EQUALITIES AND HUMAN RIGHTS COMMITTEE

AGENDA

6th Meeting, 2017 (Session 5)

Thursday 2 March 2017

The Committee will meet at 9.30 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 3 in private.

2. **Legacy work - Removing Barriers: race, ethnicity and employment** The Committee will take oral evidence on progress from the recommendations made by the Session 4 Equal Opportunities Committee 1st Report, 2016 (Session 4): Removing Barriers: race, ethnicity and employment from—

   Jatin Haria, Executive Director, Coalition for Racial Equality and Rights (CRER);

   Rami Ousta, Chief Executive Officer, BEMIS;

   Colin Lee, Chief Executive, Council of Ethnic Minority Voluntary Sector Organisations (CEMVO Scotland).

3. **Legacy work - Removing Barriers: race, ethnicity and employment** The Committee will consider the evidence received.

Claire Menzies
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The papers for this meeting are as follows—

**Agenda Item 2**

Submission from the Coalition for Racial Equality and Rights EHRiC/S5/17/6/1

Evidence Submission from MECOPP EHRiC/S5/17/6/2

Equal Opportunities Committee - 1st Report, 2016 (Session 4): Removing Barriers: race, ethnicity and employment EHRiC/S5/17/6/3

Response from the Scottish Government to 1st Report, 2016 (Session 4): Removing Barriers: race, ethnicity and employment EHRiC/S5/17/6/4

PRIVATE PAPER EHRiC/S5/17/6/5 (P)
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 (EHRiC) 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 EHRiC’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\(^1\) 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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\(^1\) Scottish Parliament Information Centre. [SPiCe Briefing: Ethnicity and Employment](https://www.parliament.scot/publications/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.2

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.3 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%).4 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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2 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 a comprehensive range of measures implemented to help us provide a fair and inclusive workplace and complement our fair and open approach to resourcing.”

3 Scottish Government. Attainment and leaver destinations supplementary data. Percentage by follow up destination and ethnic background.

4 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\(^5\), 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 EHRiC, 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.

\(^5\) 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. 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 recommendation 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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6 Letter from the Cabinet Secretary for Social Justice, Communities, and Pensioners’ Rights, 8th 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 quantitate 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. 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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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. 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 8th 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.

8 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

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Progress against Recommendations

It has been hard to discern any notable progress against the recommendations contained in the 1st Report and the subsequent Scottish Government response. We note that the Race Equality Framework will provide strategic direction for Scottish Government efforts to address this issue and that the appointment of a Race Equality Advisor is to be welcomed. We believe, however, that it is too early to provide any definitive comment as the issues identified are longstanding and will require sustained and concerted effort to address.

We would like to take this opportunity to present additional recommendations to the Committee as we believe this would be a more helpful approach:

1. **Industry Statements**

MECOPP would recommend that the Scottish Government and Equality regulators work in partnership with Sector Skills’ Councils and Industry Leadership Groups to ensure that race and ethnicity are actively considered within Industry Statements. Figures produced by the University of Glasgow\(^1\) in relation to growth industries record significant under-representation by Minority Ethnic people in these industries as follows: 1.8% Minority Ethnic participation in engineering; 0.7% in construction; 2.1% in energy; and, 1.4% in creative industries. Whilst private sector employers are not required to produce data on employment differentiated by race or ethnicity, Industry Statements could include a commitment to increase participation by Minority Ethnic individuals.

MECOPP would also recommend that skill sectors which do not traditionally produce industry statements be supported to do this as a means of identifying future workforce requirements to meet population demand.

2. **Contract Compliance / Social Responsibility Clause**

MECOPP would recommend that the Scottish Government and Local Authorities exploit opportunities in the Procurement Specific Duty to encourage greater employment of Minority Ethnic workers, for example, major investment programmes such as City Deals or affordable housing.

3. **Settled / new migrant communities**

MECOPP believes it is important to differentiate between the experience of settled Minority Ethnic communities and new migrants in relation to employment. For example, data from the 2011 Census reports significantly lower levels of economic activity amongst South Asian women. In contrast, Polish workers are highly qualified but concentrated in lower skilled jobs. Access to Modern Apprenticeships for BME young people remains at 1.4% despite targets established under the Wood Commission (Commission for Developing Scotland’s Young Workforce). We would recommend that the existing recommendations and any new recommendations take into account differential experiences.

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\(^1\) Equalities in Scotland’s Growth Economic Sectors, University of Glasgow 2015
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.”

(Standing Orders of the Scottish Parliament, Rule 6.9)

[Contact information and website links]
Committee Membership

Convener
Margaret McCulloch
Scottish Labour

Deputy Convener
Sandra White
Scottish National Party

Christian Allard
Scottish National Party

John Finnie
Independent

Annabel Goldie
Scottish Conservative and Unionist Party

John Mason
Scottish National Party

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. 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. 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.

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” 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 2017.

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.
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.\textsuperscript{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.\textsuperscript{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.

\textit{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.}\textsuperscript{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. 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.* (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.”

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.

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. (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.\textsuperscript{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”\textsuperscript{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.”

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. (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.

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.

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?**

(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. 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.” 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.”

**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.**

(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.**

(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.”  

(Des 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. 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.

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.  

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. 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.

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%).

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” and suggested that these young people experience an “ethnic penalty.”

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.’

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. 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.

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

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. 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.

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.”

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.” 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 Work 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. 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.

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
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.

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.”

105. Evidence to the Committee suggested that gender specific, tailored employability programmes are required in order to try and address this inequality.

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. 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.

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:

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

( 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.\textsuperscript{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.

\begin{quote}
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.
\end{quote}

\textbf{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’.\textsuperscript{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.
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* 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) 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.

**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 report 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.


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.


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;
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.


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.


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.

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.


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.


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
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)
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

Endnotes

1 CEMVO, written submission.
2 Scottish census 2011 standard outputs
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.
5 Coalition for Racial Equality and Rights, written submission.
6 BEMIS, written submission.
8 Equal Opportunities Committee, Official Report, 1 October 2015, col 16.
9 ibid.
10 Equal Opportunities Committee, Official Report, 1 October 2015, col 17.
13 Joseph Amazou, case study to the Committee
14 Joseph Rowntree Foundation, written submission.
15 CRER, written submission.
16 ibid.
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.
22 Amina Muslim Women’s Resource Centre, written submission.
25 Joseph Rowntree Foundation, written submission.
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.
37 SPICe briefing - SB 15-31 Ethnicity and Employment.
40 SPICe briefing - SB 15-31 Ethnicity and Employment.
41 ibid.
42 CRER, written submission.
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UNISON, written submission.


STUC, written submission.

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Close the Gap, written submission.

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Sikh Sanjog, written submission.

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West of Scotland Regional Equality Council, written submission.

Joseph Rowntree Foundation, written submission.


Equal Opportunities Committee, Official Report, 3 September 2015, col 11.

Equal Opportunities Committee, Official Report, 19 November 2015, col 21-22


SPIeC briefing - SB 15-31 Ethnicity and Employment


SPIeC briefing - SB 15-31 Ethnicity and Employment


March 2016

Dear Margaret,

EQUAL OPPORTUNITY COMMITTEE’S INQUIRY INTO REMOVING BARRIERS: RACE, ETHNICITY AND EMPLOYMENT: SCOTTISH GOVERNMENT RESPONSE

I would like to thank the Equal Opportunities Committee for its careful consideration of issues relating to race, ethnicity and employment, and for the very helpful recommendations set out in its inquiry report.

I enclose the Scottish Government’s response to the report, which addresses each of the recommendations.

The Scottish Government is determined that Scotland should be doing all that it can to advance race equality, tackle racism and address the barriers that prevent people from minority ethnic communities from realising their potential particularly in employment. We are clear about the centrality of equality and human rights to Scotland’s future and the importance of inclusive growth, fair work and social justice to our economic success and social wellbeing. Tackling the inequalities in employment is a key part of this agenda. We therefore welcome the Committee’s report and its focus on improving the employment opportunities and experiences for minority ethnic communities.

Whilst there has been progress over recent years, the evidence indicates that unemployment rates in Scotland are still significantly higher for non-white minority ethnic groups compared to white ethnic groups, including the majority white Scottish population. There are also significant issues for some communities around occupational segregation, pay and discrimination at work. The Scottish Government is committed to taking what action it can to tackle labour market and workplace inequalities in Scotland. Recent publications including the Joseph Rowntree Foundation report on Poverty and Ethnicity have highlighted the value of closer
linkages in the work to promote equality and to tackle poverty. We will be looking at how we might ensure that in the period ahead.

The Equal Opportunities Inquiry is timely. Over the past 12 months thousands of people have been engaged in the Fairer Scotland consultation helping to shape how we secure greater social justice and equality in Scotland. In addition we have asked hundreds of people in minority ethnic communities across Scotland the following questions: 'what matters to you?', 'what is your vision of a fairer Scotland?' and 'what do we need to do get there?'. Access to employment and training, and fairness in recruitment and promotion, were recurrent themes emerging through our consultation work. We heard that racism is complex and affects men differently to women and interacts with social background to produce different forms. We also know that some people from minority ethnic backgrounds are doing well and are at the top of their professions, but often it has been at a personal cost and with many experiencing racism along the way. The findings of the Committee's report resonate with the messages we were hearing during our consultations. The learning from the widespread engagement undertaken and indeed, the findings of the Committee, will be reflected in the Race Equality Framework for Scotland which will provide a context for our work from 2016 to 2030.

The Committee has highlighted the need for the Scottish Government to demonstrate leadership by showing a longer-term commitment to addressing the issues outlined in the report. We agree that this is important and we will be taking, just such an approach in the race equality framework. We are taking this longer term strategic approach so that we can better address the race equality issues facing us today and secure firm foundations for advancing race equality in the future.

We will ensure that the issues raised in the Committee’s report are fed into our broader work specifically in relation to the promotion of fair work responding to the devolution of new employability powers and in responding to the recent report by the Independent Advisor on Poverty and Inequality, "Shifting the Curve". This will be relevant in considering recruitment, retention, career progression, occupational segregation and in work poverty. We will also want to ensure that we address the issues for minority ethnic women and recognise that the intersection of race and gender can create additional barriers.

The public sector equality duty provides a robust framework for improving equality employment practice in the public sector and we will continue to work with our public sector partners to encourage good practice and to improve performance. Furthermore, the Fair Work Convention are due to publish their Framework later this month. The Scottish Government will respond to that in the summer and this will provide an opportunity to identify opportunities to engage employers in this agenda.

I hope that this information is helpful to the Committee. I would of course be happy to meet with the Committee at a future date.

ALEX NEIL
Equal Opportunities Committee Removing Barriers: race, ethnicity and employment, 1st Report, 2016 (Session 4)

Scottish Government response to recommendations.

The following response is a combined response that covers recommendations at Para 28, 31, 42, 53 and 140)

1. [para 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).

2. [para 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.

3. [para 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.

4. [para 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.

5. [para 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 extent to which racial discrimination is an issue in recruitment processes in the public sector.
Scottish Government guidance for public bodies and sponsors already emphasises that recruitment should be by fair and open competition. SG will continue to raise awareness of equality issues through our engagement with public bodies and sponsors and look to share best practice across the public sector looking for example at the use of diverse interview panels and the use of equality-related questions in interviews amongst other things. We will engage race equality stakeholders in this work.

There is a Public Bodies HR Network, which provides a forum at which equality issues can be raised. The Network is chaired by Barbara Allison, SG Director of People, Communication and Ministerial Support. The last meeting of the network took place earlier in February and the next is scheduled for the end of August and would provide an opportunity to raise the Committee’s report and seek improvements to current practice.

Additionally, the Scottish Government is working together with the Equality and Human Rights Commission (EHRC) and Close the Gap as part of SNEIP (Scottish National Equality Improvement Project) partnership which has been set up to help Scottish public authorities improve their performance on the public sector equality duty. One of the areas that SNEIP is focusing on is “Practice Sharing and Knowledge Transfer”, as it is recognised that it is important to work collaboratively across organisational and sector boundaries and share knowledge about what works. During 2015 SNEIP held a series of collaborative events during which best practice was shared.

Increasing staff diversity declaration rates is one of the key challenges for public bodies subject to the Scottish specific equality duties. That is why we delivered a learning event for public bodies in September 2015 that specifically focussed on improving public sector’s performance in relation to gathering and using employee diversity information to inform employment practices, including on recruitment, retention and development.

Phase 2 of SNEIP is currently being developed, including a programme of further learning events and planned engagement with equality stakeholders. As part of this:

- We will consider raising awareness of PATH and NHS Lothian’s “Leading Better Care, Leading Across Difference” as part of this learning programme.
- We will also explore equality and diversity training being a focus of one of such events. Public bodies are subject to the public sector equality duties, and are responsible for the equality and diversity training of their employees. We are aware that some public bodies are undertaking a review of their equality and diversity training to ensure that their employees are well equipped to meet the requirements of the public sector equality duty. For example, Police Scotland is looking at enhancing the existing training available to Police staff to ensure that they are better equipped to tackle racism and promote equality and community cohesion in the delivery of police services. The Scottish Government is reviewing its own training offer on equality and diversity, as part of the delivery of its equality outcome “Equality and Diversity Matters”.
- Public bodies are responsible for ensuring that their recruitment processes are not discriminatory and the EHRC is the enforcement body. The PSED expects public authorities to collate and publish its employee data including on recruitment and to use it to inform its policies and address any issues.
(We will explore with EHRC the extent to which racial discrimination is an issue in recruitment processes in the public sector.)

6. [para 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.

The Fair Work Convention has been established to be independent of Government and its remit over its first year is to drive forward this agenda by producing a Fair Work Framework by the end of March 2016. The Convention has considered the Committee’s report and it has taken its own evidence from equality groups. They will reflect what they have heard in their Framework, which will be published later in March. We intend to set out our response to the Convention’s Framework in the summer.

7. [para 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 senior public sector leaders to drive this forward.

We recognise that our public bodies have a key role in developing the full diversity of talent that we have in Scotland, nurturing and growing leaders at all levels, both in our communities and in our organisations. To that end, the Scottish Government agrees to take forward this commitment and will engage with senior public body leaders to promote equality and diversity issues through their senior management forums, equality and HR networks and with SG sponsors.

8. [para 68] 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.

Increasing staff diversity declaration rates is one of the key challenges for public bodies subject to the Scottish specific equality duties. That is why, as part of our support work to public authorities via SNEIP, Scottish Government, together with the EHRC and Close the Gap, delivered a learning event for public bodies in September 2015 that specifically focussed on improving public sector’s performance in relation to gathering and using employee diversity information. Further work to continue with practice sharing and knowledge transfer is underway, including looking into a feasibility of developing a web portal for the public sector.
9. [para 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.

We recognise that not all minority ethnic young people are receiving the advantages which should be expected from their positive educational outcomes. Ensuring that further and higher educational attainment leads to labour market benefits and opportunities is essential to address racial inequality.

As well as ensuring that careers guidance meets the needs of minority ethnic young people, we must ensure that they have equal access in practice to different post-school destinations, including Modern Apprenticeships which have historically had low levels of participation from minority ethnic groups.

Scottish Government aims to ensure these barriers are removed as far as possible and to that end we will consider relevant goals and associated actions within the Race Equality Framework which focus on measures for young minority ethnic people.

10. [para 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.

The Scottish Government recognises the importance of working collaboratively in terms of effecting good policy outcomes and in ensuring the best support and advice for young people from minority ethnic communities.

We are looking at areas where we can drive forward change:

- SG will consider what further information is needed to better understand why minority ethnic students are more likely not to complete their further and higher education studies in order to help reduce drop-out rates.

- SG will explore with Skills Development Scotland how to increase the access to effective careers guidance and employability support for people from minority ethnic communities who are in work, seeking work or in learning.

- SG will continue to work with delivery partners to ensure the Education Maintenance Allowance (EMA) programme is promoted to minority ethnic communities as a means to help 16-19 year olds overcome financial barriers to access and remain in learning.

11. [para 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.
The implementation plans set out in the Developing the Young Workforce—Scotland’s Youth Employment Strategy in response to the report of the Commission for Developing Scotland’s Young Workforce, set some stretching targets and recommendations in relation to under-representation within the Modern Apprenticeship (MA) programme, this included minority ethnic groups. There are three recommendations and one KPI that directly relate:

- Promotion and communication of career options should actively target equalities groups to promote diverse participation across gender, Minority Ethnic groups, young people with disabilities and care leavers. The promotion of Modern Apprenticeships opportunities should be to the fore of this activity.

- A targeted campaign to promote the full range of Modern Apprenticeships to young people and parents from the BME community should be developed and launched to present the benefits of work based learning as a respected career option and alternative to university.

- SDS should set a realistic but stretching improvement target to increase the number of young people from minority ethnic groups starting Modern Apprenticeships. Progress against this should be reported on annually.

- Increase the number of MA starts from minority ethnic communities to equal the population share by 2021.

In response, SG is working with Skills Development Scotland (SDS) in their delivery of the Equality Action Plan for Modern Apprenticeships in Scotland, to ensure that the number of individuals from minority ethnic backgrounds, who are apprentices, increase to equal the population share by 2021. This is an iterative plan, which will be updated annually, as further approaches are identified through partnership working and experience. The progress of this work will be reported on to the Scottish Parliament.

SG values the diverse communities who enrich Scotland socially, culturally and economically. It is completely unacceptable that anyone should face barriers to training or employment as a result of their race or religion and we are committed to eradicating this. This is why other SG funded programmes such as Community Jobs Scotland are targeted to support vulnerable young people, including those from ethnic minority groups, who consistently suffer disproportionately in the labour market.

Since 2011 SG has invested over £40 million to support the Community Jobs Scotland (CJS) programme, to create job training opportunities in the third sector for disadvantaged young people aged 16-29.

12. [para 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-modern apprenticeship destinations by ethnicity and undertaking work to capture the experiences of ethnic minority young people taking part in Modern Apprenticeships.
SDS is already gathering and publishing MA starts by ethnicity. This is shared with Scottish Government in advance of publication and, throughout the year, SDS produce quarterly statistics on the uptake of MAs by ethnicity. This is also broken down by level, gender and age and a complete capture of the data is reported at year end.

The overall rate of MAs achievement/success is also published in the SDS quarterly statistics, but this is not broken down further for any group. SDS record the success rates of MAs by ethnicity, and although they do not currently publish this data, both SDS and SG use it to analyse and inform our strategy/policy to improve representation of ethnic minority young people within the MA programme. Similarly, SDS is currently gathering data on leavers and their reasons for leaving their MA and are using this data to inform interventions and strategy to improve representation.

SDS is now considering how they can further enhance their published information to support more detailed monitoring of the uptake of MAs.

13. [para 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.

Support to vulnerable groups is a fundamental aspect of a number of programmes and activities operated by SG, however, there are no current programmes specifically aimed at or targeted at minority ethnic women.

That said, in developing devolved employment services, we are adopting a Scottish approach which builds on existing services and provides personalised, flexible support to meet the needs of unemployed Scots who face specific barriers to employment.

The Scottish Government awarded £110,496 funding towards a joint delivery and knowledge exchange venture between Bridges Programmes, Glasgow City College and the Dundee International Women’s Centre to develop a year-long vocational English for Speakers of Other Languages (ESOL) employability programme. This project aimed to enhance the active participation of minority ethnic women in the labour market. The project began on 1 October 2014 and ended on 30 September 2015 and has supported up to 105 women. We are working with partners to disseminate the learning from this sector-specific approach to practitioners and stakeholders in order that it becomes a feature of future ESOL delivery in Scotland.

As part of Phase 4 (2014/15) of CJS SG supported a pilot programme which offered 20 opportunities specifically aimed at supporting ethnic minority women aged up to 29. CJS is not taking forward any specific provision for this target group due to a low uptake in numbers for the pilot. However they are still eligible to take up a CJS opportunity through the usual SDS or Jobcentre Plus referral routes.

14. [para 109] We recommend that the Scottish Government reflects on the links between disability, poverty and ethnicity as part of its race equality framework.
The Scottish Government is determined to advance race equality and tackle racism.

Tackling poverty is a priority for Scottish Government across all communities. However, with minority ethnic groups twice as likely to experience poverty as the majority ethnic population, there is a clear link between race and poverty which must be examined if racial inequalities are to be tackled. In particular, minority ethnic communities must have access to effective support and advice, including financial advice and maximising take up of welfare benefits for those who are eligible.

Intersectionality issues were raised throughout the engagement process and these issues will be reflected across the Race Equality Framework actions and implementation plans.

Measures to address issues of individuals with one or more protected characteristic will be reflected in the goals and associated actions and picked up in the implementation phase for the Race Equality Framework.

15. [para 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 English for Speakers of Other Languages (ESOL) training.

The Scottish Government is committed to enhancing the employability skills of new migrants. The New Scots strategy aims to ensure that new migrants ‘fully understand their rights to welfare support, the labour market and volunteering and employability opportunities and as a result are increasingly able to access these opportunities’. Employment services work in partnership with the Scottish Government and other stakeholders to achieve this objective. The Department for Work and Pensions is currently working with Education Scotland to discuss options for a new approach to teaching English to migrants seeking employment.

The Scottish Government (SG) is committed to ensuring that all residents in Scotland whose first language is not English can contribute to Scottish society and the economy. Having English language skills is key to enabling full participation in Scottish life, supporting integration, and giving people a democratic voice. Welcoming Our Learners, Scotland’s ESOL Strategy 2015 – 2020, provides the strategic direction to ensure we continue to support high quality learning and teaching of English language in Scotland. The Scottish Government are currently in discussions with the Scottish Funding Council and Education Scotland in regards to finalising budgets for ESOL in 2016-17.

Contracted employability support for long-term unemployed people will be devolved to Scotland from April 2017. We are developing a long-term 2020 and beyond vision to identify specific needs of clients and develop a fully integrated and aligned service that helps people move into good quality, sustainable work. Using the information submitted to our consultation exercise from organisations such as the Scottish Refugee Council, we will continue to examine the inclusion of ESOL provision, work experience and mock interviews for minority ethnic clients.
16. [para 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.

We appreciate the support of the Committee regarding this dimension to our work. The Scottish Government is exploring what more we can do on the recognition of overseas qualifications through the Refugee Integration Forum and New Scots working groups and we are commissioning a short project to review and update the recommendations of the 2010 "Scoping Study on Support Mechanisms for the Recognition of Skills, Learning and Qualifications of Migrant Workers and Refugees" within the current context. We will keep the Committee updated on progress.

17. [para 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.

SG promotes compliance with public sector equality duties through:

- Policy setting out how procurement can be used to promote equality- SG has worked with EHRC to produce guidance in this area (information on both of these pieces of work is available from: http://www.gov.scot/Topics/Government/Procurement/policy/corporate-responsibility/CSR/SSPAP/Equalities;

- More recently SG Procurement has worked with EHRC to support equality considerations in various projects from across the public sector;

- SG Procurement has published statutory guidance on fair work and procurement (http://www.gov.scot/Topics/Government/Procurement/policy/ProcurementRef orm/ProcReformAct/statutoryguidance);

- SG Procurement will be encouraging public bodies to use procurement as a means of promoting training and recruitment of priority groups in forthcoming guidance relating to the Procurement Reform (Scotland) Act 2014, recognising that individual public bodies are best placed to identify the priority groups in their area. The guidance is due to be published this month (February 2016).