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Equal Opportunities Committee

Removing Barriers: race, ethnicity and employment



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Equal Opportunities Committee

1. The remit of the Equal Opportunities Committee is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament.
2. In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.”

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0131 347 5408



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Drew Smith
Scottish Labour

Note: The membership of the Committee changed during the period covered by this report, as follows:

Drew Smith MSP (Scottish Labour, Glasgow) joined the Committee on 3 September 2015, replacing Jayne Baxter MSP (Scottish Labour, Mid Scotland and Fife).

Introduction

” *It is nearly 40 years since the first Race Relations Act, yet it is the case that ethnic minorities in Scotland remain disadvantaged in the labour market relative to their [w]hite counterparts.¹*

1. We launched this inquiry in response to stakeholders’ concerns about the lack of equality of opportunity in employment in Scotland. Our remit was to investigate the barriers to employment for people from ethnic minority communities in Scotland and to examine what can be done to assess and respond to these barriers.
2. Employment is such a pivotal aspect of our lives that achieving equality in the workplace is a vital part of ensuring that Scotland as a nation is fair and inclusive to all. But what we have found is that, despite 40 years of legislation, training initiatives and equality policies, the world of work is still not representative of the communities and people of Scotland.
3. Statistics and research highlight significantly higher rates of unemployment for some ethnic minority groups, as compared with the Scottish population as a whole.² People from ethnic minorities are, on average, more likely to be unemployed or in low-paid work. Despite largely performing better academically than white Scottish people and, in many cases, holding multiple qualifications, people from an ethnic minority background are underrepresented in senior management positions.³
4. This report highlights what we heard, outlines how improvements can be made and points out best practice that we consider should be adopted across the public sector in Scotland. Large businesses can also make a valuable contribution to progress and further work needs to be taken forward to also examine the situation within small and medium-sized enterprises in Scotland.
5. Previous initiatives aimed at addressing racial inequality in the labour market were time limited with little measurable success. We acknowledge work currently being done via a race equality framework but we urge the Scottish Government to show leadership by demonstrating a long-term commitment to tackling the issues raised in this report.
6. We can only make progress if we refuse to accept defective aspects of current employment and recruitment practices and challenge segregation within employment. Without confronting existing practices, we cannot address any underlying racism and discrimination that the evidence confirms exists.

Our main findings are:

7. Despite forty years of legislation, training initiatives and equality policies, the world of work is not representative of Scotland's communities and people.
8. If Scotland is to harness its talent and avoid placing an "ethnic penalty"⁴ on its young people, diversity in the workplace should be valued and seen as a positive goal.
9. Existing employment and recruitment practices must be improved otherwise we cannot confront any underlying racism and discrimination.
10. People from ethnic minorities are all too often clustered into lower-grade jobs and denied access to the training opportunities that may help them progress into promoted posts.
11. The Scottish Government should show leadership in tackling the deep-seated issues which our inquiry has uncovered, and commit to long-term concentrated action.
12. Initiatives such as "unconscious bias" training are not the solution and can serve to mask underlying negative attitudes towards people from an ethnic minority background.
13. There are considerable gaps in data collection which must be addressed with great urgency if the requirements of the Public Sector Equality Duty in relation to occupational segregation are to be met in 2017¹.

Evidence taking

14. We held informal sessions, made visits and took formal evidence from a range of organisations and professionals. In response to our call for written evidence, we received 63 submissions from a range of respondents including local authorities, employers, third sector organisations and individuals. We took oral evidence between June and November 2015 and heard from a variety of public sector organisations, public authorities, third sector organisations, academics, trade unions, human resource professionals and the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights ("the Cabinet Secretary"). We also held an informal session with private sector businesses on 29 October 2015.

¹ An equal pay statement must contain the authority's policy on equal pay as well as information on occupational segregation – by 2017 statements must contain information in relation to people who are members of a minority racial group and people who are not.

15. We would like to thank everyone who supported the inquiry by engaging with the Committee. We greatly appreciate the time people gave to explore the important issues involved.

Recommendations

- We urge the Scottish Government to work with the public sector to realign their policies and direct their resources at tackling underrepresentation of ethnic minorities, primarily by developing best practice, including developing projects such as those at PATH (Scotland) and NHS Lothian in response to their duties under the Public Sector Equality Duty (PSED).
- We recommend that the Scottish Government works with public bodies to undertake their own review of equality and diversity training which is offered to employees and to use the specific duty of assessing and reviewing practice in the Equality Act 2010 to drive this work forward.
- In order to affect positive change there must be buy-in and a long-term commitment at a senior leadership level. We urge the Scottish Government's Fair Work Convention to work with senior figures across the public sector and, where possible, the private sector to tackle the problem and engage with stakeholders to share and promote best recruitment practices.
- We recommend that the Scottish Government undertakes work on the extent to which racial discrimination is an issue in recruitment processes in the public sector.
- We recommend that any work undertaken by the Scottish Government to raise public bodies' awareness on racial equality issues in the workplace should promote:
 - "Working to learn cultures" where opportunities to access training, mentoring and shadowing opportunities are open to all and are promoted to all.
 - The use of open recruitment, where jobs are advertised and potential candidates are given reasonable access to information on the role and its requirements and the selection process.
 - The use of diverse interview panels.
 - The use of equality-related questions in interviews.
 - The provision of consistent, high quality post-interview feedback for all job applicants.
- Good management is vital in cultivating equality in the workplace and we consider that, in line with PSED requirements, a commitment is required at senior management level in the public sector to ensure that a culture of inclusiveness and diversity is promoted. We recommend that the Scottish Government leads and works closely with public sector leaders to drive this forward.
- We recommend that the Scottish Government continues to work with the Equality and Human Rights Commission (EHRC) to promote the importance of

the collection of equality data and to encourage public bodies to share best practice on the collection and analysis of data via the Scottish Government's Scottish National Equality Improvement Project (SNEIP) initiative. As part of this, we recommend that urgent consideration should be given to issues relating to ethnicity disclosure as part of public authorities' duties under the PSED.

- We recommend that the risk of an “ethnic penalty” for Scotland's young people is considered within the Scottish Government's racial equality framework.
- We recommend that the Scottish Government works with public bodies to ensure that policies on careers advice, work experience, work placements and internships are equality assessed and that the Scottish Government considers setting equality targets for such schemes. In addition, we recommend that the Scottish Government works with local authorities to improve the provision of careers advice in schools with particular reference to young people from ethnic minorities.
- We recommend that, in conjunction with the Scottish Government, Skills Development Scotland continues to work with stakeholder organisations in order to promote the Modern Apprenticeship programme to ethnic minority groups. We recommend that the Scottish Government regularly reports to the Scottish Parliament on the progress of this work.
- We recommend that the Scottish Government works with Skills Development Scotland to obtain as full a picture as possible relating to the ethnicity of modern apprentices by gathering and publishing data on applications, success rates, drop-out rates and post-modern apprenticeship destinations by ethnicity and undertaking work to capture the experiences of ethnic minority young people taking part in Modern Apprenticeships.
- We recommend that the Scottish Government works with employment services to develop gender specific employability schemes aimed at ensuring the appropriate resources, such as targeted support, information and training, are available for ethnic minority women seeking employment support and advice.
- We recommend that the Scottish Government reflects on the links between disability, poverty and ethnicity as part of its race equality framework.
- We recommend that the Scottish Government works with employment services to provide targeted support and advice to new migrants including giving consideration to increasing the provision of English for Speakers of Other Languages (ESOL) training.
- We welcome the work which is to be undertaken by the Scottish Government on the recognition of overseas qualifications and ask that the Committee is kept informed of the progress of this work.
- We recommend that the Scottish Government encourages the use of public sector procurement contracts as a way of opening up jobs to ethnic minority groups who are underrepresented in certain industries and works further with the EHRC to develop what more can be done to ensure companies with public contracts have high quality equality and diversity policies in place.

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- We recommend that the Scottish Government works with the EHRC to promote the use of positive action measures such as PATH (Scotland) and NHS Lothian's 'Leading Better Care, Leading Across Difference' within public authorities across Scotland as part of its on-going work in relation to the Public Sector Equality Duty.

Background

16. When we launched our inquiry, we were keen to obtain as full a picture as possible of the situation facing ethnic minorities in the Scottish labour market. Our call for evidence therefore encouraged people with a wide variety of backgrounds and experiences to contribute their views.
17. As a result, written submissions and oral evidence to the Committee dealt with a variety of issues and a complex picture emerged. Many giving evidence were keen to emphasise the widely varying circumstances and experiences of people of different ethnicities and warned us against treating ethnic minorities as one homogenous group.
18. Obtaining a full picture of the situation facing each ethnic group in Scotland is not without its challenges. For example, the relatively small percentage of ethnic minorities in Scotland makes it difficult to collect data or identify trends relating to specific groups.
19. Whilst some were of the view that policy focus should be on 'visible' ethnic minorities (e.g. those who identify as being of Asian or Black ethnicity, or of mixed race), others considered that equal focus should be placed on all groups that are culturally or ethnically in the minority (including white ethnic minority groups such as Polish or Irish in addition to non-white ethnic minorities).
20. This was, to some extent, reflected in the information provided to the Committee. For example, whilst some organisations stated that 4% of Scotland's population are from an ethnic minority (referring only to those of non-white ethnicity)⁵, others place the figure at around 8% (including those of white and non-white ethnic origin).⁶
21. We were also careful to consider the different circumstances facing those who have grown up and have been educated in Scotland compared to those of new migrants.
22. We consider that the majority of issues which emerged in our inquiry are relevant to all ethnic minority groups. But by taking evidence on discrimination we heard evidence that also pinpointed the particular circumstances of Scottish people from non-white minorities.

Race, ethnicity and employment

” *There is a need for better awareness among employers and for embarrassment as well if their workforce is not representative in a Scotland that prides itself on being very accepting of people from other countries. There should be embarrassment if a workforce is not representative of what is typically a very welcoming attitude towards people from other countries.*⁷ (Dr Gina Netto, Associate Professor/Reader, Heriot Watt University)

Training

23. Both public and private sector employers told us that they delivered training on unconscious bias to employees as a means of preventing and tackling discrimination in the workplace.
24. Although the use of such training appeared to be relatively widespread, we were very concerned by the lack of discussion about its content and benefits. Stakeholder organisations who gave oral evidence were united in their negative view of the concept of unconscious bias training. Rami Ousta of BEMIS described it as “just another way of saying that some people do not fit in with an organisation’s culture.”⁸

” *You simply cannot say that you are unaware that your practices are discriminatory. This is 2015; we have had plenty of legislation informing public bodies of their duties, and they have had plenty of time to write their own reports on their own actions. To me, the term “unconscious bias” is just a get-out clause and a means of hiding institutional discrimination.*⁹(Naira Dar, CEMVO Scotland)

25. Stakeholders were concerned that by spending time and money on such methods, little would be achieved and focus would be detracted from tackling the bigger issues such as discrimination and the underrepresentation of ethnic minorities in certain industries.
26. We heard of the importance of any training being worthwhile rather than part of a ‘box-ticking’ exercise. It was clear that training should focus on promoting the value of a culturally-diverse workforce and steps that can be taken to promote an inclusive workplace. It was also felt that where possible training should be on-going rather than comprised of a one-off session and that its content should be continuously reviewed.

” *There needs to be training, but it needs to be appropriate. There has been too much of a focus on training staff on legislation and not enough of a focus on telling them what they need to do to make a difference. That is a*

*key issue that needs to be addressed. Either organisations find it easier to tell staff what the legislation is because they do not have an understanding of what they need to do, or they are not willing to do what they need to do, because it is too much of a cultural change for them.*¹⁰ (Naira Dar, CEMVO Scotland)

27. We do not believe that conducting unconscious bias training constitutes evidence that an organisation is not discriminatory. Whilst it could support other initiatives it is not an outcome in itself and it should not be allowed to detract from tackling institutional discrimination.
28. We urge the Scottish Government to work with the public sector to realign their policies and direct their resources at tackling underrepresentation of ethnic minorities, primarily by developing best practice, including developing projects such as those at PATH (Scotland) and NHS Lothian in response to their duties under the Public Sector Equality Duty (PSED).
29. Aside from addressing inequalities in the labour market, it is in employers' interests to create a diverse workforce: we heard how many private sector employers are in a global talent market. Their market is diverse and so are their customers so inclusiveness in the labour market is a business issue.¹¹
30. We believe that a similar approach should apply to the public sector so that talent is harnessed. A commitment to diversity is a valuable tool.

Any equalities training should reflect this and focus on understanding and embracing diversity in the workforce.

” *Cultural awareness training for employers would go a long way. Most of these things are a kind of a stereotype. In our work, we discovered that if employers become aware of other people's cultures, there can be a kind of a soft landing and an incentive to employ more ethnic minorities.*¹²
(Olawale Olabamiji, Ethnic Minority Law Centre)

31. We recommend that the Scottish Government works with public bodies to undertake their own review of equality and diversity training which is offered to employees and to use the specific duty of assessing and reviewing practice in the Equality Act 2010 to drive this work forward.

Recruitment

32. Much of the discussion throughout our inquiry focused on recruitment. Both public and private sector organisations discussed the steps they were taking to ensure their recruitment processes were non-discriminatory, for example through the use of equality impact assessments. However, we

were concerned to hear examples of apparent discrimination faced by people from ethnic minorities when applying for work.

33. We were told of instances in which an individual's name could influence his or her success in obtaining an interview for a role. Joseph Amazou, who is 19 and lives in Springburn, having moved from Togo to Scotland when he was four told us:

” *The problems started when I left school. I was at college but getting a job was definitely my goal. A white, Scottish friend and I would go out together looking for work. We would hand in our CVs, but even though we had the same qualifications, he got the calls. I thought putting my picture on my CV would show I'm smart and presentable. But then I started to wonder if having my picture - and name – on my CV made the difference.*¹³ (Joseph Amazou)

34. This is further evidenced by a 2009 Department for Work and Pensions study which showed that while people from ethnic minority backgrounds had to submit 16 job applications in order to receive a positive response; white candidates only had to submit nine.¹⁴ The study did not look at the situation in Scotland in detail but included a small sample from Glasgow.
35. We also heard from others that the real barrier occurs at the shortlisting stage. Reference was made by the Coalition for Racial Equality and Rights (CRER) to the relatively high number of ethnic minority people who are applying for public sector jobs and getting interviews but then failing to get the role.

” *Only 17.7% of non-white people interviewed for local authority jobs were appointed, compared to a figure of 31.9% for white interviewees. The compounded disparity between white and non-white applicants who are shortlisted and then appointed leads to a situation where 7.1% of all white applicants for public sector posts go on to be appointed, but where only 4.4% of non-white applicants get appointed.*¹⁵ (CRER, written submission)

36. We were told that informal networks can influence people's opportunities to enter the workforce, meaning that they often cannot access certain employment routes. For example, we heard from the Joseph Rowntree Foundation (JRF) that a lot of recruitment is carried out on a word-of-mouth basis rather than through open recruitment in which vacancies are advertised and open to all.
37. This reflected evidence we heard on how social networks can have an influence on employment opportunities from as early as school age with work and internship placements often being determined by personal relationships.

38. It was suggested that some small, straightforward actions could be taken by employers to help ensure that a fair and inclusive recruitment process takes place. For example, wherever possible interview panels should have ethnic minority representation. CRER suggested that actions such as asking equality-related questions in interviews could “help improve the culture of organisations in that appointing more people who believe in tackling discrimination can only be a good outcome for all.”¹⁶
39. Further to this, the use of open recruitment wherever possible would go some way towards counteracting the problem of people being shut out where word-of-mouth recruitment takes place. The same process could be applied for internships.
40. Such issues could be considered as part of the work of the Scottish Government’s [Fair Work Convention](#) which is taking equality issues into account as part of its remit.”¹⁷

41. In order to affect positive change there must be buy-in and a long-term commitment at a senior leadership level. We urge the Scottish Government’s Fair Work Convention to work with senior figures across the public sector and, where possible, the private sector to tackle the problem and engage with stakeholders to share and promote best recruitment practices.

42. We recommend that the Scottish Government undertakes work on the extent to which racial discrimination is an issue in recruitment processes in the public sector.

Low paid work and lack of progression

43. Focusing on those in lower paid work, JRF spoke about the role employment support and advice services should have, not only in getting people into employment but in supporting their transition into higher paid, higher grade employment.

” *Once someone is in low-paid work, they can be stuck there. Assuming that they have basic skills, there is little on offer to help and advise them and support them to take the next steps.*¹⁸ (Helen Barnard, JRF)

44. We heard about the vicious cycle in which people were clustered into lower grade jobs and as a result were not given access to the training opportunities that may help them progress into promoted posts.

” *For ethnic minority staff, we find that access to training can be a really big barrier. Often, that is simply to do with the fact that people are clustered in grades where training is not routinely offered, which might mean that ethnic minority staff might never get access to it.*¹⁹ (Helen Martin, STUC)

45. Private sector organisations acknowledged that people from ethnic minorities were often well represented in entry-level roles, but underrepresented in more senior posts. They were of the view that an increase of ethnic minority people in senior management positions could encourage progression and build confidence.²⁰
46. Evidence we received detailed the wide range of formal equality and diversity policies that public sector organisations have in place. However, it was suggested that organisations’ informal practices can often lead to employees failing to access opportunities which could lead to promotion.

” *People talked about more subtle forms of discrimination, for example in access to training and development opportunities; they saw other colleagues being taken under someone’s wing, offered opportunities and given advice, while they were excluded from all that. That is a more subtle kind of discrimination in a workplace culture in which some people do not get to know about all the opportunities that are available because there are those who are “in” and part of the mainstream, and those who are on the margins.*²¹(Dr Gina Netto)

47. Evidence from Amina Muslim Women’s Resource Centre backed up the view that informal networks can influence the promotion opportunities of individuals.

” *I feel if you don’t socialise enough you are less likely to be offered promotion as you don’t feel you are part of the ‘team’ as much as someone who can. Promotion should really be work related, but it’s not always the case.*²² (Amina Muslim Women’s Resource Centre, written submission)

48. We were also told that people from ethnic minorities can be excluded from informal networks based on cultural differences such as their accent.

” *“It is about people’s accents and perceptions of whether people are insiders or outsiders –in other words, whether someone’s accent marks them as a person who is seen as an outsider.”*²³(Helen Barnard, JRF)

49. It was clear that diversity should be valued and cultural differences should be embraced if people are not to be excluded from opportunities because they are set apart as being different.
50. The importance of a member of staff’s relationship with their line manager was also emphasised and it was suggested that the provision of training for

managers should be taken into account when accessing the barriers facing individuals.²⁴

51. In order to tackle the issues we have uncovered in relation to recruitment and lack of progression, robust recruitment and employment processes and procedures must be in place.
52. By cultivating “working-to-learn cultures”²⁵ in workplaces, where employees of all grades and roles are encouraged to take part in work shadowing, coaching and mentoring opportunities, employers can help improve all employees’ opportunities to achieve promotion.

53. We recommend that any work undertaken by the Scottish Government to raise public bodies’ awareness on racial equality issues in the workplace should promote:


- “Working to learn cultures” where opportunities to access training, mentoring and shadowing opportunities are open to all and are promoted to all.
- The use of open recruitment, where jobs are advertised and potential candidates are given reasonable access to information on the role and its requirements and the selection process.
- The use of diverse interview panels.
- The use of equality-related questions in interviews.
- The provision of consistent, high quality post-interview feedback for all job applicants.

54. Good management is vital in cultivating equality in the workplace and we consider that, in line with PSED requirements, a commitment is required at senior management level in the public sector to ensure that a culture of inclusiveness and diversity is promoted. We recommend that the Scottish Government leads and works closely with public sector leaders to drive this forward.

Equality Data

Gaps and inconsistencies

55. Under the public sector equality duty, listed public authorities are required to gather data on (in addition to other protected characteristics) the ethnicity of their employees. An authority is also required to gather information relating to the recruitment, retention and promotion of its employees. This information must then be used to better perform the general equality duty as set out in the Equality Act 2010. In addition, the public authority must publish a breakdown of the information as part of a report detailing the progress it is making in gathering and using this data.
56. Oral evidence and written submissions to the inquiry highlighted the work being done by public authorities to capture data on their workforce. It became clear, however, that the data gathered by employers is inconsistent and imperfect, often making it difficult to gain a definitive picture of staff composition.
57. Chris Oswald of the Equality and Human Rights Commission (EHRC) identified one example in which 75% of staff declared their identity meaning that 10,000 members of staff did not. He explained that “that is such a huge gap that we cannot really say anything particularly meaningful about that data.”²⁶
58. Lorraine Cook of COSLA agreed that there could be wide disparities in the level of data collected:

 *There is a diversity of collecting data and evidence among all the different local authorities. From what I have picked up from speaking to council representatives and from the evidence that has been submitted, it seems that there are gaps in the evidence on promotion and in exit data.*²⁷ (Lorraine Cook, COSLA)

59. One reason attributed to the under-reporting of ethnicity in workforces is reluctance among new applicants and existing employees to disclose such information. This can be due to a lack of understanding of how the information will be used with Naira Dar of CEMVO Scotland suggesting that some people are suspicious that data will be used against them.²⁸
60. The “disclosure gap” was also cited as an issue by private sector business who spoke to us with some explaining that around 30% of staff chose not to disclose their ethnicity.²⁹

Lack of detail

61. In addition to the need for a higher disclosure rate of data, the benefits of gathering more detailed information were highlighted. We heard how it was

important to capture data not only at the recruitment stage but on existing employees and on those who have left the organisation.

” *When they get through the appointment stage, we have no information or data to help us to understand why they have not been appointed or, when they get employment, where they sit within their organisation. Are they at the first grade level? Are they in senior management? Where are they?*³⁰ (Naira Dar, CEMVO Scotland)

62. It was further suggested that the current use of broad categories such as “Asian” and “African and Caribbean” do not capture the differing experiences of different groups.³¹ However, concern was expressed that breaking down analysis further to incorporate the different circumstances of groups could create problems in collecting meaningful data.
63. Peter Blair of Police Scotland explained that as it stands “the numbers are so small, with only 1 per cent in ethnic minorities within the organisation,..it is therefore difficult to identify trends.”³² Similarly, Elaine Gerrard of the Scottish Fire and Rescue Service explained that “we have not recruited in large enough numbers for us to run any sort of data analysis.”³³

Use of data

64. We heard not only about the importance of gathering and publishing data, but of analysing it to obtain a clear picture of the make-up of ethnic minorities in the Scottish workforce. It is important that data is not just gathered in order to fulfil a legislative duty but to help employers to identify and address issues. The Cabinet Secretary made this point when discussing the Scottish Government’s efforts to collect data on its own workforce.

” *The purpose of the data is to find out and to satisfy ourselves that those from any ethnic minority are not being discriminated against in recruitment, promotion, pay grade and all the rest of it. That is the purpose of the policy.*³⁴(The Cabinet Secretary for Social Justice, Communities And Pensioners' Rights)

65. Dr John McGurk of the Chartered Institute of Personnel and Development (CIPD) suggested that more should be done with data once it is collected.

” *We acknowledge that business needs to have much more of a mindset around using that data purposefully, because what happens when it is not used purposefully is that people just collect it and then forget about it. You need to use it to create a dialogue about the problem and try to solve it.*³⁵ (Dr John McGurk, CIPD)

66. The gathering of equality data plays an important role in identifying and addressing issues relating to the employment, underemployment and

retention rates of ethnic minority staff. It is therefore vital that steps are taken to reduce the gaps in data collected. It is not acceptable to simply gather data in order to fulfil a legal obligation and we consider that public authorities must take steps to analyse the data they gather and use the findings to effect positive change.

67. However, even with the current gaps and inconsistencies in data it is clear to see that there is a problem with racial inequality in Scottish workplaces and that changes must be made by employers. It is important to emphasise that the improved gathering and analysis of equality data is not a solution in itself and should be part of a larger programme of work designed to tackle the issues discussed in our inquiry, such as the Scottish Government's Scottish National Equality Improvement Project (SNEIP).

68. We recommend that the Scottish Government continues to work with the EHRC to promote the importance of the collection of equality data and to encourage public bodies to share best practice on the collection and analysis of data via the Scottish Government's Scottish National Equality Improvement Project (SNEIP) initiative. As part of this, we recommend that urgent consideration should be given to issues relating to ethnicity disclosure as part of public authorities' duties under the PSED.

Young people

” *“Regardless of their ethnic background, all minority ethnic young people—whether they arrived in 2007 or whether they come from families that have been here for three or four generations—are still performing better and are not seeing any kind of benefit in the labour market as a result.”³⁶ (Dr Akwugo Emejulu, Senior Lecturer, University of Edinburgh)*

“An ethnic penalty”

69. One of the most dismaying aspects of the evidence we heard was the potential damage being done to Scotland's young people and the missed opportunity for their talent to be valued and developed.
70. A large proportion of Scotland's ethnic minority population are young. Data shows that 76% of the non-white population are below the age of 40 compared to 47% of the white population.³⁷ Given this relatively young age profile, the issue of education was discussed at various points during our inquiry. David Watt of Education Scotland told us that educational attainment levels for young people from the majority of ethnic minority groups were consistently higher than the national average.³⁸
71. High numbers of ethnic minority young people transition from academic success at school into continued education. Katie Hutton of Skills

Development Scotland (SDS) told us that 80% of school leavers from ethnic minority backgrounds continue onto Further and Higher Education, compared with 65% of school leavers from other backgrounds”³⁹

72. Young people from non-white ethnic minority backgrounds are, on average, less likely to be in employment than their white Scottish counterparts. SPICe research found that there was a significantly greater participation in employment among white Scottish school leavers (25.6%) compared with other ethnic groups.⁴⁰ While the group comprising white non-Scots and those of mixed or multiple ethnicities had similar rates of participation in employment after leaving school, these were still lower than the white Scottish majority.⁴¹
73. This pattern can perhaps be explained in part by the high proportion of young people from ethnic minority backgrounds in further or higher education. However, lower employment rates persist in older age groups. CRER reported that 55.2% of the non-white population aged 25-49 is employed in comparison to 72% of the white population. Non-white ethnic minorities also have a higher unemployment rate (7.9% compared to 5.5%).⁴²
74. Dr Akwugo Emejulu, Senior Lecturer, University of Edinburgh, highlighted the large number of young people from ethnic minority backgrounds who are “unemployed or underemployed and overconcentrated in low-skilled and low paid work”⁴³ and suggested that these young people experience an “ethnic penalty.”⁴⁴

Access to opportunities

75. It was suggested that schools and employers could do more to ensure ethnic minority young people achieve appropriate employment outcomes by ensuring they are given the same access to opportunities as other pupils. The Scottish Trades Union Congress (STUC) used the example of unpaid internships, stating that young people from ethnic minorities can miss out as the offer of an internship can often be reliant on informal relationships and ‘who you know.’⁴⁵
76. UNISON also reported that young people from ethnic minorities may not have the same level of interaction with professionals from certain industries as their peers and were therefore less likely to be offered work placements.⁴⁶ This echoed evidence we heard throughout our inquiry which suggested that informal networks can have a significant impact on the opportunities accessed by ethnic minority people in the labour market.
77. We heard from employers about the schemes they had in place to counteract this apparent lack of engagement in order to promote their industry and encourage young people from ethnic minorities to come and

work with them, for example through the use of targeted advertising and recruitment fairs.

78. The private sector employees we spoke to were of the view that additional work could be done to engage with ethnic minority young people. It was suggested, for example, that businesses could establish links with schools in order to work directly with pupils and parents.⁴⁷
79. Additionally, the wider use of equality internships, which are specifically targeted at underrepresented groups, was suggested as a means of opening up different industries to young people, particularly in areas where ethnic minorities are currently underrepresented.⁴⁸

Careers advice

80. One potential means of tackling the inequalities facing young ethnic minority people in the labour market is the provision of high quality careers advice. David Watt of Education Scotland acknowledged that whilst schools had achieved significant success in raising attainment levels, work was required to engage with young people regarding their post-school options.⁴⁹
81. SDS highlighted a number of initiatives in place to ensure that young people from ethnic minority backgrounds have the appropriate skills and knowledge to make successful post-school transitions. While careers advice is not specifically targeted at ethnic minority groups, the priority lies in identifying and providing guidance to those who need it most. SDS emphasised that one-on-one careers support is available to every pupil in Scotland should they want it.
82. Although much discussion focused on educating young people and their parents on post-school options, we were also told that schools and employers may wish to examine their own practices in relation to equality and diversity.
83. For example, it was suggested that in some cases schools and careers advisers may reflect stereotypical views which exist in wider society, leading them to direct young people into certain career paths.⁵⁰
84. It was felt that these issues could, to an extent, be counteracted by the provision of high quality equality and diversity training for those in key roles.


85. We recommend that the risk of an “ethnic penalty” for Scotland’s young people is considered within the Scottish Government’s racial equality framework.

86. We recommend that the Scottish Government works with public bodies to ensure that policies on careers advice, work experience, work placements and internships are equality assessed and that the Scottish Government considers setting equality targets for such schemes. In addition, we recommend that the Scottish Government works with local authorities to improve the provision of careers advice in schools with particular reference to young people from ethnic minorities.

Modern apprenticeships

Low ethnic minority representation


87. One route into employment for young people is participation in the Scottish Government funded modern apprenticeship programme. Data suggests, however, that despite the relatively high proportion of ethnic minority young people in Scotland only 1.4% of those taking part in apprenticeships are from ethnic minority backgrounds.⁵¹
88. SDS, the Government funded body responsible for the Modern Apprenticeship programme, acknowledged the relatively low number of ethnic minorities taking part in Modern Apprenticeships (MAs) and stated their intention to increase that number by 200 in the next year.⁵² Based on 2014-15 statistics this means that ethnic minority groups would represent around 2.2 per cent of all MA starts.⁵³
89. One explanation given for the low participation rate is a lack of understanding of the potential value of MAs, or a reluctance to work in certain industries.
90. Dr Gina Netto, Associate Professor/Reader, Heriot Watt University, considered MAs to be a valuable resource for ethnic minority young people. She suggested that more must be done to promote them to the diverse population as a route into employment and out of low paid work.

 *We need to involve voluntary organisations and ethnic minority community organisations in the work to improve the uptake of modern apprenticeships among diverse communities. Skills Development Scotland could work a little more closely with training providers as well as community organisations to increase the uptake of modern apprenticeships.*⁵⁴ (Dr Gina Netto)

91. Some witnesses pointed out that, given the relatively high educational attainment rates of young people from ethnic minorities they may feel that a MA is not the best route for them, instead choosing to go into further or

higher education or directly into employment. Further to this, we were told that graduate schemes, work placements and internships should not be overlooked as possible routes into employment for young people.

92. There is a lack of robust data on the ethnicity of modern apprentices. The extent to which SDS attempts to capture data was explained by Katie Hutton:

 *We measure the number and percentage of BME [Black and Minority Ethnic] people who have started a modern apprenticeship. When an individual goes through registration after having been recruited to the company or chosen by the company from its existing workforce, we ask them what their ethnic group is, but that information is given on a self-reported basis. Some people refuse to say what their ethnic background is. (Katie Hutton, SDS)*

93. We were also told that there is a lack of data available on participants' post-MA destinations.⁵⁵ Information on factors such as the areas of employment apprentices work in and completion and exit rates tend to be broken down by gender but not by ethnic group.

The Modern Apprenticeship experience

94. STUC's written evidence to the Committee suggested that those from ethnic minority backgrounds who did take part in MAs often did not have a positive experience. They reported that ethnic minority young people are less likely to complete their MA and less likely to be kept on by employers should they complete it.⁵⁶
95. JRF considered that the quality of modern apprenticeships could be improved upon to increase the likelihood of them leading to well-paid careers, suggesting that the recent "big expansion in the quantity of apprenticeships has to some extent come at the cost of their quality."⁵⁷
96. We also heard that there was a tendency for women in general in modern apprenticeships to be concentrated in "stereotypically female frameworks such as early years and care, health and social care, and hairdressing which are associated with low pay and poorer labour market outcomes."⁵⁸ Close the Gap expressed concern that this could contribute to the high level of occupational segregation and underemployment experienced by ethnic minority employees.

97. We recommend that, in conjunction with the Scottish Government, Skills Development Scotland continues to work with stakeholder organisations in order to promote the Modern Apprenticeship programme to ethnic minority groups. We recommend that the Scottish Government regularly reports to the Scottish Parliament on the progress of this work.

98. We recommend that the Scottish Government works with Skills Development Scotland to obtain as full a picture as possible relating to the ethnicity of modern apprentices by gathering and publishing data on applications, success rates, drop-out rates and post-MA destinations by ethnicity and undertaking work to capture the experiences of ethnic minority young people taking part in Modern Apprenticeships.

Gender

99. The issues we uncovered made it clear that any development of future policy had to consider a range of circumstances. We believe that any response to the employment situation of people from ethnic minorities should incorporate a range of considerations and avoid stereotyping.

100. Many of the barriers faced by ethnic minority women in the labour market are similar to those which were identified in our inquiry into Women and Work⁵⁹ earlier this parliamentary session. These include the need to undertake caring responsibilities, a lack of affordable childcare, a lack of flexible working opportunities, and a tendency for women to be clustered in low-paid, insecure jobs.

101. We heard that ethnic minority girls generally outperform boys academically at school and are well represented in higher and further education.⁶⁰ Despite this, women from non-white ethnic minority groups are less likely to be in employment with figures from 2012 showing that 47% were in employment compared with 68% of white women.⁶¹

102. Close the Gap explained that there is a concentration of women from ethnic minorities in low-paid professions and that they are often significantly underrepresented in senior roles. However, the situation facing women can vary greatly between ethnic groups.

” *BME [Black and Minority Ethnic] women are also significantly under-represented in skilled trades’ occupations, ranging from 1 per cent participation for African black women to 4 per cent for Asian women. BME women are, however, better represented than white women in professional occupations. 29 per cent of mixed or multiple ethnic group women, 26 per cent of Asian women, 26 per cent of Caribbean black women, and 31 per*

*cent of other ethnic groups are in professional occupations, compared with 19 per cent of white women.*⁶² (Close the Gap, written submission)

103. We were told that women from ethnic minorities can often face additional cultural and language barriers. We also heard that cultural pressures can restrict women's abilities to pursue employment, with Sikh Sanjog pointing out particular difficulties.⁶³
104. Other women felt that discrimination affected their opportunities in the labour market with Close the Gap referring to "discrimination relating to women's religious dress; and discriminatory assumptions about cultural norms with regard to caring responsibilities."⁶⁴
105. Evidence to the Committee suggested that gender specific, tailored employability programmes are required in order to try and address this inequality.⁶⁵


106. We recommend that the Scottish Government works with employment services to develop gender specific employability schemes aimed at ensuring the appropriate resources, such as targeted support, information and training, are available for ethnic minority women seeking employment support and advice.

Disability


107. The West of Scotland Regional Equality Council explained that the barriers faced by disabled people from ethnic minorities are often worsened by factors such as racial discrimination and a lack of awareness of the support that is available.⁶⁶ The latter may be a particular problem for new migrants who have not previously accessed support or who do not have English as a first language.
108. JRF highlighted the links between disability, low paid work and poverty. It explained that a disabled person is more likely to be in low paid employment than a non-disabled person and cited UK Department for Work and Pensions research which found that the poverty rate amongst ethnic minority families with disabled children is 44%, compared with a poverty rate of 17% among all disabled children.⁶⁷

109. We recommend that the Scottish Government reflects on the links between disability, poverty and ethnicity as part of its race equality framework.

New Migrants

110. From the outset of our inquiry we chose not to limit its scope to particular ethnic groups or those in particular circumstances. However, some issues which arose related either solely, or mostly, to new migrants who have settled in Scotland in the last few years.
111. JRF highlighted the link between language barriers and low-paid employment, explaining that even individuals who are highly qualified may fail to obtain appropriate work due to their lack of proficiency in the English language.⁶⁸
112. It considered that a lack of skill in English could result in new migrants remaining contained within their own groups and missing out on the opportunities and knowledge that can be obtained through informal networks:
-  *[New migrants are] a very particular group that needs targeted action to ensure that people do not just move into low-paid work because that is what everybody else in their local network is doing, and because it is all that they hear about because they have issues around speaking English as a second language. We need to ensure that that does not happen and that cycle is not repeated.*⁶⁹ (Maggie Kelly, JRF)
113. Many local authorities providing written evidence to the Committee highlighted the schemes they had in place to address language issues through the provision of English for Speakers of Other Languages (ESOL) classes and training.
114. Although these efforts should be welcomed, we were told that, on the whole, provision was inconsistent and that more could be done to ensure ESOL training was widely available to new migrants.
115. We also heard that issues could arise in relation to the transfer of qualifications and skills between a migrant's country of origin and Scotland. A migrant may be highly qualified but these qualifications can become all but meaningless if they are not recognised in Scotland.
116. Whilst there is some provision in place for the validation of overseas qualifications (through, for example the UK national recognition information centre – NARIC) this can often be a time-consuming process with migrants choosing to move into low-paid work rather than wait for authentication to be completed.
117. Further to this, COSLA advised that there may be a lack of awareness of resources such as NARIC, suggesting that more could be done to promote them.⁷⁰

118. The Cabinet Secretary acknowledged the issues relating to transference and recognition of overseas qualifications and outlined the Scottish Government's plans to take steps towards improving the situation:

 *I think that the time for action has arrived in ensuring that we have recognition at various levels. We have the Scottish qualifications framework, which is concentrated on the relationship between various degree and diploma levels and how they link to each other. For example, if someone has a college diploma, does that mean that they can skip year 1 of a degree course? A lot of that work has been completed and implemented, and we now need to do the same exercise and implement something similar on the recognition of overseas qualifications.⁷¹ (Cabinet Secretary for Social Justice, Communities and Pensioners' Rights)*

119. In addition to actions relating to language and qualifications, we were also told about the role employment support and advice services had to play in ensuring that transferable skills were recognised and in enhancing migrants' employability skills by improving their knowledge of the Scottish labour market in addition to providing other training, such as IT skills training, where required.

120. We recommend that the Scottish Government works with employment services to provide targeted support and advice to new migrants including giving consideration to increasing the provision of ESOL training.

121. We welcome the work which is to be undertaken by the Scottish Government on the recognition of overseas qualifications and ask that the Committee is kept informed of the progress of this work.

Procurement

122. Under the Equality Act 2010, specific duties can be prescribed to listed public authorities. The purpose of the specific duties is to help the authorities with the performance of the general equality duty. One of the specific duties is to consider award criteria and conditions in relation to public procurement. In essence, the duty requires public authorities when entering a contract agreement or stipulating conditions of grant "to have due regard to whether" the awarding criteria or conditions "should include considerations to enable it to better perform the equality duty".

123. We know that a large amount of public money is being invested in procurement contracts. Such contracts offer an opportunity for the Scottish Government to ensure that organisations receiving public money are actively taking steps to open up good-quality jobs to people from ethnic

minorities who may previously have been unrepresented in certain industries.⁷²

- 124. This could be achieved by, for example, offering contracts to organisations that fulfil certain requirements such as employing a certain percentage of ethnic minority employees or by demonstrating commitment to equality and diversity through their policies and procedures.
- 125. The EHRC has produced guidance for public authorities on compliance with PSED obligations relating to the procurement process.

126. We recommend that the Scottish Government encourages the use of public sector procurement contracts as a way of opening up jobs to ethnic minority groups who are underrepresented in certain industries and works further with the EHRC to develop what more can be done to ensure companies with public contracts have high quality equality and diversity policies in place.

Positive Action

- 127. Provisions in the Equality Act 2010 allow employers, in certain specific circumstances, to pursue positive action in order to address disadvantages faced by people with protected characteristics (including people from ethnic minorities). Background information on positive action is contained in the SPICe briefing on 'Ethnicity and Employment.'⁷³
- 128. 'Positive action' is open to both public and private sector employers and can be taken in all employment situations, for example, recruitment, promotion, training and staff management, where there is evidence of inequality experienced by people that share a protected characteristic.
- 129. The use of positive action measures is entirely voluntary and there are limits around their use. This includes going through a number of tests to assess the level of disadvantage a group may experience in a particular situation.
- 130. One example of positive action is to take a potential employee's ethnicity into account when deciding who to appoint to a role when strict criteria are adhered to.
- 131. Additional positive action measures include the provision of training aimed specifically at underrepresented ethnic groups to enable them to develop the skills necessary for a particular type of work or hosting a recruitment open day aimed at people from a particular ethnic background if they are underrepresented in an employer's workforce.

132. Although there was little evidence of positive action measures being deployed some felt that they could be valuable. It was suggested that a collective will to make use of positive action measures could lead to significant changes in the labour market:

” *We would say that positive action fits within the public sector duty, which covers 270 public bodies. That represents a significant amount of purchasing power and significant players in the employment labour market. Public bodies could do a lot, particularly by working together. I am not suggesting that Midlothian Council should go off and implement a scheme itself. If the Convention of Scottish Local Authorities as an organisation, the national health service as a bloc and further and higher education colleges worked together, we could make significant advances with positive action. It could get people to the point where they can compete and overcome some of the stereotypes that were around before.*⁷⁴ (Chris Oswald, EHRC)

133. Dr John McGurk of CIPD suggested that assessing the usefulness of positive action measures in the long-term could be difficult as employers may consider that by simply recruiting more ethnic minority staff they had fulfilled their goal. He further suggested that this could lead to a clustering of ethnic minority employees in low-paid roles, failing to progress through the ranks.⁷⁵
134. Whilst positive action measures are largely underused, two examples were cited on multiple occasions during our evidence taking – PATH (Scotland) in Glasgow and NHS Lothian’s ‘Leading Better Care, Leading Across Difference’ programme in Edinburgh. These organisations use positive action provisions to offer training and guidance to employees from ethnic minorities groups which are underrepresented either in certain industries or in senior roles.
135. We visited both of these programmes as part of our inquiry in order to speak directly with people about the barriers facing ethnic minorities in the labour market in Scotland and to learn more about the potential benefits of the use of positive action programmes.
136. We were greatly encouraged by our visits and consider both of these programmes to be excellent examples of good practice in promoting racial equality in the workplace. In addition to helping participants to obtain the confidence and knowledge to seek promoted posts, it is apparent that the programmes produce results as evidenced in the increased number of ethnic minority nurses in promoted posts following the introduction of the NHS Lothian scheme. Further information on PATH (Scotland) and NHS ‘Leading Better Care, Leading Across Difference’ are included below.
137. We consider that positive action programmes such as these can play an invaluable role in tackling underemployment by successfully increasing the

number of ethnic minority employees gaining promotion and, in doing so, creating more inclusive, culturally diverse workplaces.

138. We note, however, that programmes such as these are few and far between and consider that as a result a real opportunity to effect positive change has been missed. We consider that more positive action programmes should be rolled out across Scotland and that the existing programmes should be used as a framework for best practice. We consider that, if used effectively, positive action measures could go some way towards addressing the underrepresentation of ethnic minorities in the workforce and in more senior roles.

139. We encourage public sector employers, in line with the PSED requirement to consider equality in all of their functions including whether positive action measures could be incorporated into their employment and recruitment processes.

140. We recommend that the Scottish Government works with the EHRC to promote the use of positive action measures such as PATH (Scotland) and NHS Lothian's 'Leading Better Care, Leading Across Difference' within public authorities across Scotland as part of its on-going work in relation to the Public Sector Equality Duty.

PATH (Scotland) and NHS Lothian



Members of the Committee meet with participants in the PATH (Scotland) Developing Leadership and Management Skills in Employment and Public Life programme.

PATH (Scotland)

PATH (Scotland) is an independent voluntary organisation with charitable objectives. Formed in 1998, it uses positive action measures to address the underrepresentation of black and minority ethnic communities in employment in housing and other industries.

PATH (Scotland) provides training opportunities and placements to people from ethnic minority communities. The majority of the traineeships offered relate to housing. Working with Registered Social Landlords and Local Authorities, PATH (Scotland) offers participants a 3 year programme which includes work experience, accredited studies and specialist training.

PATH (Scotland) also runs a programme entitled 'Developing Leadership and Management Skills in Employment and Public Life' which we visited as part of our inquiry. The programme was set up to address the low number of ethnic minority people in senior managerial roles. Participants meet at PATH's headquarters once a month over the course of 8 months. They are also encouraged to undertake shadowing opportunities and to find a mentor.

Much of our discussion with the participants in the course reflected what we had heard in formal evidence, for example:

- Some participants were reluctant to fill out data monitoring forms for fear of being discriminated against.
- Some felt employers made assumptions based on an individual's ethnicity – for example not expecting someone to speak English well or assuming someone will want to work in certain types of jobs.
- Some participants in the group were highly qualified yet struggled to achieve promotion – this was described as 'demoralising'.
- Some were scared to report discrimination as they worried that this would have a negative impact on their employment prospects.

Those we spoke to found the programme to be very useful, helping participants to see the 'bigger picture' and speak to people who have had similar experiences to their own.

There was a consensus that programmes such as this one should run throughout Scotland. Some participants felt that, in addition, the programme could be expanded and used for employers in addition to employees.



Members of the Committee meet with participants in NHS Lothian's 'Leading Better Care, Leading Across Difference' programme.

Leading Better Care, Leading Across Difference

'Leading Better Care, Leading Across Difference' is an NHS Lothian project which is funded by the Big Lottery Fund and NHS Lothian. It is a leadership development programme which was set up to improve opportunities for Black and Minority Ethnic nurses and midwives.

The programme aims to empower ethnic minority nurses and midwives by helping them develop confidence, skills and knowledge. The programme runs over the course of 12 months in which participants attend several study days and reflective learning sessions.

We heard that the programme was set up following a review carried out by NHS Lothian in 2013-14 which found that nurses and midwives from ethnic minorities were significantly underrepresented in senior roles.

This was reflected in discussion, with many present informing us of their multiple attempts to gain a promoted post to no avail despite in most cases being highly qualified in addition to having the appropriate experience. One person present told how she had applied for a promoted post 6 consecutive times with no success.

We were told that those applying would usually get an interview but then fail to obtain a promotion. This echoes evidence we heard elsewhere in the inquiry which suggested that a problem was occurring at the shortlisting stage.

Participants explained that they felt discouraged when they continuously did not achieve promotion and sometimes felt they 'did not want to bother' applying again and that they wanted to give up.

Some participants had experienced negative reactions to their accents. The programme has helped participants to manage situations such as this. However, those we spoke to were keen to emphasise that differences should be embraced .

We heard about the success of the 'Leading Better Care, Leading Across Difference' programme to date with Workforce planning data demonstrating an increase in promotions by 5% in ethnic minority nurses from 2012/13 to 2014/2015. It is fair to assume that some of this progress can be attributed to the programme.

Participants in the programme felt that it had given them confidence, resilience, knowledge and leadership skills. They felt that by helping them become more confident the programme would help them to provide the highest level of patient care.

In addition, it was considered that by volunteering to be mentors, managers would learn more about the challenges facing ethnic minority nurses and midwives and could, as a result, educate other employees and managers on these issues. On a wider scale, we heard how NHS Lothian could benefit for having diversity at all levels with evidence suggesting that patients have a higher satisfaction rate when treated by a diverse workforce.

Conclusion

141. Throughout this inquiry we heard of the significant barriers facing people from ethnic minorities in gaining employment and developing a career. The evidence indicated a situation that is not acceptable and we were extremely concerned to hear of how discrimination and lack of access to opportunities are holding back many talented and committed individuals. To tackle discrimination and promote diversity in Scotland the Scottish Government must recognise the recommendations in our report. It should therefore give greater priority to the issue and target appropriately a range of resources. We invite the Scottish Government to inform us of how they will respond to these issues.

Annexe A – Glossary of terms

Discrimination

Under the terms of the Equality Act 2010, direct discrimination occurs where someone is treated less favourably than someone else as a result of a protected characteristic e.g. their race, age or sexual orientation. For the purposes of racial discrimination, segregation is also considered to be a form of direct discrimination.

Ethnicity

The SPICe briefing: *Ethnicity and Employment*⁷⁶ discusses (at pages 1-3) the terminology relating to the terms: ethnicity; ethnic minority; and race. Everyone has one or more ethnicity that they identify with. In monitoring, ethnicity is self-defined it is up to the individual how they define themselves. The way that an individual classifies their ethnicity can change over time. For example, someone moving from Pakistan to Scotland may initially self-define as Pakistani. In contrast, they and their children after a period of residence in Scotland may see their ethnicity as, for example, Pakistani-Scottish, Pakistani-British or Scottish-Pakistani.

The Scottish Public Health Observatory (SPHO)⁷⁷ notes that the way someone sees their ethnicity is informed by a mixture of influences including the social group a person belongs to, identifies with, or is identified with by others as a result of a mixture of cultural and other factors, such as language, diet, religion, ancestry and physical features traditionally associated with specific races.

Ethnic Minority

Ethnic minority is a term that is used differently by different groups. Some classify only those that self-define as from a non-white ethnicity as being an ethnic minority (this is generally the approach used by public bodies), while others would include as an ethnic minority group people from any ethnicity that is numerically small in population. This classification would include not just those from non-white minority ethnicities, but also those who self-define as white but as belonging to a white minority group e.g. Polish or Irish. By including this group in discussions of ethnic minority groups in Scotland, we draw attention to the ethnic and cultural minority communities living in Scotland, who self-define as not being first and foremost Scottish or British.

Fair Work Convention

The Scottish Government set up the [Fair Work Convention](#) in April 2015. It is made up equally of employer and trade union representatives and aims to promote and sustain fair work in Scotland. It is due to publish a fair employment and workplace framework for Scotland by March 2016. The Scottish Government told the Committee that “equality is one of the issues that has been at the forefront” of the Convention’s work to date.”⁷⁸

Institutional Racism

The term “institutional racism” rose in everyday use after the publication of the report into the handling of the investigation by the Metropolitan Police Service into the murder of Stephen Lawrence. The Macpherson report⁷⁹ discussed institutional racism as “a much more subtle” behaviour that goes beyond “the deliberate actions of a small number of bigoted individuals, but through a more systematic tendency that could

unconsciously influence police performance generally" (p.41). The report suggested that institutional racism involves:

"...the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people. It persists because of the failure of the organisation openly and adequately to recognise and address its existence and causes by policy, example and leadership. Without recognition and action to eliminate such racism it can prevail as part of the ethos or culture of the organisation. It is a corrosive disease." (p.49)

Occupational segregation

Occupational segregation is understood as the concentration of employees with certain protected characteristics into different kinds of jobs (horizontal segregation) or into different grades or levels within an organisation's hierarchy (vertical segregation).

Positive action

Positive action refers to the steps that an employer can take to encourage specific groups of people to apply for jobs. An employer can use positive action where they reasonably think (i.e. on the basis of evidence) that: (a) people who share a protected characteristic suffer a disadvantage connected to that characteristic; (b) that people who share a protected characteristic have needs that are different from the needs of people who do not share that characteristic; or (c) where participation in an activity by people who share a protected characteristics is disproportionately low.

An employer can take proportionate action to address these issues by enabling or encouraging people to overcome or minimise disadvantage, by meeting different needs or by enabling/encouraging greater participation.

Public Sector Equality Duty

The public sector equality duty (PSED) is in 2 parts. The first is that which is set out in the Equality Act 2010. This is often referred to as the 'general duty'. Under the terms of the general duty public bodies should have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between groups. The general duty aims to encourage public bodies to focus more on the prevention of discrimination rather than dealing only with the consequences of discriminatory behaviour and actions. The 'specific duties' were introduced by Scottish Ministers through regulations in May 2012. The specific duties are intended to enable the better performance by public bodies of delivering the general equality duty. Public bodies subject to the specific duties are required to:

- Report on mainstreaming the equality duty.
- Publish equality outcomes and report progress.
- Assess and review policies and practices.
- Gather and use employee information.
- Publish gender pay gap information.
- Publish statements on equal pay
- Consider award criteria and conditions in relation to public procurement.
- Publish required information in a manner that is accessible.

Race

The Equality Act 2010 defines “race” as one of the protected characteristics covered by the Act. Race in this context includes colour, nationality and ethnic and national origin so could for example include Gypsy/Travellers. Paragraph 48 of Section 9 of the explanatory notes accompanying the Act states that people who share characteristics of colour, nationality or ethnic or national origins can be described as belonging to a particular racial group. The explanatory notes (paragraph 50) state the following:

- Colour includes being black or white.
- Nationality includes being, for example, British or Australian.
- Ethnic or national origin includes being from a Roma background or of Chinese heritage.
- A racial group could be “Black British” so encompassing people who are both black and who are British citizens.

Scottish Government Race Equality Framework

The Scottish Government is developing a race equality framework which is designed to tackle racism and promote equality. The framework will be in place from 2016 to 2030. Working collaboratively with stakeholders, the Government has gathered evidence from stakeholders via a variety of methods in order to inform the final framework which is due to be published in spring 2016.

Scottish National Equality Improvement Project (SNEIP)

SNEIP was set up by the Scottish Government to improve performance on the Public Sector Equality Duty (PSED) through working with public sector organisations both on an individual basis and through national collaborative events. The core project team comprises of the Scottish Government, the Equality and Human Rights Commission and Close the Gap. The project focuses on making improvements in the following key areas:

- equality outcomes,
- employment monitoring,
- equal pay and occupational segregation, and
- improving equality data.

Unconscious bias

The Equality Challenge Unit states that an individual’s background, personal experiences as well as the influence of societal stereotypes and cultural practices can have an impact on our decisions and actions, without us being aware of this. Research on recruitment practices has been shown to highlight unconscious bias on the basis of gender and race when selecting candidates to interview.

The “unconscious bias” we apply in our interactions with others will favour some people and not others. These biases occur involuntary, without people being aware or doing anything active or intentional. In everyday interactions we make quick judgements and assessments of people and situations without realising we are doing so. The judgements and assessments we make are not based on facts but on our own assumptions and biases.

Annexe B – Extracts of minutes and associated written evidence

13th Meeting, 2015 (Session 4) Thursday 25 June 2015

1. Removing Barriers: Race, Ethnicity and Employment: The Committee took evidence from—

Dr Akwugo Emejulu, Senior Lecturer, University of Edinburgh;

Dr Gina Netto, Associate Professor/Reader, Heriot Watt University;

Olawale Olabamiji, Solicitor, Ethnic Minorities Law Centre;

Chris Oswald, Head of Policy and Communications, Equality and Human Rights Commission.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10046>

Written evidence

 [Dr Akwugo Emejulu](#)

 [Equality and Human Rights Commission](#)

14th Meeting, 2015 (Session 4) Thursday 3 September 2015

2. Removing barriers: race, ethnicity and employment: The Committee took evidence from—

Peter Blair, Head of Resource Management, Police Scotland;

Lorraine Cook, Policy Manager, COSLA;

Elaine Gerrard, Diversity Manager, Scottish Fire and Rescue Service;

Eilidh Prentice, Associate Director, Corporate Affairs and Compliance, NHS National Services Scotland.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10067>

Written evidence

 [NHS National Services Scotland](#)

15th Meeting, 2015 (Session 4) Thursday 17 September 2015

1. Removing Barriers: race, ethnicity and employment: The Committee took evidence from—

Katie Hutton, Depute Director of National Training Programmes, Skills Development Scotland;

Equal Opportunities Committee

Removing Barriers: race, ethnicity and employment, 1st Report, 2016 (Session 4)

Helen Martin, Assistant Secretary, Scottish Trades Union Congress;
Dr John McGurk, Head of CIPD Scotland, CIPD;
David Watt, Senior Education Officer/HM Inspector, Education Scotland.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10098>

Written evidence

-  [Skills Development Scotland](#)
-  [Scottish Trades Union Congress](#)

17th Meeting, 2015 (Session 4) Thursday 1 October 2015

2. Removing Barriers: race, ethnicity and employment: The Committee took evidence from—

Naira Dar, Race Equality Mainstreaming Officer, CEMVO Scotland;
Jatin Haria, Executive Director, Coalition for Racial Equality and Rights;
Suzanne Munday, Chief Executive, MECOPP;
Rami Ousta, Chief Executive Officer, Black and Ethnic Minority Infrastructure in Scotland.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10130>

Written evidence

-  [CEMVO Scotland](#)
-  [Coalition for Racial Equality and Rights](#)
-  [BEMIS](#)

18th Meeting, 2015 (Session 4) Thursday 12 November 2015

2. Removing Barriers: race, ethnicity and employment: The Committee took evidence from—

Helen Barnard, Policy and Research Manager, Joseph Rowntree Foundation;
Maggie Kelly, Independent Consultant;
Jim McCormick, Associate Director, Scotland, Joseph Rowntree Foundation.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10203>

Written evidence

 [Joseph Rowntree Foundation](#)

19th Meeting, 2015 (Session 4) Thursday 19 November 2015

- 1. Decision on taking business in private:** The Committee agreed to take item 3 in private.
- 2. Removing Barriers: race, ethnicity and employment: The Committee took evidence from—**
Alex Neil, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Gavin Gray, Unit Head of Promoting Fair Work Team, and Lesley Musa, Race Equality Policy Lead, Scottish Government.
- 3. Removing Barriers: race, ethnicity and employment (in private):** The Committee considered evidence heard from the Cabinet Secretary and discussed themes for its report.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10223>

21st Meeting, 2015 (Session 4) Thursday 10 December 2015

- 1. Decision on taking business in private:** The Committee agreed to take items 2 and 3 in private. The Committee also agreed to consider its Removing Barriers: race, ethnicity and employment report in private at future meetings.

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10273>

22nd Meeting, 2015 (Session 4) Thursday 17 December 2015

- 3. Removing Barriers: race, ethnicity and employment (in private):** The Committee considered a draft report.

1st Meeting, 2016 (Session 4) Thursday 14 January 2016

- 1. Removing Barriers, race, ethnicity and employment (in private):** The Committee considered a draft report.

2nd Meeting, 2016 (Session 4) Thursday 21 January 2016

2. Removing Barriers: race, ethnicity and employment (in private): The Committee considered a revised draft report. Various changes were agreed to, and the report was agreed for publication.

Note of informal meeting with businesses 29 October 2015

http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Note_on_meeting_29_October_-_final.pdf


Note on Informal visit to PATH (Scotland): 5 October 2015

http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Notes_on_visit_to_PATH_Scotland.pdf

Note on informal visit to NHS Lothian 'Leading Better Care, Leading Across Difference': 9 November 2015













[http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Notes_on_NHS_visit_-_Final_version\(1\).pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Notes_on_NHS_visit_-_Final_version(1).pdf)

Annexe C – Other written evidence

-  [Aberdeen City Council \(94KB pdf\)](#)
-  [Aberdeenshire Council \(390KB pdf\)](#)
-  [Active Life Club \(348KB pdf\)](#)
-  [Amina Muslim Women's Resource Centre \(103KB pdf\)](#)
-  [Anderson, M \(207KB pdf\)](#)
-  [Angus Council \(137KB pdf\)](#)
-  [Anonymous written submission 1 \(19KB pdf\)](#)
-  [Anonymous written submission 2 African Challenge Scotland \(6KB pdf\)](#)
-  [Anonymous written submission 3 \(78KB pdf\)](#)
-  [Asda \(106KB pdf\)](#)
-  [Asda supplementary 1 \(1.59MB pdf\)](#)
-  [Asda supplementary 2 \(6.24KB pdf\)](#)
-  [Begum, S \(69KB pdf\)](#)
-  [Big Lottery Fund \(714KB pdf\)](#)
-  [BT \(308KB pdf\)](#)
-  [Child Poverty Action Group in Scotland \(CPAG\) \(256KB pdf\)](#)
-  [Close the Gap \(280KB pdf\)](#)
-  [Dumfries and Galloway Council \(227KB pdf\)](#)
-  [Engender \(294KB pdf\)](#)
-  [Fife Council \(72KB pdf\)](#)
-  [MacLennan, K \(166KB pdf\)](#)
-  [Meer, Dr A Strathclyde University \(474KB pdf\)](#)
-  [Mejka, W \(136 KB pdf\)](#)
-  [Mejka, W supplementary 2 \(244KB pdf\)](#)
-  [Mejka, W supplementary 3 \(260KB pdf\)](#)
-  [Mejka, W supplementary 4 \(177KB pdf\)](#)
-  [Mejka, W supplementary 5 \(284KB pdf\)](#)
-  [Mejka, W supplementary 6 \(381KB pdf\)](#)
-  [Mejka, W supplementary 7 \(443KB pdf\)](#)
-  [NHS Highland \(79KB pdf\)](#)
-  [North Ayrshire Council \(117KB pdf\)](#)
-  [North Lanarkshire Council \(142KB pdf\)](#)
-  [PATH \(Scotland\) \(370KB pdf\)](#)
-  [Perth Citizens Advice Bureau and PKAVS Minority Ethnic Access Development Project \(MEAD\) \(893KB pdf\)](#)
-  [Perth CAB and PKAVS MEAD Supplementary \(32KB pdf\)](#)
-  [Perth CAB and PKAVS NEAD Supplementary 2 \(338KB pdf\)](#)
-  [Pfizer \(116KB pdf\)](#)
-  [Prisadashka, T \(75KB pdf\)](#)
-  [Radiant and Brighter \(155KB pdf\)](#)
-  [Recruit with Conviction \(154KB pdf\)](#)
-  [Refugee Women's Strategy Group \(138KB pdf\)](#)
-  [Scottish Ambulance Service \(81KB pdf\)](#)

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-  [Scottish Borders Council \(107KB pdf\)](#)
-  [Scottish Police Federation \(97KB pdf\)](#)
-  [Scottish Refugee Council \(197KB pdf\)](#)
-  [Sikh Sanjog \(88KB pdf\)](#)
-  [South Ayrshire Council \(353KB pdf\)](#)
-  [South Lanarkshire Council \(107KB pdf\)](#)
-  [Stirling Council \(91KB pdf\)](#)
-  [UNISON Scotland \(99KB pdf\)](#)
-  [West Dunbartonshire Council \(156KB pdf\)](#)
-  [West Scotland Regional Equality Council \(WSREC\) \(162KB pdf\)](#)
-  [West Scotland Regional Equality Council supplementary \(294KB pdf\)](#)
-  [Yusuf Youth Initiative \(285KB pdf\)](#)

Summary of written evidence

http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Summary_of_written_evidence.pdf

Endnotes

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- ¹ CEMVO, written submission.
- ² Scottish census 2011 standard outputs
<http://www.scotlandscensus.gov.uk/ods-web/standard-outputs.html>.
- ³ Note on informal meeting with businesses, 29 October 2015
http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Note_on_meeting_29_October_-_final.pdf.
- ⁴ Equal Opportunities Committee, *Official Report*, 25 June 2015 col 5.
- ⁵ Coalition for Racial Equality and Rights, written submission.
- ⁶ BEMIS, written submission.
- ⁷ Equal Opportunities Committee, *Official Report*, 25 June 2015 col 22.
- ⁸ Equal Opportunities Committee, *Official Report*, 1 October 2015, col 16.
- ⁹ *ibid.*
- ¹⁰ Equal Opportunities Committee, *Official Report*, 1 October 2015, col 17.
- ¹¹ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 25.
- ¹² Equal Opportunities Committee, *Official Report*, 25 June 2015 col 18.
- ¹³ Joseph Amazou, case study to the Committee
<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/90823.aspx>.
- ¹⁴ Joseph Rowntree Foundation, written submission.
- ¹⁵ CRER, written submission.
- ¹⁶ *ibid.*
- ¹⁷ Scottish Parliament Equal Opportunities Committee, 19 November 2015, col 7.
- ¹⁸ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 3.
- ¹⁹ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 26.
- ²⁰ Note on informal meeting with businesses, 29 October 2015
http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Note_on_meeting_29_October_-_final.pdf.
- ²¹ Equal Opportunities Committee, *Official Report*, 25 June 2015 col 15.
- ²² Amina Muslim Women's Resource Centre, written submission.
- ²³ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 29.
- ²⁴ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 18.
- ²⁵ Joseph Rowntree Foundation, written submission.
- ²⁶ Equal Opportunities Committee, *Official Report*, 25 June 2015 col 8.
- ²⁷ Equal Opportunities Committee, *Official Report*, 3 September 2015, col 19.
- ²⁸ Equal Opportunities Committee, *Official Report*, 1 October 2015, col 6.
- ²⁹ Note on informal meeting with businesses, 29 October 2015,
http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Note_on_meeting_29_October_-_final.pdf.
- ³⁰ Equal Opportunities Committee, *Official Report*, 1 October, 2015, col 20.
- ³¹ Equal Opportunities Committee, *Official Report*, 25 June 2015, col 8.
- ³² Equal Opportunities Committee, *Official Report*, 3 September 2015, col 18.
- ³³ Equal Opportunities Committee, *Official Report*, 3 September 2015, col 10.
- ³⁴ Equal Opportunities Committee, *Official Report*, 19 November 2015, cols 17-18.
- ³⁵ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 12.
- ³⁶ Equal Opportunities Committee, *Official Report*, 25 June 2015, col 6.
- ³⁷ SPICe briefing - [SB 15-31 Ethnicity and Employment](#).
- ³⁸ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 3.
- ³⁹ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 6.
- ⁴⁰ SPICe briefing - [SB 15-31 Ethnicity and Employment](#).
- ⁴¹ *ibid.*
- ⁴² CRER, written submission.
- ⁴³ Equal Opportunities Committee, *Official Report*, 25 June 2015 col 5.
- ⁴⁴ *ibid.*
- ⁴⁵ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 7.
- ⁴⁶ UNISON, written submission.

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- ⁴⁷ Note on informal meeting with businesses, 29 October 2015, http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Note_on_meeting_29_October_-_final.pdf.
- ⁴⁸ UNISON, written submission.
- ⁴⁹ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 11.
- ⁵⁰ Equal Opportunities Committee, *Official Report*, 17 September 2015, cols 16-17.
- ⁵¹ Equal Opportunities Committee, *Official Report*, 25 June 2015, col 3.
- ⁵² Equal Opportunities Committee, *Official Report*, 17 September 2015, col 4.
- ⁵³ Skills Development Scotland – Modern Apprenticeship Statistics Full Year Report 2014/15 https://www.skillsdevelopmentscotland.co.uk/media/38749/modern_apprenticeship_statistics_quarter_4_2014-15.pdf.
- ⁵⁴ Equal Opportunities Committee, *Official Report*, 25 June 2015, col 4.
- ⁵⁵ STUC, written submission.
- ⁵⁶ *ibid.*
- ⁵⁷ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 4.
- ⁵⁸ Close the Gap, written submission .
- ⁵⁹ Equal Opportunities Committee 4th report (2013) Women and Work <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/64971.aspx>.
- ⁶⁰ Engender, written submission.
- ⁶¹ Close the Gap, written submission.
- ⁶² *Ibid.*
- ⁶³ Sikh Sanjog, written submission.
- ⁶⁴ Close the Gap, written submission.
- ⁶⁵ Engender, written submission .
- ⁶⁶ West of Scotland Regional Equality Council, written submission.
- ⁶⁷ Joseph Rowntree Foundation, written submission.
- ⁶⁸ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 4.
- ⁶⁹ Equal Opportunities Committee, *Official Report*, 12 November 2015, col 22.
- ⁷⁰ Equal Opportunities Committee, *Official Report*, 3 September 2015, col 11.
- ⁷¹ Equal Opportunities Committee, *Official Report*, 19 November 2015, col 21-22
- ⁷² Equal Opportunities Committee, *Official Report*, 12 November 2015, cols 3-4.
- ⁷³ SPICe briefing - [SB 15-31 Ethnicity and Employment](#).
- ⁷⁴ Equal Opportunities Committee, *Official Report*, 25 June 2015, col 24.
- ⁷⁵ Equal Opportunities Committee, *Official Report*, 17 September 2015, col 33.
- ⁷⁶ SPICe briefing - [SB 15-31 Ethnicity and Employment](#).
- ⁷⁷ The Scottish Public Housing Observatory <http://www.scotpho.org.uk/population-groups/ethnic-minorities/defining-ethnicity-and-race>.
- ⁷⁸ Equal Opportunities Committee, *Official Report*, 19 November 2015, col 7.
- ⁷⁹ The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William Macpherson of Cluny https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf.

