80% success rate (99 cases) and avert the need for formal enforcement proceedings. EHRC makes agreements with the person believed to have committed an unlawful and develops an action plan for further change to practice. Failure to comply with the EHRC can result in the employer or organisation being taken to court.¹⁵⁵

4.3 Civil society initiatives

4.3.1 Trade Unions

Trade unions had an antagonistic relationship towards migrant and ethnic minority workers historically, which did not begin to change until the 1970s.¹⁵⁶ Currently ethnic minorities, with the exception of Black groups, are still less likely than all employees to be in trade unions along with non-UK citizens and view trade unions as predominantly white and too bureaucratic - if they have any knowledge about them at all.¹⁵⁷ Good practice in the area of ethnic inequalities and trade unions

¹⁵¹ Hudson M., Barnes H., Brooks S., Taylor R. Race discrimination claims: Unrepresented claimants' and employers' views on ACAS' conciliation in employment tribunal cases, ACAS, [n.p.], 2007, p. 56

¹⁵² Eurofound, "European industrial relations observatory on-line, Government reviews employment rights enforcement". Carley M., 2011.

¹⁵³ For more see: Dunstan R. and Silk C. *Give Us a Break! The CAB services case for a Fair Employment Agency*, CAB, London, 2011

¹⁵⁴ For information see: GLA, <http://gla.defra.gov.uk/>

¹⁵⁵ For information see: EHRC, "Enforcement" <http://www.equalityhumanrights.com/legal-and-policy/enforcement/>

¹⁵⁶ Sullivan W. "Race and trade unions". Britain at Work. Voices from the Workplace 1945-1995 <http://www.unionhistory.info/britainatwork/narrativedisplay.php?type=raceandtradeunions>

¹⁵⁷ BIS. *Trade Union Membership 2012. Statistical Bulletin*, Department for Business, Innovation and Skills, London, 2013, Fitzgerald I. and Stirling J., *Black Minority Ethnic Groups Views of Trade Unions*, TUC, Newcastle upon Tyne and Holgate J., Keles J., Kumarappam A. and Pollert A. *Help and representation for problems at work. What has happened to support*

therefore include providing specific opportunities to meet the needs of existing trade union members and also further engaging migrants and ethnic minorities in trade unions.

BECTU, the media and entertainment union, has been holding 'Move on Up' networking events for their members as they recognised that their industry relies on informal hiring practices that can exclude ethnic minority professionals.¹⁵⁸ The events are a chance for their professionals – writers, technicians and producers – to meet and make proposals to company representatives – management, executive producers and HR professionals. Since 2003 they have set up over 5,400 individual personal contacts between approximately 1,800 black and minority ethnic professionals and 730 top film and broadcasting executives.¹⁵⁹ BECTU is the only trade union to have twice been awarded the Trades Union Congress Equality Award, and Move on Up has been cited by the Confederation of British Industry (CBI) as an example of good practice.

Another case of union practice relates to improving their structure. UNISON had a Migrant Workers Participation Project which sought to encourage migrant workers to take on more active roles in the union. The project set up a course for migrant workers to become more engaged in the union, developed support for migrants such as English as Second Language (ESOL) training and increased more informal types of activism to accommodate those less comfortable with formal union structures.¹⁶⁰ The short-course they ran to encourage more formal engagement resulted in the workers becoming workplace contacts, stewards, health and safety reps, union learning reps, equality reps and brand officers. An example of the legacy of this work is the outreach and training for migrant workers in the Scottish Highlands and Islands.¹⁶¹

4.3.2 NGOs activities

NGOs vary in their work remit related to employment. Some front line organisations work to improve the employability of individuals through support, training and access to mentoring such as the Employability Forum and REACHE and others focus on campaigning and providing an evidence base for strategic policy, such as Race for Opportunity.

The Employability Forum works in partnership with other organisations and agencies to get refugees back into their professional careers. REACHE (Refugee and Asylum Seekers Centre for Healthcare Professionals Education) Northwest, is one of the organisations which formed part of their healthcare professionals programme.¹⁶² REACHE works to help refugee healthcare professionals transition back into their fields in UK.¹⁶³ They work in partnerships with local government, local and national NHS organisations, higher education and other support organisations. They run courses on English language, communication skills, medical examination preparation and arrange work placements.

networks and advice centres? London Metropolitan University, London, 2010

¹⁵⁸ BECTU, "Move on Up" <http://www.bectu.org.uk/events/move-on-up>

¹⁵⁹ BECTU, *Addressing minority ethnic youth unemployment through transparency (Written evidence submission)*. APPG inquiry into ethnic minority female unemployment <http://www.runnymedetrust.org/projects-and-publications/parliament/appg-2/appg-inquiry.html>

¹⁶⁰ Moore, S. and Watson M. *UNISON Migrant Workers Participation Project. Evaluation Report*, Working Lives Research Institute, London 2009, p. 5

¹⁶¹ UNISON, "New Migrant Worker Project (Highlights & Islands)" <http://www.unison-scotland.org.uk/antiracism/migranthighland.html>

¹⁶² For more information see: The Employability Forum, <http://www.employabilityforum.co.uk/>

¹⁶³ For more information see: REACHE Northwest. Supporting Refugee Healthcare Professionals. <http://reache.wordpress.com/>

Business in the Community is the most widely recognised NGO that operates campaigns that target business practice, with Race for Opportunity being the campaign dedicated to racial diversity.¹⁶⁴ Their work includes campaigning businesses to diversify their boards, monitor workforce progression and engage with young people in apprenticeships and work placements. One of their activities is yearly gender and race benchmarking of companies. Companies can opt to participate and receive confidential scores to reflect their performance against other companies. Race for Opportunity also offers advice and support to those participating to create action plans to improve companies' performance.

4.3.3 Employers' organisations

In the UK, employer's organisations tend to focus their work on lobbying government policies for the interests of their members rather than engaging in collective bargaining.¹⁶⁵ An exception to this is the recent agreement between central government and the British Bankers Association to develop measures to improve ethnic minorities' access to finance for setting up businesses. The measures are to improve opportunities for ethnic minorities through providing business support, creating a committee of ethnic minority business groups, promoting the use of their Mentorsme.co.uk mentoring schemes and expanding their referrals project to alternative sources of funding across the country.¹⁶⁶

4.3.4 Other civil society initiatives

Professional organisations are more likely to address issues of equality and diversity in the workplace, as these organisations represent workers rather than employers. For example, the British Medical Association (BMA) has reviewed its practices in terms of diversity in its committee structure and how it engages and support ethnic minority members. In 2013, it organised a session with other professional associations and the organisation representing employers in the NHS (NHS Employers), to support ethnic minority doctors in their career progression by lobbying government, research, employer-promoted professional development and through pressuring organisations to adhere to the public sector equality duty.¹⁶⁷

4.4 Individual employers' initiatives

Three-quarters (76%) of workplaces in the UK are covered by a formal written policy on equal opportunities or managing diversity.¹⁶⁸ These policies are standard practice in workplaces with 50 or more employees, the public sector and workplaces that recognise trade unions.¹⁶⁹ The UK Civil Service published a diversity strategy in 2005 with objectives for: targets; measurements and evaluation; the Diversity Champions' Network; leadership and accountability; recruitment; development; behaviour and culture change; diversity impact of the efficiency and relocation

¹⁶⁴ For more information see: Race for Opportunity website: <http://raceforopportunity.bitc.org.uk/>

¹⁶⁵ For more information on the activities of employer's organisations in the UK see: Carley, Mark. 'UK – Developments in social partner organisations: employer organisations'. 2010. <http://www.eurofound.europa.eu/eiro/studies/tn0910049s/uk0910049q.htm>

¹⁶⁶ "Press Release. Nick Clegg calls on banks to do more to support ethnic minority business." Gov.uk 30 July 2013 <https://www.gov.uk/government/news/nick-clegg-calls-on-banks-to-do-more-to-support-ethnic-minority-business>

¹⁶⁷ See: BMA, "Breaking down barriers: supporting ethnic minority doctors" <http://bma.org.uk/practical-support-at-work/doctors-well-being/dealing-with-discrimination/breaking-down-barriers>

¹⁶⁸ Van Wanrooy et. al. *The 2011 Workplace Employment Relations Study. First Findings*, op. cit. p. 35

¹⁶⁹ Van Wanrooy et. al. *The 2011 Workplace Employment Relations Study. First Findings*, op. cit. p. 35

reviews; mainstreaming; and communication.¹⁷⁰ One of their activities includes equality and diversity training for all civil servants. BT is an example of a private sector organisation which publishes yearly sustainability reports which include information about equality and diversity. They have implemented a range of policies to improve diversity in their workforce, such as reviewing the diversity of shortlists provided by the recruitment agencies that they work with and challenge them if they do not reflect a diverse applicant pool.¹⁷¹

It is also not uncommon for larger public and private sector organisations to have staff diversity networks that will either have an equality focus (e.g. 'race equality') or will be comprised of employees identifying as a particular group (e.g. 'BME network'). Networks will vary in terms of activities, sometimes operating as a support and social network or for staff or to influence the organisation in improving equality and diversity. Over the 2012/13 period, a pan-London academic staff mentoring scheme was developed between a number of universities' equality and ethnic minority networks as there is an issue with these staff members progressing to senior levels.¹⁷² Similarly, the National Black Police Association is a network of all black people working in the police service. This network promotes race equality in the policing agenda and the progression of staff through mentoring and leadership programmes.¹⁷³

Mentoring schemes are becoming increasingly common in larger organisations, both in terms of current employees but also in terms of outreach to young people. UK Experts highlighted examples of successful individual employers' outreach schemes. The law firm Slaughter & May work in partnership with NGOs to support and mentor disadvantaged students with potential to enter into the legal profession.¹⁷⁴ Eversheds run a short programme to introduce high achieving students from disadvantaged backgrounds to the possibility of studying law.¹⁷⁵ Similarly, Google's Top Black Talent programme aims at supporting talented black students in technology, business and engineering.¹⁷⁶

5. Conclusions and recommendations

5.1 Political and societal developments related to racism and discrimination

A number of recent policy decisions highlighted in this report have implications for addressing the inequalities and discrimination that ethnic minorities face in the labour market. The joint submission by UK NGOs Against Racism to the United Nations Committee on the Elimination of Racial Discrimination (CERD) highlighted how central government changes are likely to be detrimental to ethnic minorities:

¹⁷⁰ It is worth noting this strategy covered the years of 2005 to 2008 and has not been updated. For more information see: Civil Service, Promoting Equality, Valuing Diversity. A Strategy for the Civil Service, Cabinet Office, London, 2008

¹⁷¹ The Telegraph, "Recruiters 'have racial bias', claims report". Peacock L. 9 Feb 2012. Also see: BT, "Better Future Report 2013", <http://www.btplc.com/BetterFuture/BetterBusiness/BetterFutureReport/>. For other examples see: UKREN, *Positive Action in Theory and Practice: Experiences from the UK and Europe*, UKREN, London, 2009

¹⁷² Imperial College, King's College London, Queen Mary, University of London, University College London, the London School of Economics, and the Institute of Education. For more see: Imperial College London, "BM-Entor Scheme", <http://www3.imperial.ac.uk/equality/mentoring/bmentor>

¹⁷³ For more see National Black Police Association United Kingdom <http://www.nbpa.co.uk/>

¹⁷⁴ Slaughter and May launches social mobility project. 2012. 8 March. <http://www.slaughterandmay.com/news-and-recent-work/news/news-items/slaughter-and-may-launches-social-mobility-project---the-key-project.aspx>

¹⁷⁵ Eversheds, *A pathway for law students*, <http://www.eversheds.com/global/en/where/europe/uk/overview/careers/unlocked/index.page>

¹⁷⁶ *Flavour Mag*, "Google launches its 2013 search for diverse students for this tech mentoring scheme", Allen A, 16 March 2013 <http://www.flavourmag.co.uk/google-launches-its-2013-search-for-diverse-students-for-their-tech-mentoring-programmes/>

'Many of the measures initiated under the previous government as outlined in its Period Report – which were making positive moves towards redressing some of the ethnic imbalances – have been discontinued by the current government. In addition, many of the current government's policies and proposals have the potential not only to undermine any progress made in moving closer towards achieving more equal outcomes for minority ethnic individuals, but are likely in many cases to worsen the situation for these communities, taking us further away from the UK's fulfilment of its obligations under CERD'.¹⁷⁷

Many of the public programmes focusing on racial and ethnic inequalities have been abolished on the grounds of cutting costs, which sends the message that race equality is not considered important to government. One UK expert commented that the government's focus does not include addressing structural racial inequalities:

'I think government's position is that they want to implement colour-blind policies and they don't see racism as a driver of inequality. Their suggestion is that of a personalisation agenda that then somehow magically addresses racism - if it exists - and they're not convinced it does'.¹⁷⁸

The most significant policy change has been the changes to the Equality Act. Since the passing of the Act, the government has not put forward some of its original provisions, namely the recognition of discrimination based on dual characteristics, the public sector duty relating to socio-economic inequalities and gender pay gap information (reporting is now made voluntary). The provision to promote positive action was retained, though it is voluntary.

The same applies to provisions for companies regarding their liability for third-party harassment. Under the Health and Safety at Work Act 1974, all employers have an overriding legal responsibility to ensure, so far as it is reasonably practicable, the health, safety and welfare at work of all employees.¹⁷⁹ This responsibility may be interpreted to include protecting their employees from foreseeable physical or psychological injury, such as third party harassment. Though in practice, as the Health and Safety Executive monitors employers' obligations, this is not something for which individuals can bring a claim to court.

Furthermore, it is important to note that equality legislation is different and weaker in Northern Ireland. The Northern Ireland Assembly's¹⁸⁰ inability to address and pass the Single Equality Act has been criticised for not having equality as a priority, which was further compounded by the general political gridlock on the issue. Negotiations on the Act were suspended in 2007 and have not been resumed.¹⁸¹ In the meantime, people in Northern Ireland have less protection from discrimination than their counterparts in Britain.

Government's policy decisions, such as cutting the budget and the work remit of the EHRC, the body exclusively dedicated to promoting good relations between groups and challenging inequalities, have

¹⁷⁷ UK NGOs Against Racism. *Joint submission by UK NGOs Against Racism to the UN Committee on the Elimination of Racial Discrimination (CERD) with regard to the UK Government's 18th and 19th Periodic Report*, op. cit. p. 4

¹⁷⁸ Telephone interview with UK Expert Rob Berkeley; Director, Runnymede Trust

¹⁷⁹ Health and Safety at Work etc. Act 1974; Stationery Office

¹⁸⁰ Also referred to as 'Stormont'

¹⁸¹ Interview with Patrick Yu and Nolan P. *Northern Ireland Peace Monitoring Report. Number Two*, Belfast: Community Relations Council, 2013

also sent a message that equality is not a priority through policy decisions.¹⁸² UK activists and NGOs are concerned that race equality, in particular, is being deprioritised within the EHRC's work programme due to political pressure and the lack of resources. Experts interviewed for the report highlighted their dissatisfaction with the EHRC's lack of action however also acknowledged their limitations due to their decreased capacity:

*'You get what you pay for - spend 17 million and you get less. And by failing to address the fundamental problems they are making themselves irrelevant. They are not acting in a way that is critical of government interventions... It's difficult to comment on the cases they take because their strategic cases have dwindled.'*¹⁸³

*'The problem with a lot of the public sector is that they aren't recording ethnicity, they are getting away with it and the EHRC is not doing enough about it. Sometimes, Over 50% is non-recorded and they would say it's not compulsory. That's where I would find fault with [the EHRC] - monitoring has been a legal requirement for ten years but no one is making people do it.'*¹⁸⁴

Putting the changes to the EHRC aside, there has been a de-prioritisation of race equality generally across government. The Ethnic Minority Employment Taskforce, the cross-government ministerial team dedicated to ethnic inequalities in employment, was discontinued in May 2010. There is also no ministerial department leading on race equality, as the Department for Communities and Local Government (DCLG) has amended their scope from promoting racial equality to promoting integration. Also, the discontinuation of the Citizenship Survey has meant comprehensive data on good relations and perceptions of discrimination are no longer being collected.

The changes to the judiciary in relation to access to employment tribunals are also a significant upset to challenging racial discrimination. The introduction of fees, in particular, are likely to have a disproportionate impact on ethnic minority groups as they have, on average, lower incomes and higher debt. The Beecroft Report, on which the changes were based, stated that sacked workers with 'time on their hands' view free employment tribunals as a 'no cost option'; however, research indicates that cost was a consideration for many ethnic minorities who opted for self-representation and settled with ACAS.¹⁸⁵

Claimants opt to represent themselves at tribunals; usually this is because of a lack of financial resources rather than personal preference.¹⁸⁶ In 2012/12 in Great Britain, 21.9% of cases overall had no representation provided.¹⁸⁷ In Northern Ireland there are much higher rates of self-representation, 65% of Industrial Tribunal cases and 75% of Fair Employment Tribunal cases.¹⁸⁸ Having formal representation can have a strong effect on the outcome of a case, as it is the responsibility of the individual bringing a claim to collect evidence and prove race discrimination. Race discrimination claimants interviewed in one study felt that the lack of representation was detrimental to their cases' outcome.¹⁸⁹ One UK Expert explained a common mistake individuals

¹⁸² For more information on the UK government's planned reforms to the EHRC see: Building a fairer Britain: Reform of the Equality and Human Rights Commission. Response to the Consultation, Home Office, London, 2012

¹⁸³ Telephone interview with UK Expert Rob Berkeley, Director, Runnymede Trust

¹⁸⁴ Jatin Haria: Executive Director, Coalition for Racial Equality and Rights

¹⁸⁵ Hudson M., et. al. *Race discrimination claims: Unrepresented claimants' and employers' views on ACAS' conciliation in employment tribunal cases*, op. cit. p.9

¹⁸⁶ Ibid., p.82 and Aston J. et. al. *The experience of claimants in race discrimination Employment Tribunal cases*, op. cit.

¹⁸⁷ MoJ, Table 4: *Representation of Claimants at Employment Tribunals*, op. cit.

¹⁸⁸ OITFET, *Office of the Industrial Tribunals and the Fair Employment Tribunal. Annual Report 2012/13*, op. cit

¹⁸⁹ Hudson M., et. al. *Race discrimination claims: Unrepresented claimants' and employers' views on ACAS' conciliation in employment tribunal cases*, op. cit. p.9

make,

'Particularly with race discrimination, I've found that it's not that claimants don't have potentially good cases but they don't know how to convey what happens to them in legal terms. Whether you succeed is whether you take action at an early stage and have the relevant information and evidence... In my experience, individuals who represent themselves and don't conduct a comparative analysis – they just present what's happened to them how not that other people haven't been treated in the same way'.¹⁹⁰

The move to make conciliation a mandatory step before reaching the employment tribunal may make it more difficult to effectively and formally challenge discrimination. As claimants often are interested in justice, settlement is likely to result in compensation for the claimant but will not necessarily challenge an organisation's unlawful employment practice. Many settlements are reached in private and so the public is unlikely to become aware of the types of issues arising or which employers have poor or unlawful practices. Research has found that claimants felt that settling complaints let the employers 'off the hook' for committing discrimination.¹⁹¹ One UK Expert highlighted the possible damaging outcome of conciliation in terms of challenging racism:

'Employment tribunals have no power to get employers to make changes. Three per cent of cases that go to hearing are successful - it used to be 5-6% - that's actually an extremely low success rate and those that are settled outside of employment tribunals are subject to gagging orders so and no one can talk about what's going on. So there is a compensation for racism rather than dealing with racism in the workplace itself. The danger is that the compensation model will end up being what conciliation becomes.'¹⁹²

5.2 Conclusions and recommendations

The lack of leadership and political will to address racial inequalities and discrimination paints a bleak picture for race equality in the UK. However it is important to note the areas which the UK is strong, especially in relation to other European countries: comprehensive anti-discrimination legislation; strong civil society working to address inequalities on the local, regional and national levels; good practice in the public sector which is being increasingly replicated and improved on in the private sector; and a growing ethnic minority community with high rates of participation in education and growing rate of entrepreneurship. Furthermore, unlike other countries, the UK has a strong evidence base for showing ethnic inequalities and experiences of racism and discriminatory practices.

Recommendations for future work in the area of addressing racism and discrimination in employment include:

Central and Local Government

- Make a commitment to individual rights over business interests by reinstating provisions in the Equality Act including: ability to bring discrimination cases on the grounds of dual characteristics; making employers liable for third party harassment; and mandatory gender pay gap reporting
- Make the protection of workers transparent and through simplifying the current enforcement framework by creating a 'Fair Employment Agency'

¹⁹⁰ Telephone interview with UK Expert from the Discrimination Law Association

¹⁹¹ Ibid.; 11

¹⁹² Telephone interview with UK Expert Wilf Sullivan, Race Equality Officer TUC

- Show commitment to racial equality by creating a ministerial department responsible for developing and delivering an updated race equality strategy
- Reduce unnecessary steps in access to justice by abandoning the 'early conciliation' model, as it is likely to reward poor practice by not holding employers to account and prolong the time and cost to the individual seeking justice
- Work with the Northern Ireland Assembly to adopt a single equality bill
- Create an employment growth strategy which addresses job creation in diverse industries and the employability of particular groups in terms of their potential contribution, barriers to access and gaps in skills
- Work with local authorities to improve information about apprenticeships in schools, especially in areas with high deprivation, inactivity and unemployment among young people
- Work with providers to improve access and continuation rates on the Work Programme
- Use lessons from previous ethnic minority employment interventions by the DWP to plan funded employment interventions

Equality Body

- Use powers to intervene in strategic cases of racial discrimination in employment and make those activities publicly available and up to date
- Translate employment tribunal case information into guidance for organisations in adhering to equality legislation
- Ensure diversity monitoring is conducted consistently in all public authorities
- Conduct an inquiry into access to justice for discrimination cases that addresses the particularly low success rates for cases on the grounds of racial discrimination. This would include profile of claimants, claims and respondents who go to ACAS and tribunal; and in cases which reach the tribunals, including for cases that are withdrawn, dismissed and successful.

Local Government

- Use Census data to identify local labour market profiles of ethnic and migrant groups with the aim of improving opportunities for local people
- Work with front line organisations to deliver programmes which will improve the employability of local people
- Share and replicate good practice that occurs in other local authorities

Civil Society

- Continue to monitor examples of racism and discriminatory practices in employment and effective practice addressing underlying inequalities and discrimination
- Work with private sector organisations to meet the employment needs of different population groups
- Work with other organisations to share good practice and build coalitions

Employers

- Monitor and review recruitment, progression and retention of workforce by equality strands in order to adopt practices which will reduce inequalities in these areas, for example standard application forms in place of CVs, reviewing the diversity of shortlists for positions – including board members
- Engage in benchmarking activities to act on shortcomings and share successes

- Support staff and act effectively in cases of workplace race discrimination grievances

Individuals

- Challenge racism and discriminatory practices in the workplace
- Participate in community outreach, such as mentoring programmes or job shadowing, to support the access and progression of others into different careers
- Participate in public consultations on policies which are likely to have a detrimental impact to particular groups in society

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7. Statistical Tables

Table 1: Ethnic Group by Sex and Country of Birth (From Table DC2205EW); England and Wales				
Ethnic Group	Percentage of Population	Percentage of Group: Men	Percentage of Group: Women	Percentage of Group: Born Abroad
White	85.97%	49.02%	50.98%	7.13%
English/Welsh/Scottish/Northern Irish/British	80.49	49.11%	50.89%	2.10%
Irish	0.95%	47.91%	52.09%	66.57%
Gypsy or Irish Traveller	0.10%	49.58%	50.42%	12.25%
Other White	4.43%	47.47%	52.53%	85.51%
Mixed	2.18%	49.95%	50.05%	19.53%
White and Black Caribbean	0.76%	49.59%	50.41%	6.00%
White and Black African	0.30%	50.00%	50.00%	31.83%
White and Asian	0.61%	51.41%	48.59%	20.80%
Other Mixed	0.52%	48.71%	51.29%	30.89%
Asian	7.51%	50.32%	49.68%	57.99%
Indian	2.52%	50.95%	49.05%	57.09%
Pakistani	2.01%	51.24%	48.76%	43.87%
Bangladeshi	0.80%	51.63%	48.37%	48.10%
Chinese	0.70%	47.32%	52.68%	76.30%
Other Asian	1.49%	48.72%	51.28%	75.19%
Black	3.33%	48.16%	51.84%	53.20%
African	1.76%	48.48%	51.52%	67.33%
Caribbean	1.06%	46.56%	53.44%	39.87%
Other Black	0.50%	50.44%	49.56%	31.58%
Other	1.01%	55.45%	44.55%	70.13%
Other ethnic group: Arab	0.41%	58.17%	41.83%	72.36%
Other ethnic group: Any other ethnic group	0.59%	53.57%	46.43%	68.58%

Table 2: Religious Diversity in the UK; 2011			
	England and Wales	Scotland	Northern Ireland
Christian	59.3%	53.8%	82.6%
Roman Catholic	-	15.9%	40.8%
Protestant & Other Christian	-	-	41.6%
Church of Scotland	-	32.4%	-
Other Christian	-	5.5%	-
Non-Christian	8.4%	2.2%	0.8%
Muslim	4.8%	1.4%	-
Hindu	1.5%	0.3%	-
Sikh	0.8%	0.2%	-
Jewish	0.5%	0.1%	-
Buddhist	0.4%	0.2%	-
Other Religion	0.4%	0.3%	-
No Religion & Not stated	32.3%	43.7%	16.9%
<p>Table compiled from: National Records of Scotland, <i>2011 Census: Key Results on Population, Ethnicity, Identity, Language, Religion, Health, Housing and Accommodation in Scotland – Release 2A</i>, National Records of Scotland; Edinburgh; NISRA, 'Table DC2101NI: Ethnic Group by Sex and Age'. <i>Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language</i>. Northern Ireland Statistics and Research Agency, [n.p], 2013; and ONS. <i>Table KS209EW – Religion</i>. Office for National Statistics, 2013</p>			



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