Introduction

UNISON is Scotland's largest trade union with over 150,000 members primarily working in the public sector. UNISON has Self Organised Groups elected from within our membership, with a remit to organise and advise the union on policy areas relating to those specific groups. The UNISON Scotland Black Members Committee works on issues of importance to our black and minority ethnic members, including tackling race discrimination in the workplace and in all areas of society. UNISON Black Members' Committee contributes to policy formulation in UNISON, particularly on race discrimination and race equality within UNISON, and on our approaches to external consultations.

Throughout the United Kingdom, UNISON represents in the region of around 170,000 BME members. They are employed in a wide area of the public and private sector.

UNISON Scotland welcomes the opportunity to contribute to the Scottish Parliament's Equal Opportunities Committee's Race, Ethnicity and Employment Inquiry. We are aware from anecdotal evidence from our black members that they experience race discrimination in the workplace. Proving it is a complex, difficult and a stressful process. We, therefore, welcome the Equal Opportunities Committee inquiry, as it will, hopefully, lead to solutions in assisting the challenges facing BME people seeking employment and currently in employment.

Employment support and advice

UNISON Scotland has a branch covering Skills Development Scotland (SDS). They are mainly professional career advisors who have daily contact with Scotland's young people seeking employment in all areas of work.

There is a memorandum of Understanding (MOU) between the UNISON branch and SDS.

This allows us to contribute in shaping policies. An SDS branch Equality Representative attends the Equality champions group. The Equality Management Group meets quarterly.

It is noticeable through the SDS mainstreaming Equality Outcomes that the organisation has identified and set equality goals; reducing under representation on National Training Programmes (NTP), increasing workforce diversity.

There is a universal and targeted service offered to pupils in school and post school. SDS also offers an all age guidance service. These services are delivered in partnership with many partner agencies.

There are multiple barriers for BME groups; ranging from basic language, lack of qualifications, overseas qualification recognition and, new work culture for some new
arrivals but on the other hands settled BME individuals from settled BME communities, with relevant education, are also not getting fair opportunities into employment. It should also be noted that there is higher proportion under employed and clustered in specific fields such as retail or self employment. It can be argued that such clustering may not be due to choice. This can be due to discrimination/racism towards certain groups, eg individuals from the Muslim faith, have a higher unemployment rate than some other BME groups.

It is important to note that SDS is a national organisation with a statutory duty to offer guidance and build a future work force. The onus lies with the organisation to tackle under representation of BME in National Training Programmes (NTP). It is worth noting that public funds are used to offer Modern Apprenticeships (MA) but current reports suggest that only 1.4% were from a BME background. It is alarming that gaps have not narrowed over the years. UNISON wants to have dialogue with SDS on enforcing contractual duties on employers to open opportunities to BME youth.

UNISON, through the SDS Branch and its regional network, are keen to raise awareness on these issues and organise national and local campaigns on the benefits of diversity, as a business case.

We believe this is a good time to set priorities for narrowing the BME employment gap, in line with developing the young work force agenda. There is a need for a cultural shift, offering training to employers on equality and diversity. UNISON can play a role in offering training and awareness-raising, coupled with monitoring.

SDS branch in partnership with the UNISON Scotland can offer expertise in dealing with such inequalities and developing a workforce reflective of the communities being serviced. This approach will lead to breaking down barriers and ensuring under-represented groups get opportunities of employment which in return will create a better learning culture.

We believe that SDS needs to employ dedicated staff to engage BME youth through schools for apprenticeships pathways in order to narrow the gap.

It is, therefore, crucial, that employers engage with trade unions to work in partnership to address these issues. UNISON has considerable experience of representing BME members and developing policy on BME employment matters and could benefit from our wide ranging experience.

**Recruitment, retention and promotion**

It is evident from research and government statistical information that BME employment gaps have been there for years and rising. Whilst this may be due to the current recession, it will be difficult to rule out other factors such as discrimination and racism.

It is difficult to find positive examples of work force diversity in the public sector or NDPB.
UNISON has serious concerns about the over representation of Black workers in low pay and casual employment. We see it is a major issue and not one that can be explained by qualifications and experience, as even as educational attainment levels have improved these gains have not translated into improved employment outcomes for Black workers. Our view is supported by a TUC report, which highlights that the number of black and Asian workers in low paid jobs has increased by 13% since 2011.


UNISON SDS Branch are clear, from their experience, that BME youth have less social interaction with professionals from certain fields, and school work placements. There is a need to encourage employers of the financial benefits of having a diverse workforce.

It is crucial to offer equality internships in different fields, which will provide opportunity to under-represented groups, trying new fields and narrowing segregation.

In 2010, UNISON established our Race Discrimination Protocol. It was introduced in order to ensure that members complaining of race discrimination in the workplace are provided with the best representation and support, and in order to advance our campaign against racism in the workplace.

The aim of the Protocol is to provide a more transparent, effective and accountable way of dealing with race discrimination by standardising the approach to legal referrals, fully investigating the details of race cases in every incident and setting out the process and basis by which a race case is assessed for legal representation. In 2011, figures from the Ministry of Justice show that discrimination cases are the most difficult to win. In sex discrimination cases there is a 37% success rate but the odds of success in a race discrimination claim are less than half at 16% despite both types of discrimination being long established in legislation. The Institute of Race Relations describe the poor prospects of success in race discrimination claims as an ‘under acknowledged blemish’ on the Employment Tribunal system. The success rate of UNISON cases is calculated based on the number of cases that, following an assessment of having a ‘reasonable chance of success’ are then won at Tribunal or where a settlement is reached. The success rate of cases has tripled from the 2011 – 2012 figure of 7% to 21% for this review period August 2012 to July 2013. The current success rate is also higher than the national success rate for race discrimination cases in the UK mentioned above. The Protocol is reviewed at regular intervals in order that we can monitor awareness levels, and identify training.

Promoting positive action

UNISON is aware of some positive action projects

UNISON welcomes the positive steps taken by NHS Lothian in establishing
Leading Better Care
Leading Across Difference

The leadership programme for Black and Minority Ethnic Nurses/Midwives and Managers.

1. The purpose of the programme is to help create an NHS Lothian workforce that better reflects the diversity of the population it serves and ensures that staff are represented more appropriately at all levels of our organisation.

The project came about as a result of joint partnership working with the staff unions and was based on in-house research that identified high levels of dissatisfaction from BME staff and managers who had found it challenging to lead and support diverse teams, and a number of managers who identified more training and support in how to handle difficult conversations with their teams.

NHS Lothian also noted a disproportionately high number of grievances and fitness for practice cases involving Black and Minority Ethnic nurses and midwives. The trade unions in NHS Lothian also reported supporting a disproportionately high number of Black and Minority Ethnic nurses and midwives in dealing with problems at work, such as disputes with colleagues.

The project is ongoing but it highlights a welcome and practical example of an employer addressing an important issue and taking positive steps to resolve the situation.

2. The GHA / Wheatley Group have supported the newly formed BME group which represents the Black & Asian and Ethnic minority staff within the workforce.

Its remit is to identify ways of networking within the workforce, highlight BME issues and offer support and advice to current staff and new staff members.

HR and Senior Management hope to engage with the BME group to work with each other to develop provisions that address the lower employment rates amongst BME & Ethnic minorities groups.

The BME group have held a number of meetings to date to formalise an action plan and hope to develop innovative approaches to address the challenges faced by BME & Ethnic minority staff through raising awareness of BME & Ethnic minority staff.

Conclusion
UNISON believes that the Positive Action provisions of the Equality Act 2010 are underused and would call on the committee to encourage more employers to address the BME deficiencies in their workforce by adopting Positive Action measures.

UNISON is concerned that despite the fact that the Scottish Specific Duties have been on the statute book since 2012, there is very little evidence that Public Authorities are actively using them to identify the type of gaps and inaction identified by UNISON members at SDS.

The duties state that public authorities that:

(a) take reasonable steps to involve persons who share a relevant protected characteristic and any person who appears to the authority to represent the interests of those persons; and
(b) consider relevant evidence relating to persons who share a relevant protected characteristic.

UNISON is the collective voice for UNISON BME members in Scotland and yet our experience is that very few employers actively engage with us on equality outcomes, impact assessments and workforce data.

If the EO Committee is serious about addressing this issue, we would call on them to ensure that BME employment is a priority for future equality outcomes.

Unison Scotland
July 2015