CEMVO Scotland is a national intermediary organisation and strategic partner of the Scottish Government with a network of over 600 ethnic minority (EM) voluntary sector organisations and community groups throughout the country. We deliver a wide range of programmes to support the EM voluntary sector, including areas such as leadership, internships, social enterprise, and financial inclusion. We have also over the past 3 years delivered a race / equality mainstreaming support programme that focuses on supporting public, statutory, and third sector agencies to progress race equality.

CEMVO warmly welcomes the Committee’s Inquiry into the experiences of ethnic minority individuals and employment in Scotland and in particular the opportunity to build into our submission our extensive experience gained through gathering of community intelligence and personal testimonies as well as through CEMVO’s mainstreaming work. We hope that this will help members to focus on the key issues as well as help guide to what further action is needed.

1. Background evidence

1.1 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 White counterparts.

1.2 If we look to the SPICe Briefing (Ethnicity and Employment) produced to assist this Inquiry, we see that among the ethnic minority population overall, there is a much larger population of younger people. We also see that average tariff scores of school leavers from an ethnic minority background are mostly higher than those from a white Scottish background yet – there is a significantly smaller participation in employment among ethnic minority Scottish school leavers.

Of people aged 16-24 white ethnic groups are significantly more likely to be in employment (52.1%) than their ethnic minority counterparts (24.9%) and in the older age group of 25-49 year olds, the employment rate is again significantly higher for white ethnic groups (72%) than for ethnic minority groups (55.2%).

1.3 There is also an increasing body of evidence relating to discrimination in employment application processes.1 Other responses to this Inquiry will undoubtedly include more detailed analyses of the research and so we will highlight only a few of the overarching findings at this point.

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For example, recent Joseph Rowntree Foundation research in Scotland found that prejudice and racism were significant barriers to employment experienced by people across all ethnic minority communities.\(^2\) Eight years ago (2006), the Equal Opportunities Commission published its own research\(^3\) into the employment experiences of visible ethnic minority women in Scotland. This report concluded that:

_Ethnic minority women have high aspirations but their potential is not being met …….they face institutional discrimination which works in complex and subtle ways to prevent ethnic minority women from participation and progression in the Scottish labour market._

1.4 Also in 2006 the Scottish Government established an Ethnic Minorities and Labour Market Strategic Group to draft an Action Plan in support of the (then) Race Equality Statement (currently being revised). This plan set clear and measurable targets designed to ‘eliminate racial inequality in the labour market by 2013’ but to our knowledge was never implemented or reported on. We must assume therefore government agrees that the racial inequality in employment identified in 2006 has not yet been eliminated and will look to this Inquiry to provide the momentum to refresh this work and deliver a report with high level recommendations/actions.

2. **CEMVO’s employment support and advice**

2.1 Despite the introduction of a specific Race Equality Duty in 2000 (Race Relations Amendment Act 2000) to monitor staff in post by racial group in order to identify gaps and differentials, there has been little demonstrable improvement in addressing underrepresentation of ethnic minority people across the workforce. The EHRC Scotland’s ‘Measuring Up’ report (September 2013) on performance of the employment duties highlighted that:

_….while many organisations were able to provide figures for the characteristics of all applicants they said they were not always able to follow this through to analyse the characteristics of those appointed._

2.2 Two years further on, Mejka’s latest research\(^4\) indicates that the average percentage of BME employees in the NHS in Scotland has dropped (just over 0.3%) whilst the average percentage of BME employees not wanting to reveal their identity has increased marginally. While these numbers are small, it is undeniably a worrying trend, not least as the opposite was identified across both LGB employees and those with a disability. [Few other organisations/researchers have yet had time to evaluate progress following the second round of reporting by listed authorities].

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\(^4\) Mejka, W: BME people, work and the NHS in Scotland. 2015
2.3 CEMVO’s own race equality mainstreaming consultancy support, which is funded through the Scottish Government Equality Unit, involves a small team of equality specialists which work in partnership with key staff to review race / equality processes such as organisational leadership, workforce development, community engagement and service provision. Based on the evidence presented the team then suggests practical actions for improvements and provides follow up support.

Common challenges and barriers identified through our mainstreaming work with a wide range of organisations (Scottish parliament, criminal justice, health, welfare and financial advice, housing, education and training…), now follow as a means of informing this Inquiry.

2.3.1 Linking workforce issues with wider community cohesion and good relations

The majority of organisations we have worked with continue to address workforce issues in isolation from service delivery. At best the emphasis is on increasing diversity because it is the right thing to do, at worst because it will ensure compliance. There appears to be little understanding of the link between employment and wider economic/social integration – or indeed building links between individuals and the workplace and tackling discrimination. It is an all too easy assumption to make that ethnic minority people are disproportionately represented in social enterprises, self-employment and home working through choice – rather than through persistent labour market disadvantage.

Feelings of alienation which arise from such segregated employment are reinforced by the findings of the 2010 Scottish Social Attitudes Survey which identified a (small) increase in the proportion who felt that people from ethnic minority groups take jobs away from other people in Scotland.

By way of further illustration we offer the following case study which is based on a joint research paper produced by the HMICS and CEMVO Scotland5.

In 2013, when Police Scotland published the first equality and diversity report for the new single service, one of the equality outcomes identified was ‘To have a workforce that is reflective of our communities to increase trust and confidence in the police’. In the same report, it was identified that the percentage of minority ethnic police officers in 2013 was 1% and police staff was also 1%. The number of ethnic minority officers in higher ranks was so low that HMICS was unable to obtain a percentage breakdown by rank from Police Scotland however were advised there are no officers currently serving in Scotland at Superintendent Rank or above who are from a visible ethnic minority background.

5 HMICS: Policing ethnic minority communities in Scotland. 2015
The consultation itself found (unsurprisingly) that all groups (ethnic minority women, young people and older people) were aware that ethnic minorities were significantly underrepresented as police officers and that this was a **significant confidence barrier**.

HMICS concluded that “the evidence pointed to the need for Police Scotland to take some bold steps to address the under-representation of ethnic minorities as police officers and staff to ensure that the service is more proportionally representative of the communities that it now serves, so as to maintain and enhance public confidence and trust. This is an area that will require a strong leadership commitment by the Force Executive to ensure delivery of this equality outcome, and it is also an area worthy of careful monitoring by the Scottish Police Authority and HMICS”

We believe that Police Scotland is a fair example to use as it reflects the findings of many other organisations. What is different however is that the relevant Inspectorate was prepared to publish a clear commitment to build on the consultation findings and scrutinise progress in the longer term. It remains to be seen if and how inspection can lead to a greater positive impact overall.

### 2.3.2 Data collection and analysis

We know that the employment data for all the listed bodies covered by the Public Sector Equality Duty (PSED) is not at present gathered together in one place. The Coalition for Racial Equality and Rights attempted to do this in 2014 in their State of the Nation report\(^6\) and many of their findings reinforce the qualitative picture we have built from our mainstreaming work.

In our experience, the specific areas organisations particularly struggle with in relation to ethnic minority staff are: high non-disclosure rates e.g. who should supply the data (self-classification v other means), publication of the data e.g. small numbers of staff v data protection and finally which ethnic classifications to use.

This is despite the comprehensive guidance provided by the CRE in 2002 and supplemented by some additional guidance from EHRC Scotland in 2012. It would therefore seem not unreasonable in our view to build racism/discrimination back into the equation in order to begin to understand this continued lack of progress with data collection, analysis and use. In terms of good practice, we might do well to look to Northern Ireland where the Equality Commission guidance encourages the principal method (direct questions) and re-surveying/residuary method (using other information) alongside disclosing this approach to the individual. The lack of consistency in relation to collection and

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publication means that in Scotland at present the level of non-disclosure varies hugely – for example across all 22 health boards a small number have achieved excellent results in recent years but with apparently little attempt from others to learn from the good practice or to level up. And even in the few cases where employment data is being robustly gathered, this can only tell us what the position is, it cannot tell us why.

Such discriminatory practice can also be seen in wide acceptance of the cultural deficit model as a means of ‘explaining’ the status quo. In the case of this Inquiry, this model attributes EM people’s lack of employment success to characteristics often embedded in their cultures and communities, referring to negative stereotypes and assumptions. This overlooks the root causes of discrimination by framing the problem as one of individuals and families, localizing the issue and so organisations, at least in part, are absolved from their responsibilities. Without much more robust research in this area, we remain unable to say how or if (negative/defensive) organisational culture plays a part in data collection overall.

In CEMVO’s Briefing No 3 we highlighted a number of examples of questionable ‘analysis’ carried out by public bodies which evidence further barriers. There were those who were apparently content because their figures were ‘consistent with other local authorities’. However, if other local authorities are not performing particularly well this is hardly a useful comparison to make. Other statements such as finding ‘no disproportionate results’ from an employee survey may well have produced different findings had other views and expertise been sought.

If workforce monitoring remains largely a numbers gathering exercise and organisations are either unable or unwilling to drill down to look in detail at what is happening and why it is happening, we all remain unable to identify the true picture and in turn the solutions required to address overall labour market disadvantage and racial discrimination.

2.3.3 Lack of visibility/knowledge of variations within and between ethnic minority groups

It is now widely accepted that the position of ethnic minorities is complex and treating them as a homogeneous group risks responding to their needs too simplistically. CEMVO strongly encourages the inquiry to consider in more detail the differences between settled (second/third/fourth generation) ethnic minorities, new migrant communities and refugee/asylum seekers. Addressing all of these under the label ‘ethnic minorities’ is likely to have a detrimental effect on the overall findings as each group has very different histories and needs.

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7 CEMVO Scotland Race Equality Mainstreaming in Scotland: public sector progress reports (2013)
In addition, within and between settled ethnic minority communities it will be important to take into account variables across generations, gender, and geography if we are to begin to identify and address the true extent of the disadvantage faced by ethnic minority communities in Scotland. Organisations such as the NHS will also have to consider how to analyse and publish their monitoring data taking into account further variables in relation to overseas nurses and doctors recruited by a specific means for a specific purpose.

The SPICe Briefing and Equality Findings of the 2011 Census are just two of the reports which provide us with a considerable depth of information, but in our experience even census data is insufficiently used to inform policy and practice across public (and third sector) bodies. On the contrary, data on ethnic minority staff can currently fail to take into account the particularities of very different groups and fails to uncover where work should be targeted. If we look at Police Scotland again as just one random example, we know that ethnic minority officers have remained at approximately 1% since 2010. However when we look at these figures in more detail, of that 1%, almost half is ‘Asian’ whilst other larger ethnic minority communities are not represented at all.

A common ‘defence’ is that the high level percentage of ethnic minority employees reflects that of the local census data and this is then interpreted that no discrimination exists in that particular organisation (at least in relation to workforce). This tells us nothing about the geographical radius from which employees travel (most people are now prepared to commute from a considerable distance) nor about the disaggregation of those employees and even less about occupational segregation, promotion and retention rates. Yet again, without the evidence, we are unable to make fully informed judgements about the organisational culture or encourage proactive preventative work and/or positive action.

Yet organisations continue to request help with community engagement and outreach because they initially believe that this will in itself lead to more applications from EM communities. This is despite the fact that once monitoring figures are scrutinised in detail, they frequently indicate that getting people to apply is not in fact the problem, rather it is that numbers drop off considerably at both shortlisting and appointment stages suggesting that something else altogether is responsible for the continued underrepresentation, not that the communities in question are ‘hard to reach’ (a commonly overused and over simplistic term).

2.3.4 Racism as a factor

Without focused research, we cannot know if there is a single cause for the current pattern of labour market disadvantage. However, if we agree to move
from the deficit model which identifies the problems as being those to do with the individual – fluency in English/language difficulties, closed communities, cultural and family patterns, self de-selection etc. (any or all of which only apply to a small percentage of ethnic minority people living in Scotland) the logical path take us to some form of institutional discrimination.

Macpherson defined Institutional Racism as something which ‘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’.

We also know that previous studies have shown it is possible to reliably measure the prevalence of discrimination in recruitment at the application stage. Department of Work and Pensions research in 2008/9 (which covered Glasgow) found evidence to suggest that recruiters discriminate against applicants with ‘non-white’ names. As such, ethnic minority job applicants are uniquely exposed to this form of prejudice relative to other groups that may experience discrimination. Similar research had been carried out by the CRE in 1996 which led to similar findings almost twelve years earlier.

An organisation’s culture is a much harder thing to define or measure. However through consultancy it becomes clear that some people ‘don’t know what they don’t know’ – in other words employers may lack awareness of how discrimination happens indirectly, as an unforeseen result of their policies and practices. Even where formal equal opportunities polices exist, our experience is that organisational culture can contribute to the exclusion of, and discrimination against, ethnic minority employees. During open and honest discussions with staff other issues such as unconscious bias can be acknowledged – wanting people to ‘fit in’, supporting the rights of clients over the rights of staff, using untrained (and unrepresentative) recruitment panels, job specifications which may deprive the employer of the most able candidate, lack of recognition of the ‘canteen culture’.

This is reflected in the experiences of many staff in the ethnic minority third sector where highly qualified people from a wide range of employment backgrounds ‘choose’ (or are forced) to move out of mainstream organisations in order to work in an environment which, in their view, is more inclusive.

In 2013 (prior to the establishment of Police Scotland) a large number of police officers and staff were investigated as a result of racist and homophobic emails found on the force’s internal system. Again, there is no reason to assume the police are either better or worse than other employers – they were simply ‘caught

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out' in this instance. Such coverage will do little to inspire confidence or a desire to work in that organisation. We believe that organisational culture must be openly discussed, researched and addressed as part of attempts to increase workforce diversity.

3. Positive Action
Whilst we also believe that positive action measures are necessary (and that positive discrimination should be seriously considered) because some discrimination is so entrenched and as a result embedded in equality legislation, we unfortunately are unable to provide any evidence of such options currently in place (for example using Section 159 of the Act which allows an employer in a tie break situation, to select the candidate from a group that faces disadvantage or is underrepresented) through our own work programme. Organisations often identify examples as ‘positive action’ which, in our opinion is merely ‘good (?) practice’ and should not be confused.

However we draw the Committee’s attention to the 2010 Social Attitudes Survey which identified that opposition to positive action in job recruitment and training was strong among young people and graduates – two groups who ‘on other measures were generally least likely to express discriminatory attitudes’. These attitudes will undoubtedly be reflected within organisations themselves.

Whilst there is a place for ethnic minority led employability programmes such as the Positive Action for Training in Housing (PATH), CEMVO believes (as we have tried to evidence) that the problem this Inquiry seeks to address is NOT of a poorly qualified and under skilled supply of ethnic minority labour but a problem of institutionalised discrimination which urgently requires a variety of measures to be implemented across government departments and public bodies.

On a positive note, we firmly believe that with the right encouragement, guidance and support, some employers who were previously unenthusiastic, resistant or sensitive to external scrutiny or judgement / assessment can also be motivated to make changes. This can be offered through proactive programmes such as CEMVO’s race equality consultancy which can offer an expert eye to employers. Any such programme requires high public recognition.

Conclusion
For the purposes of the Inquiry, we recommend that a tight focus is maintained on ‘settled’ ethnic minority communities in order to produce a report with a small number of actions which will both acknowledge and demand faster progress in eliminating the kinds of workplace racism and racial discrimination we have evidenced in this submission. This will require political accountability to deliver actions which, at this stage, could include:
- Rigorous research into the nature, causes and extent of racial discrimination in the workplace
• Improved data collection, analysis and use through setting of Targets, Performance Related Pay etc. (and including annual national ethnicity report)
• Measureable Positive Action programmes
• Stronger regulation and enforcement (by EHRC but also including audit and inspection bodies such as Care Inspectorate, Audit Scotland, Education Scotland)
• Endorsement and resourcing of third sector equality employment advice and training
• Involvement of private sector in establishing a similar model to Race for Opportunity
• Consultation on amending/strengthening the public sector duties in Scotland
• (Re) establishment of a short life Task Force to drive forward delivery.

Eleanor McKnight
Senior Mainstreaming Race Equality Officer
CEMVO Scotland
1 July 2015

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Race for Opportunity, the race campaign from Business in the Community.