

## **Removing Barriers: Race, Ethnicity, and Employment – Scoping Exercise**

### **Written Submission from the Coalition for Racial Equality and Rights**

The Coalition for Racial Equality and Rights (CRER) is a Scottish strategic anti-racism charity which focuses on helping to eliminate racial discrimination and harassment and promote racial justice. Our key mission is to: 1) protect, enhance, and promote the rights of minority ethnic communities across all areas of life in Scotland and 2) empower minority ethnic communities to strengthen their social, economic, and political capital.

We welcome the opportunity to provide the Equalities and Human Rights Committee (EHRC) with our perspective of the recommendations made by the Session 4 Equal Opportunities Committee's (EOC) 'Removing Barriers: race, ethnicity, and employment report', including progress made on the recommendations and how lessons learned from this inquiry may shape the focus of the EHRC's upcoming inquiry on Transition from Education to Employment.

### **How effective/practical the recommendations made by the EOC were in light of experience**

CRER maintains that despite forty years of legislation outlawing racism in employment practices, initiatives and projects attempting to deal with the issues, and the development of equalities policy, there is a lack of equality of opportunity in employment in Scotland that contributes significantly to the long-standing disadvantage faced by BME communities.

Robust quantitative and qualitative evidence illustrating this exists<sup>1</sup> and, we believe, those parties involved (government, public bodies, private sector employers) are aware of the inequality. There is simply a lack of meaningful action to tackle racial inequality in the Scottish labour market.

Given this, CRER asked in our original submission to the inquiry that the EOC not merely replicate previous findings, but acknowledge institutionalised racial discrimination in the labour market and provide practical recommendations to the Scottish Government, public bodies, the private sector, and relevant stakeholders to address this.

Overall, CRER was pleased with the recommendations of the final report. In particular, we were encouraged by calls for the Scottish Government to:

- Work with senior figures in the public and private sectors to obtain buy-in and long-term commitment at a senior leadership level (*Recommendations 3 and 6*)
- Undertake work on the extent to which racial discrimination is an issue in recruitment processes (*Recommendation 3*)
- Work with the Equalities and Human Rights Commission (EHRC) to improve the collection of equality data and give urgent consideration to issues relating to ethnicity disclosure as part of the Public Sector Equality Duties (PSED) (*Recommendation 7*)
- Work with the EHRC to promote the use of positive action measures (*Recommendation 17*)

We are also pleased that the committee noted that, "initiatives such as 'unconscious bias' training are not the solution and can serve to mask underlying negative attitudes towards people from an ethnic minority

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<sup>1</sup> Scottish Parliament Information Centre. [SPICe Briefing: Ethnicity and Employment](#).

background.” Often, ‘fads’ such as unconscious bias training come about and are embraced by organisations and institutions without their effectiveness being properly evaluated and evidenced. This contributes to a refusal to acknowledge and address the real issues at hand.

However, while the committee highlighted their concerns about initiatives such as ‘unconscious bias’ training in the final report’s main findings section, it did not feature in the report’s recommendations. As such, it was not addressed in the official response from the Scottish Government. We note that, despite this finding, the Scottish Government offers unconscious bias training for its staff.<sup>2</sup>

Additionally, while we felt the distinction could have emphasised further, we were appreciative that the Committee chose to separate issues relating to “new migrants” specifically in the report, as recommended by CRER. Issues facing this group are distinct from those facing settled BME communities and will require a different approach to address (e.g. English language proficiency and recognition of overseas qualifications are not issues for BME individuals born and educated in Scotland or the rest of the UK).

However, we felt a few key areas raised by organisations in written and oral evidence were not adequately reflected in the final report, including:

- **Supply-side vs demand-side approach to under-employment:** Organisations including CRER noted that all too often, public authorities and employers, when they do undertake racial equality work, focus on ‘supply-side issues’, believing that employability schemes, skills provision, or ESOL training are the answer to the problem. However, the data shows that issues of English language proficiency, lack of recognition of overseas qualifications, or lack of UK-based work experience affect only a minority of people from BME communities in Scotland. In reality, many BME individuals seeking employment are born and educated in Scotland. This is a well-qualified and relatively youthful workforce, with, in particular, BME young people having better educational attainment than their white counterparts and going onto positive post-school destinations at higher rates.<sup>3</sup> Despite this, for people aged 16-24, white ethnic groups are significantly more likely to be in employment (52.1%) than their non-white minority ethnic counterparts (24.9%).<sup>4</sup> With better-than-equitable qualifications, we believe that only racial discrimination can explain this disparity. We felt the final report could have given more recognition to this and highlighted the critical role that institutionalised racial discrimination plays in labour market inequalities, in the same manner it drew attention to issues affecting new migrants. Institutional racial discrimination must be named and its role in employment inequalities recognised before we can begin to address the problem.
- **Public Sector Equality Duty (PSED) enforcement** – CRER has often highlighted the discrepancy between PSED reporting and action, in which public bodies readily admit in their reports that BME individuals are under-represented in their workforce, but have not undertaken action to change this, resulting in persistent under-representation. While several of the recommendations acknowledged the importance of improving training, recruitment, progression, data collection,

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<sup>2</sup> Question S5W-01455 – Alex Rowley MSP: “To ask the Scottish Government, in light of the finding in the Equal Opportunities committee report in session four, *Removing Barriers: race, ethnicity and employment*, (SP paper 890), that “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”, whether it continues to provide such training for (a) ministers, (b) its officials and (c) its directorates.”

Answer – Derek Mackay MSP: “The Scottish Government offers “unconscious bias” training for all its staff. This is part of comprehensive range of measures implemented to help us provide a fair and inclusive workplace and complement our fair and open approach to resourcing.”

<sup>3</sup> Scottish Government. [Attainment and leaver destinations supplementary data](#). Percentage by follow up destination and ethnic background.

<sup>4</sup> Scottish Parliament Information Centre. [SPICe Briefing: Ethnicity and Employment](#).

procurement, and positive action, it would have been useful to see the importance of enforcement of the duties highlighted and acknowledgement paid to the importance of not only *collecting* data, but *using* data to address inequalities demonstrated.

- **Previous failures** – In its 2015 inquiry evidence submission<sup>5</sup>, CRER highlighted several short-term working groups and action plans to address the issue of employment inequality, including the 2006 Scottish Executive Strategic Group on BME Labour Market Participation, the 2006 Equal Opportunities Commission on the ‘employment of visible ethnic minority women in Scotland’, and the 2008 Scottish Government Race Equality Statement. We noted that these short-term ad hoc interventions had not changed the picture and asked that the EOC examine why these previous efforts have failed and what could be done in the future to ensure the same mistakes were not made. While the final report was clear that 40 years of efforts had not brought us to labour market equality, it did not fully explore the reasons for past failures or hold the bodies responsible to account.
- **Taskforce** – Given the relatively short timescales for the inquiry and the complex and multi-faceted nature of the problem, CRER’s main request of the EOC inquiry was a call for the establishment of a taskforce to further investigate issues raised, evaluate past efforts, monitor progress, and drive forward delivery of racial equality in employment. We asserted that the taskforce would allow for the development of an evidence base and specific action plans, full implementation and evaluation of the recommendations of the inquiry, and cohesion in approach to achieving racial equality in employment. At the time, the EOC chose to not move forward with this idea, but CRER would like to propose it to the EHRC, as we maintain there is still significant merit in it.

Despite this, we believe the recommendations of the final report addressed many of the key areas raised in written evidence and through evidence sessions. At this stage, however, it is difficult to make assertions as to whether the recommendations were effective or practical, as just over a year – and an election - has passed since the final report’s publication. The recommendations were written in a way that, we believe, was not prescriptive and allowed for flexibility in application. While the committee may have hoped that this approach would lead to a variety of creative and innovative approaches to issues highlighted, in reality we fear it will allow public authorities to do nothing that is truly effective. Pressure and monitoring will be needed to ensure that this is not so.

As many of the recommendations were wide-ranging and involved several governmental departments and public bodies, the committee may wish – if a taskforce is not to be established – to consider requesting an action plan with yearly updates from the Scottish Government, in addition to calling relevant department heads for evidence, to ensure that the recommendations are being brought forward in a timely and purposeful manner.

## **How progress is being made by the Scottish Government and other stakeholders on the recommendations made in the Removing Barriers report**

CRER regrets that it may not be able to speak fully on the progress of the implementation of the recommendations of the final report. As many of the recommendations called on the Scottish Government to engage with stakeholders, raise issues at meetings and events, and take evidence into consideration in the development of policy, we are unsure whether these have taken place, the effects the recommendations have had, or what is planned for future engagement on the topic.

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<sup>5</sup> CRER. [Removing Barriers: Race, Ethnicity, and Employment submission.](#)

For example, the EOC recommended that the Fair Work Convention work with senior figures in the public and private sector to share and promote best recruitment practices. The government committed to taking the final report into consideration in the development of the Fair Work Framework 2016. However, the framework itself does not make reference to the report, despite the Scottish Government's response indicating that the Convention would consider the committee's report and reflect what they had heard in the Fair Work Framework.<sup>6</sup> This makes it difficult to ascertain whether the commitment made by the government has been fulfilled.

The Scottish Government also made a commitment to engage with groups such as the Public Bodies HR Network. However, with minutes of these meetings not readily available, CRER is uncertain about the conversations had and their effectiveness.

Other recommendations address particular stakeholders, including the EHRC. As such, CRER is not able to speak to these recommendations with the same authority and competence that a representative of these organisations would carry.

There is one area which CRER is able to speak to: the Race Equality Framework for Scotland (REFS). We provided the Scottish Government with practical support and expertise in the development of the REFS. As such, we were engaged with discussion with relevant governmental departments in solidifying the commitments contained within the REFS. The final report recommended that the risk of an 'ethnic penalty' for Scotland's young people be considered within the REFS, and the government response promised to consider relevant goals and actions within the Framework which focuses on measures for minority ethnic young people.

Due to this direct involvement, we are able to confirm that the Framework includes the key goals:

- *Minority ethnic pupils are provided with careers guidance that helps to improve transition into employment and tackles occupational segregation in relation to race (15)*
- *Minority ethnic people experience better outcomes in completing further and higher education, and in transitioning to the labour market after completion (19)*
- *Identify and promote practice that works in reducing employment inequalities, discrimination, and barriers for minority ethnic people, including in career paths, recruitment, progression, and retention (20)*
- *Reduce barriers and provide support for minority ethnic people who are new to the labour market, including school leavers and new migrants (23)*
- *Police Scotland's workforce better reflects the diversity of its communities (9)*
- *Scotland's education workforce better reflects the diversity of its communities (18)*

We are pleased with the inclusion of these goals and the recognition that additional efforts are needed to address the employment inequalities faced by minority ethnic young people. However, we emphasise that to fulfil these commitments – and therefore, the recommendations of the EOC – there must be proper monitoring, implementation, and resourcing of the Framework in the coming years. We believe the committee should be involved in scrutiny of the entire Framework; this work neatly aligns with monitoring of the implementation of the recommendations of the Removing Barriers final report.

We also note that monitoring the progress of the recommendations largely hinges upon the provision of quality data on a variety of issues, including public sector employment (recruitment, retention, workforce) and modern apprenticeships (applications, success rates, drop-out rates, destinations). We know that the

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<sup>6</sup> [Letter from the Cabinet Secretary for Social Justice, Communities, and Pensioners' Rights](#). 8<sup>th</sup> March 2016. Page 3.

next round of PSED reporting is April 2017 and would anticipate publication of modern apprenticeship data near to this time.

As there has not been expansive publication of public sector data since January 2016, the committee may be able to garner a more detailed picture of the employment situation within the public sector following April 2017. The committee will be able to evidence whether BME employment rates have changed, whether public bodies are recording and publishing data adequately, and whether data revealing under-representation has led to concerted efforts to address barriers and institutional discrimination. This quantitative data may be more substantive and telling than anecdotal overviews. CRER plans to do a complete analysis of this data and would be happy to share this with the committee.

Given the pending publication of data and the need to hear from the Scottish Government and relevant stakeholders (e.g. the EHRC), we would advise the committee to call representative from the government (including those with expertise on the Public Bodies HR Network, the Scottish National Equality Improvement Project, the Fair Work Framework, PSED engagement, Community Jobs Scotland, data collection, and procurement), large public bodies (e.g. representatives of the NHS, local authorities, Police Scotland, and further/higher education), and referenced organisations (including the EHRC, Skills Development Scotland, and Education Scotland) to an evidence session in spring/summer 2017 to discuss progress on the recommendations, timescales for delivery, and accountability measures.

This would, we believe, provide the committee with a more comprehensive overview of the progress undertaken and clarify how additional scrutiny may take place.

## **How lessons learned from that work might shape the focus on the EHRiC's upcoming inquiry on Transition from Education to Employment**

CRER lobbied the EOC to undertake an inquiry focused on racial equality and employment, as we felt the issue had not received adequate attention in the Scottish Parliament. We were very grateful that the EOC decided to take this forward and we were heavily engaged in the inquiry itself, from submitting written evidence, to participating in an oral evidence session, to providing members with questions for other oral evidence sessions, to lobbying the committee on the final recommendations. As such, we are pleased to be able to share our learning with the EHRiC in advance of their inquiry on Transition from Education to Employment.

While a variety of written evidence was submitted to the committee, we noted several key absences. For example, the two local authorities with the highest percentage of BME residents, major public bodies in these local authorities, and the health boards covering these areas did not provide written evidence. Given the significant under-employment of BME individuals in these organisations, we felt that it would have been beneficial to the committee to question the reasons behind this to inform the inquiry. This problem was not limited to the public sector. The vast majority of private sector companies did not submit evidence, including the top 50 companies in Scotland.<sup>7</sup> We believe it would have been advantageous for the committee to write to and encourage these companies to submit evidence.

We also felt that the robustness of some of the written evidence submissions was lacking and that additional questioning by the committee may have been valuable. For example, the submission from Fife Council is exceptionally brief and does not detail specific measures taken to tackle workplace discrimination; instead the council claims that the data available does not allow it to draw any conclusions on racial discrimination or segregation in the work force. We believe the committee may have gained

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<sup>7</sup> Business Insider. [Top 500 Companies in Scotland in 2017.](#)

valuable insight by questioning these responses to gain a better understanding of how the public sector perceive the issue.

Other issues arose with oral evidence. While several public sector organisations were called for evidence – Police Scotland, COSLA, NHS National Services – we felt more sessions with public bodies were needed, particularly with those public bodies who are major employers in areas with high minority ethnic populations (e.g. Glasgow City Council, Edinburgh City Council, universities and colleges, NHS Greater Glasgow and Clyde, NHS Lothian). CRER believes that if we are able to improve BME employment rates in these organisations, it will translate to wider racial equality across Scotland. Engagement with the bodies – and determining what is needed to do to root out discrimination and racism – is a critical first step.

In some instances, we felt the committee could have better questioned witnesses. In one extreme case, a representative of Police Scotland stated, “We do not believe that there is any significant institutional racism within Police Scotland – in fact, I would be astounded if there was any at all...” Statements such as this must be challenged and questioned further, particularly as discrimination from the police is an issue raised to CRER quite frequently by minority ethnic communities. Indeed, as institutional racism is one of the key issues for race and employment, we believe it merited more emphasis in witness sessions, the final report, and in the recommendations themselves.

Furthermore, the one evidence session with private sector employers was held in private, with the names of the witnesses withheld.<sup>8</sup> While this may have been necessary to guarantee attendance from these companies, it severely limited scrutiny from non-parliamentarians and, as such, key issues may have been missed.

There were also significant issues with the timescales of the inquiry. As it was one of the last pieces of work the EOC undertook, there was not much time for follow-up or for the committee to revisit the issue to monitor progress. This also meant that, unlike many other inquiries and committee reports, a debate could not be held in parliament on the issue. We felt this was very unfortunate, as such a significant issue merits the consideration of a full chamber debate and verbal responses from the Scottish Government and political parties. Accountability measures, we believe, were lessened by the lack of debate and members were not able to properly scrutinise the report or the response of the government.

Finally, there was a significant issue with obtaining the response from the government. The EOC received a two-page letter on 8<sup>th</sup> March 2016, which was thought to be the response of the government to the final report. This was, however, an incomplete response and did not contain eight pages of substantive information detailing the government’s response to each recommendation.

CRER was the first group to notice this and call it into question. A previous clerk of the EOC confirmed that this was an administrative error. As the full response was not received until May 2016, Session 4 had ended and the EOC never had full sight of the letter. This severely limited the ability of the EOC to properly scrutinise the response and, we believe, compromised the accountability of the Scottish Government.

For example, Alex Neil MSP, the Cabinet Secretary for Social Justice, Communities, and Pensioners’ Rights at the time, stated in his letter to the committee that the Scottish Government would, “ensure that issues raised in the Committee’s report are fed into our broader work specifically in relation to... responding to the recent report by the Independent Advisor on Poverty and Inequality, ‘Shifting the Curve.’” However, neither the response to “Shifting the Curve” from the Scottish Government nor the related Fairer Scotland Action Plan adequately addresses race and employment. If the EOC had been able to scrutinise the government’s response, this may not have been the case.

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<sup>8</sup> Equal Opportunities Committee. [Note of information session with Businesses](#). 29 October 2015.



We hope that with the EHRiC revisiting the inquiry, a full analysis of the response can be conducted and robust scrutiny can occur.

Given this experience, CRER would recommend that the EHRiC:

- Invite particular organisations and public bodies to respond to relevant inquiries, especially if anecdotal evidence suggests that the evidence may not be positive;
- Robustly scrutinise organisations and public bodies during oral evidence sessions, questioning concerning statements and drawing attention to any notable absences of data or detail;
- Hold a variety of oral evidence sessions with appropriate numbers of attendees to allow time for detailed answers to critical questions;
- Ensure timescales are appropriate to allow for follow-up and build implementation and accountability measures into the final report;
- Hold a debate in parliament on the inquiry to allow for a formal oral response from the Scottish Government and political parties to increase accountability
- Ensure that all evidence received is full and complete and is arrives in due time for consideration and analysis

## **Conclusion**

CRER hopes that this evidence submission has been useful to the committee. As more data comes available, we would be pleased to write to the committee to highlight ongoing concerns on ethnicity and employment. We would also be grateful for the opportunity to participate in any further evidence sessions with the government, public bodies, or other stakeholders on the progress of the recommendations of the final report. Finally, CRER urges the committee to consider calling for a taskforce to monitor the implementation of the recommendations and define a clear way forward to address the issue of employment inequality.

As the final report stated, “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.” We urge the Committee to take this to heart and ensure that Removing Barriers does not become another item on a list of well-intentioned publications that did not tackle the persistent and significant issue of racism in employment.

## **Contacts**

For further information, please contact:

Rebecca Marek, Parliamentary and Policy Officer  
rebecca@crer.org.uk 0141 418 6530