The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 1 October 2015

Session 4

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EQUAL OPPORTUNITIES COMMITTEE
17th Meeting 2015, Session 4

CONVENER

*Margaret McCulloch (Central Scotland) (Lab)

DEPUTY CONVENER

Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)
*John Finnie (Highlands and Islands) (Ind)
*Annabel Goldie (West Scotland) (Con)
*John Mason (Glasgow Shettleston) (SNP)
*Drew Smith (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Naira Dar (CEMVO Scotland)
Jatin Haria (Coalition for Racial Equality and Rights)
Suzanne Munday (MECOPP)
Rami Ousta (BEMIS Scotland)

CLERK TO THE COMMITTEE

Ruth McGill

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Equal Opportunities Committee

Thursday 1 October 2015

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Margaret McCulloch): Welcome to the 17th meeting in 2015 of the Equal Opportunities Committee. Please set any electronic devices to flight mode or switch them off.

Apologies have been received from Sandra White.

I start with introductions. We are supported at the table by clerking and research staff, official reporters and broadcasting services and, around the room, by the security office. I welcome the observers in the public gallery.

My name is Margaret McCulloch and I am the committee's convener. Members will now introduce themselves.

Drew Smith (Glasgow) (Lab): I am an MSP for Glasgow.

John Mason (Glasgow Shettleston) (SNP): I am the MSP for Glasgow Shettleston.

Annabel Goldie (West Scotland) (Con): I am an MSP for West Scotland.

John Finnie (Highlands and Islands) (Ind): Madainn mhath. I am an MSP for the Highlands and Islands.

Christian Allard (North East Scotland) (SNP): I am an MSP for North East Scotland.

The Convener: Under agenda item 1, I ask the committee to agree to take item 3, which concerns consideration of our draft report on our inquiry into age and social isolation, in private. Do we agree to do so?

Members *indicated agreement.*

Race, Ethnicity and Employment

09:31

The Convener: Agenda item 2 is an evidence-taking session in our inquiry into removing barriers: race, ethnicity and employment. If witnesses or members wish to speak during the discussion, they should indicate that wish to me or the clerk beside me. Our time is restricted today, so I ask that answers be as focused as possible.

I welcome the panel and ask our witnesses to introduce themselves and briefly outline the work of their organisation and any current projects.

Naira Dar (CEMVO Scotland): I am the race equality mainstreaming officer for CEMVO Scotland, which is a national intermediary organisation and a strategic partner of the Scottish Government. We deliver a wide range of programmes to the ethnic minority voluntary sector, including programmes covering leadership, graduate internships, social enterprise and financial inclusion. In the past three years, we have been running a race equality mainstreaming programme, working with the public sector, the voluntary sector and the statutory sector to examine how organisations implement race equality. That has raised a number of issues that we can discuss today.

Jatin Haria (Coalition for Racial Equality and Rights): I am the director of the Coalition for Racial Equality and Rights. We are a strategic anti-racist social policy charity that is funded by Glasgow City Council to do local race equality work in Glasgow city and by the Joseph Rowntree Charitable Trust to do parliamentary activities across Scotland. We are also currently funded by the Scottish Government to work with it and other partners on developing the new race equality framework for Scotland.

Suzanne Munday (MECOPP): I am the chief executive of MECOPP, which is a minority ethnic health and social care organisation. We are also a strategic partner of the Scottish Government. One of our projects, working with Gypsy Traveller communities, has strategic intervention status.

Rami Ousta (BEMIS Scotland): I am the chief executive of BEMIS Scotland, which is the umbrella national organisation for the ethnic minorities third sector and the communities that the sector represents. We are a strategic partner of the Scottish Government and we work across Scotland with our membership organisations. Our main work covers three overarching objectives: capacity building and empowering active citizenship for the diverse communities; influencing policy through research and proactive intelligence gathering and consultation; and

promoting human rights education and education for democratic citizenship.

The Convener: John Mason will ask the first question.

John Mason: I want to address the question of how important it is that we differentiate between various ethnic minorities. There has been some suggestion that just using the generic term "ethnic minorities" is not helpful. Will you comment on that, and also say whether there are any particular groups that you feel we should focus on or which tend to get missed out?

The BEMIS submission talks about service provision in which ethnic minority communities are

"identified solely upon visual identification and lazy jargon unrepresentative of census data."

That is quite a strong point, but I thought that it was good. Will you expand a bit on it?

Rami Ousta: There has always been discussion on that. We have spent enough time with stakeholders arguing about the context of identifying minorities as black and ethnic minorities, black and minority ethnic people or ethnic minorities. Now there is a new term: black, Asian and ethnic minorities.

Our belief is that the Equality Act 2010 does not give hierarchy to any ethnicity. The division between visible and invisible minority has caused lots of problems for certain communities that remain below the radar. In certain settings, when data are quoted, it is usually data that reflect the visible minorities. For example, I read some comments that ethnic minorities in Scotland have increased from 2 to 4 per cent but, actually, if we identify the visible and invisible minorities, it adds up to 8.2 per cent. We are always keen for stakeholders and policy makers to acknowledge that point. When documents are produced, it is not fair to refer only to visible minorities, because some groups disappear under the radar when we talk about that.

For example, the data on the Polish and Irish communities seem to be sidelined in official documents or other official things from the Government, which is a concern for us. We acknowledge ethnic and cultural minorities. You talked about the census data. The classification into white and non-white is a serious issue for us, as it does not help us to identify the sub-group setting and who they are.

Our concern is about the use of the term "ethnic minority" as a classification rather than a description. We see that again and again in policy making. That leads to the approach that ethnic minorities are them, and the rest of the population is us. We invite the committee, please, to acknowledge that the term "ethnic minority" is not about colour coding; it is about identity, culture and diversity, even within the minorities themselves.

Suzanne Munday: I want to reiterate what Rami Ousta said. It is not helpful to use a term that homogenises communities and, by doing that, actually detracts from individual experience within and outwith communities. We argue that different population groups in minority communities have very different experiences. For example, women, young people, disabled people or carers in the workforce in minority ethnic communities will all have an experience that is unique to them. To adopt a unilateral one-size-fits-all approach does not take cognisance of different experience and barriers.

John Mason: I accept that but, to be devil's advocate for a minute, the fact that the whole group is 8 per cent of the population, even though it is made up of different groups, means that it is a serious amount. I suppose that that gives a bit more clout, does it not?

Suzanne Munday: Yes.

Rami Ousta: Yes.

Jatin Haria: Obviously, there are differences between ethnic groups. However, it is a silly argument and I hope that we do not waste too much time talking about it today. When the employment rate in local authorities in Scotland for all minority groups is less than 1 per cent on average, it is silly arguing whether that affects Pakistanis more than Bangladeshis or something like that. When we get to a stage when the numbers are higher, we absolutely need to have those discussions, but not now. At the moment, the problem is generic across all minority ethnicities.

Let us not use the point to diminish the issue of colour discrimination, which is what some people want to do. Colour discrimination is still a main problem in Scotland. In relation to white ethnicities, there is a generational issue. I will always be black, my kids will always be black and their kids will always be black. If someone is Polish and assimilates, in two or three generations, nobody will know that those people are of Polish origin if they choose to hide it. I have no idea how many members of the Scottish Parliament are of Irish origin, but I bet that a number of you are. However, we know who the black MSPs are, and they will always be there.

John Mason: I take that point, too. However, we got the impression from the Scottish Parliament information centre briefing that some groups are more disadvantaged than others and that, even within an Asian context, people from some backgrounds are doing better than others.

Should we not look at that issue? Is it not important?

Jatin Haria: I do not think that it is the main issue if we are talking about employment because the figures are so low across all minority ethnicities. Obviously, if there is a particular problem, we need to address that but I do not think that employers are saying, "I'm not going to employ you because you're Bangladeshi, but I'll employ the Pakistani guy." I do not think that that happens.

John Mason: Okay.

Naira Dar: When we use the term "ethnic minorities", we put everybody under one umbrella. We do not recognise within that the differences between second and third-generation minority ethnic groups that are long established here and those who are new members of the community. The employment issues for those who are in the second and third generation are not the same as they are for those who have been coming into the country in the past few years. We do not have the same barriers in terms of language or education but if we look at the statistics, there is still that barrier with regard to access to employment.

One of the things that we want to discuss in detail is why we have young ethnic minority people—I will say Pakistani specifically because that is the largest ethnic minority group in the young category—who are represented highly in our higher education establishments but are not seen within our workforce. That is an absolute tragedy because of the potential implications for Scotland of losing all that talent—of all those young people leaving when we have an ageing population.

John Mason: That was helpful, thank you. The CEMVO submission makes an interesting point on employment data:

> "The lack of consistency in relation to collection and publication means that in Scotland at present the level of non-disclosure varies hugely—for example across all 22 health boards a small number have achieved excellent results in recent years but with apparently little attempt from others to learn from the good practice or to level up."

That is quite a good, strong point. What should public bodies be doing? What more can they do than they are doing at the moment? There seems to be a whole issue around self-reporting, with people not reporting what their ethnic background is.

Naira Dar: We find that when people are applying for posts, they are disclosing their ethnicity to some extent, but there is not enough data to find out who is actually being employed. In my mind, this is not a new concept. Public sector organisations and the national health service have been expected to collect ethnicity data and other data for a number of years, so what is the hidden agenda? Why do they not want to disclose exactly how many of their workforce are from the black and minority ethnic population? I find it quite concerning that the human resources departments do not want to do that or do not want to be proactive and yet claim that they are following the guidelines of the Equality Act 2010.

John Mason: Are some being more proactive than others?

Naira Dar: In some respects, yes, because we know now that figures are dropping. However, we also find that people refuse to disclose because they do not understand why they have to record that information. Also, there is a suspicion now that the information will be used against them. In that respect, it has become very blurred because there has not been consistency; there has not been clear direction or leadership on what we do when recording employment in our workforce in relation to race and ethnicity.

Jatin Haria mentioned that we have local authorities in some places with an employment rate of less than 1 per cent. They must know what that means. They have known what that means. There needs to be a bit more enforcement around expecting and requiring local authorities and the NHS to be more proactive in understanding their data and doing something about it. The collection of data in itself is not enough.

Suzanne Munday: There are nuances. My understanding is that the data capture around ethnicity and other equality indicators is more advanced within new recruitment but that there are particular issues around the established workforce. We see a lot of problems with data collection with regard to the existing workforce. That is one issue.

There is a failure to learn from existing good practice. There are public bodies that have much higher rates of data collection than many others, so there is an issue about sharing good practice and learning about how those public bodies have approached the issue.

There is quite a high degree of complacency among public bodies with regard to data collection. For example, we have had it reflected back to us by organisations that the number of their BME employees, as a percentage, reflects the percentage size of the population in the census and that that is good enough. However, that is not good enough, because public bodies are meant to work towards exceeding that baseline of representation. I therefore think that complacency is an issue, too.

09:45

John Mason: There is also a point about travel-to-work areas. We probably should not be matching where people live with where they work, as a lot of people cross boundaries.

Suzanne Munday: Exactly. Because of pressures in the employment market, people increasingly travel longer and longer distances to work. The fact that a public body's workforce has 1 per cent BME representation does not tell us about the catchment area from which that 1 per cent is gathered.

Jatin Haria: If some people can do better at monitoring, why cannot everybody? It is not an endemic problem, because some people are doing it. NHS Lothian, for example, has knowledge of only 50 per cent of its staff in that respect, but other health boards have levels of 80 or 90 per cent. What is the problem there?

John Mason: Do you think that they are nervous about asking?

Jatin Haria: Absolutely. They are nervous about asking and probably do not ask. It goes back to the issue of leadership. In a health context, we really need to know about patients' ethnicity to provide a good service, so it is an issue if patients do not disclose that information and staff do not ask them about it. There are solutions, such as a move towards people self-reporting their ethnicity on a computer system so that no one has to see what they put on a form. I am not sure that that is the best solution, but it is there if people want to use it. I would be in favour of doing a head count and managers identifying ethnicity if that is what it takes to get a baseline, because we need that baseline.

Rami Ousta: I want to go back to the question of public bodies and their reporting of ethnicity data. There is general agreement among us that public bodies are failing to keep records and report data in relation to their public sector equality duty. However, the issues in that regard go beyond negligence. We came across a public body recently that is required to keep ethnicity data but said that because some minorities are refusing to give information about their ethnicity, it has authorised its staff to guess that and write it down. That on-going situation is a serious concern to us. The only alternative for that public body is to revert to references to black and white. That is an example of what is happening in a major national public body in Scotland.

As Jatin Haria said, leadership is required in this area. We think that some public bodies get intimidated when external bodies such as ours try to advise them, because they think that we are interfering. We believe that the Equality and Human Rights Commission could play more of a role in monitoring. It has been playing a positive role, but it should be directed to have more of a monitoring role in this context, with regard to public bodies.

John Mason: What would your advice be to the organisation to which you referred? It obviously feels that it is stuck and cannot force people to tell them what their background is, which is why it is guessing about that. What would you suggest it do?

Rami Ousta: It is required to report on its recording of ethnicity data. The main issue is that it understands how such data was recorded in the census, because people did not have to disclose their ethnicity if they were not willing to do so. People cannot be bullied into disclosing it. For example, in some of the employment programmes that we run we come across youths who see themselves not as ethnic minority youths but as Scottish citizens. There is no point in trying to force such people to pigeonhole themselves as being from certain ethnicities, and the same point applies to the wider setting.

The issue can be addressed through training for public bodies, but a public body should not just try to guess people's ethnicity. I asked a senior person in the public body to which I referred to guess my ethnicity; he tried for a good 10 minutes but could not get it. I will not state which public body that is, but I cannot understand how senior people from such a body can decide just to guess somebody's ethnicity and write that down as data. That is a complete deformation of the purpose of gathering such data in terms of policy, strategy and what is required by the Scottish Government and by society. We have to pay attention to that.

The Convener: Would it help if, at the stage of sending out letters inviting people to come for an interview, at the interview stage and at the induction stage, it was explained clearly to people why ethnicity data is very important?

Rami Ousta: Definitely. Minority ethnic people will be hesitant to disclose that information because they fear discrimination, racism and so on, but what you suggest is a good idea.

When it comes to employment, people can disclose their ethnicity without employers having to know who they are. Most employers, and definitely those in the third sector, deploy that approach.

The Convener: We discussed with Skills Development Scotland the fact that the number of modern apprentices from minority ethnic backgrounds is very small. However, that probably does not capture people such as the Polish groups that work in a lot of industries. There are modern apprentices in the hotel sector and in tourism, as well. That is interesting.

We can take comments from Suzanne Munday and Naira Dar, but they will have to be very quick.

Suzanne Munday: Going back to data collection, there is also an issue about public bodies not using the information that they collect. Sometimes, it is almost data collection for collection's sake. Public bodies might need guidance to ensure that they use the information that they collect.

On the point about encouraging people to disclose ethnicity, sexuality and so on, our experience is that although the employer often collects information, that is a one-off and is not sustained. There is often a churn through the workforce, so the process needs to be repeated. People need to be reassured about why the information is needed, how it will be stored and how it will be used, and the process must be on-going.

Naira Dar: On the example that Rami Ousta gave, training is required to give staff confidence to ask those questions and an understanding of why they are asking them. That confidence is not there at the moment because the leadership around equality is not there. If senior directors do not understand why they are asking the questions or how to do that, how can we expect front-line staff to know that?

The Convener: That is a really good point. Thank you.

Christian Allard: My questions are on the same lines as those that you have answered, but I want to go a bit further. You just talked about people having the confidence to ask the questions. A key recommendation from BEMIS is that the Scottish Government should show leadership in deciding what the questions should be and in ensuring that the people who ask them are confident in doing so. That is part of the inquiry that we are pursuing; unfortunately, we seem to get a lot of conflicting answers on how we should go about it.

You talked about not pigeonholing people—we have heard about that before—but, unfortunately, we have to do that if we want the data. The written submission from CEMVO cites the example of Northern Ireland,

"where the Equality Commission guidance encourages the principal method (direct questions)".

I do not know whether we could think about that method. Suzanne Munday talked about seeing the individual, and maybe asking direct questions would give confidence to those people who ask the questions. Is that a way of addressing the pigeonholing problem that we seem to have?

Rami Ousta: I agree with you about pigeonholing. Data collection has a purpose—we are not doing it just to identify or classify people in terms of their ethnicity; when stakeholders do it, we are enabling evidence-based policy to be developed. If we do not do it, we will end up with policy-based evidence. The difference is the same as that between evidence-based strategy and strategy-based evidence. Public bodies run that risk in not collecting data on ethnicity.

You must understand that the younger generations from the minorities differ dramatically from the older generations, and we have to identify the concept of active citizenship within the minorities. We, as ethnic minorities, live in Scotland as citizens—we do not live in Scotland because we are ethnic minorities—therefore, we should enable or empower young people to function in that capacity. That takes nothing away from their ethnicity; they should be proud of it and able to sustain it. However, we can do something when barriers prevent their coming to the table as full citizens because of their ethnicity. The aim is not to keep classifying them on the basis of their ethnicity—whether they are black or whatever—for their whole lives. If people feel that they are ready to move forward within the citizenship setting, we should have structures in place to enable them to do that.

BEMIS has worked in Europe for the past eight years on active citizenship and equality, and we have come back to Scotland to compare the policies and the situation here with the policies and situation in Europe. We say that we are well advanced in Europe. Some groups do not like to hear that—they are entitled to their opinion. We are not saying that everything is great or "Wow—Scotland is brilliant". We are saying that Scotland has achieved a lot and has prepared us as minorities to develop and function as citizens.

Rather than just asking for our rights, we should improve the situation. That brings me back to the concept of human rights education. Our role is to empower minorities to understand not just their rights, but their responsibilities, and to act on their rights, rather than just sit on them. For example, in an employment setting, if we come across certain public bodies that are discriminating, we should teach the individuals concerned how to stand up to that and how to build their skills, so that they can challenge the situation.

When I spoke about pigeonholing, I was referring to the census and the fact that people have to go under "Black". That is ridiculous for the young generations who feel proud of being Scottish. The young people in the modern apprenticeship programme whom I spoke about acknowledged their ethnicity, but they said, "What do you mean? We're not ethnic; we're Scottish." We should develop and enhance that, rather than drag those people back to the classification setting. A description of ethnicity is one thing; a

classification is something else. It is a dangerous thing.

Christian Allard: So should we go a different way, as Northern Ireland has done? Should we ask direct questions and let people give individual answers?

Jatin Haria: In this context, it is not about what the individual feels or who they are; it is about looking at whether there is discrimination in the recruitment process. That is why we want the data. We want it to show whether there is an imbalance in the figures. If there is an imbalance, we can look into why it is there. Sometimes there might be a good reason, but sometimes there might not be, in which case discrimination could be proved.

We need to twist the issue around. At one level, I disagree with Rami Ousta. I am happy with a black/white definition at this stage. When the figure for public sector employment is less than 1 per cent, there is no point in arguing about whether Bangladeshis are a bit more discriminated against than Pakistanis or the other way round. There is general discrimination against all people of colour. That is what we need to address first; maybe in five or 10 years we can look at the semantics within that.

Christian Allard: I have a problem with that. When we decide something, it is for the future, not the present, so we might be creating a problem for five or 10 years' time. In our inquiry, we are trying to work out what to do and to make sure that what we recommend is fit for the future. Is there a balance there?

Jatin Haria: I am not sure what your question is, but I will make another point. We need something to compare the data with. That is why we have to use the census categories at the moment. There is no point in knowing how many one-legged people there are in the workforce if we do not have a baseline to compare that with. Therefore, the census classifications are adequate for now.

Suzanne Munday: I would say that the census is always going to be a bit of a crude tool but, in the absence of anything else, it serves the purpose of establishing a baseline from which we can begin to measure progress, whether it is forwards or backwards.

The other point that I would like to make is that ethnicity appears to be something that we ascribe to minority communities, forgetting that we all have an ethnicity.

Naira Dar: The classifications that we have might not be the best, but in order for us to make data comparisons, we have to work with what we have at the moment.

We need to be clear what we mean by ethnicity. Someone can have an ethnicity, but that is different from how they feel in terms of their identity. Your identity is what you assign to yourself and your ethnicity is what you are assigned to. It is worth making that distinction.

It is true that young people today do not see themselves as minority ethnic or whatever category we assign them to for data collection purposes; they see themselves as young and Scottish. However, that is their identity, not their ethnicity.

Christian Allard: That brings me to my other question. Is it getting more and more complicated because of that view from the new generations? I think that if there is another inquiry in Parliament in 10 years, we will find it a lot more difficult to answer these questions.

Going back to age, social class and that kind of thing, do you think that we should have two sets of questions—the normal set that we use to find out information, and another set to try to enlarge the net a little bit and get more information about what the workforce is and what the real issues are?

10:00

Rami Ousta: Before answering that, I would like to reflect on the previous point. In terms of promoting identity, ethnicity will never be a barrier, but if we want to sustain things, there will be a barrier to enabling groups, especially younger generations, to progress their identity.

It is important to use ethnicity data in employment and other settings, but there is a worry for us that relates to any gap in terms of ethnicity in public bodies or services that we identify. If we always call for exclusivity for minorities, that is risky, and it is not acceptable for us as minorities. The idea should be to use information about the gaps to promote what we call an inclusive setting for everybody, rather than call for exclusivity based on ethnicity, which is very dangerous.

The worry for us is that when we identify gaps in relation to ethnicity and employment, they always seem to be viewed in terms of discrimination and racism. That is not acceptable to us. We should move beyond interpreting everything in terms of discrimination and racism and ask ourselves—as the third sector, as minorities and as policymakers—what the issues are. We know that there is a gap. The research tells us that there is a gap. We need to ask about the reason behind the gap, what has been done about it and what we are going to do about it.

Some presentations say that things have not changed for the past 40 years. That is because we

are not taking a proactive role; we are not exploring and investigating the reason for the gap, beyond saying that there is discrimination and racism. The discussion has to move on. Nobody is denying that there is discrimination and racism, but they are not at a scale that should make us focus all our efforts in that context. It is more about creating equal opportunities and partnership, and it is about advice and support.

I will give an example. A stakeholder public body approached us for advice on how to consult certain groups to form its policies. It was amazed that we were prepared to advise it free of charge. It said that another group asked it for £5,000 just to facilitate a workshop. That is not acceptable from an organisation that is funded by public money to serve the whole of the Scottish scene, not just ethnic minorities. That is why we say about BEMIS that although we are an umbrella organisation for the sector, we need to fit within the Scottish scene, and not as ethnic minorities.

I asked one of our great ministers why we are funded. He said, "To serve ethnic minorities." To do what? Just to eat and sleep and go on staying in clusters, or to be active citizens as part of Scotland? We should all aspire to be active citizens. I do not doubt that everybody does, but the mechanisms differ.

Please do not identify every gap in the employment data as discrimination or racism. We should be having more discussions about how we tackle that gap in different settings.

The Convener: That was an excellent response. Thank you for that.

Annabel Goldie: I want to cover the possible barriers to employment. My first question is about young people. Is there a need for more resources and attention to be directed at young people who are either seeking or participating in education, training and youth employment initiatives to try to prevent or reduce unequal labour market outcomes such as low pay and occupational segregation—and maybe, later on, barriers to promotion?

Naira Dar: My short response is yes.

Our organisation, CEMVO Scotland, has worked with BEMIS and Inclusion Scotland to develop a graduate internship that looked at exactly that. It was a piece of work that was funded only for a short time—such things usually are—but we got positive results at the end of the programme because we were able to put people on positive new routes to employment through different forums.

There is a need to invest because of the inequalities that those young people face when they go into the job market. That issue needs to be addressed somehow—and not just within organisations in the public or statutory sector or in the private sector. There needs to be additional support.

As my colleagues have said, we have a community that is constantly thinking, "How do I challenge this? I have a responsibility to challenge discrimination and to come forward." Why should we have all the responsibility? Generations of young people grow up in Scotland never needing to think about discrimination, but my children will have to think about it. They will go to university, graduate and then think, "Oh. What now?" I do not want that for their future. I want them to be able to compete equally with everybody they graduate with. At the moment, we need additional resource and support to enable people to combat the inequalities that they face.

Suzanne Munday: We face a lack of positive action to support BME young people to enter the employment market. As far as I am aware, the housing model delivered by PATH Scotland is very successful. However, we have identified a lack of data on the longer-term impact of such provision, so we ask that the committee consider doing some sort of longitudinal survey. We know that people go into the PATH provision, but where are they five or 10 years down the line? Are they reaching middle and senior management posts? Are they having a wider impact on the recruitment, retention and promotion practices and policies of the organisations that they are employed by? Equally, why are we not looking at whether that model is transferable to other sectors, to enable BME young people to examine and explore other possible career paths?

Jatin Haria: The work should be issue led rather than resource led. We need to identify what the problems are and then allocate resources, rather than just find money, which is what Governments often do. They throw money at what they think is a problem without recognising what the problem is or employing longitudinal measures to see whether that has been successful. However, that is the nature of short-term funding for things.

This is not necessarily a youth issue, but the latest data that we have from public sector bodies, which was published in April, shows that a relatively large number of black people are applying for public sector jobs, getting interviewed—so they are meeting the levels of qualifications and experience that are required—but failing at interview. Data from Aberdeen City Council shows that, although 13.7 per cent of those who apply for posts are black or minority ethnic people, only 6.8 per cent of those who are appointed are black or minority ethnic people. In Aberdeen City Council, a black person is half as

likely to be appointed as a white person. We need to examine why that is, and we can then address the problem. It may well be discrimination—I am not saying that it is, but the figures are so stark that I am sure that there is some discrimination somewhere. However, there may be other reasons, and until we know what the reasons are, we cannot do anything about it.

Rami Ousta: I agree with Jatin Haria that any intervention should be issue based rather than resource based. I will probably upset you all—you will send me out of the room—for being blunt, but we have to face reality even within minority and third sector organisations and recognise that it is not always others' fault. We have to explore and investigate our own interventions and how we support the equality setting. After all, we are working within a race equality dynamic and process, not within racism and discrimination.

I will give an example from the youth setting. Everybody knows that ethnic minority youth are underrepresented in modern apprenticeships, but I spoke at a conference at which a colleague from a similar organisation stood up and told SDS that there is underrepresentation of ethnic minorities because SDS is racist. That is ridiculous. When I challenged that behaviour, I was told that we should just throw that sentence at SDS and let it worry about it. That is not being responsible and it is not how we should take things forward.

I cite the example of the modern apprenticeship that BEMIS has developed with Skills Development Scotland. Already, the outcome in terms of the structure that we are putting in place is amazing for SDS, for us and for the wider scene in Scotland.

We have another programme, gather together, which addresses the underrepresentation of parents with regard to participation in their children's education and the reflection of that in their attainment at school and so on. We can see the positive impact of that approach, with schools, parents and parent councils beginning to say, "How come this happened?" In a mapping exercise that we carried out with parent councils on the participation of ethnic minorities, people would make comments such as "We can't get white people, never mind them", "Why should we pay for their interpreting?" and so on. You would think, "Wow", but instead of saying, "Oh—they're racist", we invested in training programmes, worked with them and so on. The increase in parents' participation has been amazing, even according to our own expectations.

The sector should be proactive and link with stakeholders instead of intimidating them, bullying them or pushing them for quick gains through funding bids. Of course the sector as a whole is doing positive things, but there are local minority groups that are misusing resources. For example, we are aware of a couple of organisations involved in supporting employment that print the same CV from the internet for 50 or 60 people from ethnic minorities. That sort of thing is to be abhorred; it is certainly not being accountable for public money.

We need to be brave, stand up and say where the gaps are in the proactive or reactive roles that we play, but we also need Government policies to support that. We have to be blunt about this—and I apologise if I seem to be taking on both sides, but this is all about Scotland, not about ethnic minorities or anyone else.

Annabel Goldie: I have a couple of questions. The public bodies that gave evidence to the committee on 3 September referred to "unconscious bias" as one explanation for inequalities in the labour market. Very briefly, can you tell us what you understand by that term?

Naira Dar: I am sorry, but I just do not accept it. 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.

Jatin Haria: I will be even blunter. As we have said in our submission, it is racism until you get caught, at which point it suddenly becomes unconscious bias.

Suzanne Munday: I agree. I also think that the focus should be on private sector as well as public sector employers.

Rami Ousta: There is no doubt that the term "unconscious bias" is just another way of saying that some people do not fit in with an organisation's culture—it is a sign of stakeholders' resistance to cultural change in an organisation: they blame it all on "unconscious bias". Of course, that does not mean that it does not happen when it comes to understanding cultural variation between certain employers in an ethnic minority setting, but for us, it is not an acceptable term. It reflects strong resistance to cultural change in an organisation.

Annabel Goldie: My next question might have been anticipated by the witnesses' response to my previous one, but I was going to ask whether they were aware of any steps that are being taken to address unconscious bias, both in recruitment practice and in day-to-day workplace activity. What further steps do you think are needed?

Jatin Haria: This new term "unconscious bias" has cropped up in the past few years, and people are now spending a lot of money giving their staff

training on it instead of doing what really needs to be done and addressing the issue of race and employment. Sending more staff on more training courses is not going to change the situation—it is just another way not of passing the buck but of avoiding doing something real.

Annabel Goldie: I have to say, convener, that I find that quite depressing. [*Laughter*.]

Rami Ousta: It is being used by some people as a framework for starting up businesses. There are now various groups that want to train people on unconscious bias. I agree that there should be more control on how the matter is handled or, indeed, talked about. The answer is not to provide training to staff—we have gone well beyond that.

Naira Dar: Regulatory bodies can play a role by providing a clear understanding of how they look at equalities when they regulate public sector organisations. Such a term would not even exist if we had a clear understanding of what equalities, race equality and leadership mean in an organisation.

10:15

I have heard people say, "Oh, it was an inexperienced manager." Well, we no longer have inexperienced managers; we now have unconscious bias. There will always be terminology that will be used to negate or dilute the experience of discrimination or institutional discrimination, and that is just one of them.

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.

Annabel Goldie: In their written submissions, CRER and CEMVO point to the need to do more to tackle institutional discrimination. What steps are needed to do that, particularly when employers may not recognise that their organisations and workplace practices are discriminatory?

Naira Dar: I do not believe that employers do not know that they are being discriminatory. The statistics speak for themselves. To live in this day and age and not realise that none of your workforce is representative of the communities that you serve would be hugely naive, to say the least.

An organisation absolutely has to acknowledge that institutional discrimination exists within it. Too many people do not want to acknowledge it, so they will put in initiatives that will not work, because the core issue will not have been dealt with. People need to think about how they tackle the issue from the top down because, unless there is buy-in from every level, it will not work. People say, "Oh, the trouble is the middle managers," others say, "No, it's the front line" and others say, "No, it's the strategic direction." However, the fact is that all of it is the problem. Change has to be fed through the whole organisation. If that happens, you might see some change happening, but it has not yet happened to the extent that it should have.

Jatin Haria: A senior public servant recently said that institutional racism is the natural state of affairs in the public sector in Scotland. I echo that.

Until we recognise that there is a problem, we cannot do anything about it. The data speaks for itself and any public body can look at its workforce and recruitment data. The application to success ratio that I mentioned earlier should ring alarm bells. If I was in such an organisation, I would want to know why that was happening, but that is where the institutional racism kicks in. People just do not care about these issues; they just think, "People have had a fair interview; what's the problem?"

There are lots of other issues and you can call them institutional racism if you like, but I am not that interested in terminology. Word-of-mouth recruitment is still going on—it seems to happen a fair bit in one of the apprenticeships. That will be discriminatory against people who are not already in the system. Internships and work placements are based on who you know, which means that if you have family working in professions, you will get internships more easily than a lot of black people who do not have families in professional jobs. I could go on.

The issues are clear. We know what they are and they are not difficult to tackle. For example, we should have open recruitment for internships rather than picking the children of staff members.

The Convener: Drew Smith has a supplementary question on the issue.

Drew Smith: When I asked representatives of public bodies about their understanding of institutional racism and how the issue played out in their organisations, I was met with silence because no one wanted to use the term about the public sector. They were nervous about it and much more interested in talking about unconscious bias. There is quite a big disconnect in this area, and you have given important evidence about that today.

What is the trend? Does the focus on unconscious bias limit your ability to overcome the

barriers that exist, or is any effort to move things along welcome?

The Convener: We have another two sets of questions to ask and we want to finish by 10:40. I ask people to keep their answers short. We are getting fantastic evidence today so keep it coming.

Jatin Haria: I looked at some of the unconscious bias training courses—there are some online—and they are no different from what I was teaching in the 1980s: "Do not prejudge people", "Treat everybody equally", and so on. There is nothing miraculous about unconscious bias training. It is really just, "Do not be unfair." As I said earlier, it is really a delaying tactic. It means that an organisation can spend money and another three years training staff on unconscious bias and then look at what the issues are. It is a three or five-year delay.

Suzanne Munday: I am worried about the increasing use of the term "unconscious bias" because I think of it as another way of covering up an issue. My concern is that, when you talk to a lot of public bodies about what they are doing with their workforce, they will point to multicultural days and the fact that you can have a culturally appropriate meal in the staff canteen, as if it absolves them of any responsibility for far more pressing issues.

When BME people are employed, there is a tendency to see them as working with other BME communities and so-called hard-to-reach groups. What employers fail to see is that although BME employees bring the added value of being able to work with BME communities, they can work with the whole community. We need to turn on its head the view that employers need a BME employee to work with BME groups and say that a diverse workforce brings additional skills and talents.

Rami Ousta: Yesterday, I was in a setting where the role of public bodies such as the NHS was being discussed, and I came across a similar statement that there was structural discrimination in NHS services. There is no doubt that there might be individual cases of discrimination but it is unfair on our public bodies to generalise and cite institutional racism. What I was hearing made me scared even to go outside because I thought that I would find myself in the middle of South Africa in the 1970s.

It is not that there are no issues, but rather than classifying everything that we come across as institutional racism, we need to initiate cooperative partnerships with public bodies to address issues within them. Institutional racism is a big and serious statement and it should be answerable in the eyes of the law. We should not play so much on that; rather, we should identify individual cases and work with public bodies to tackle such cases positively. We should not just keep classifying the situation as institutional racism. That is not fair. That is not just my view, by the way; it is the view of our members on the ground throughout Scotland.

Naira Dar: I take your point to some extent, Rami. The public sector is very scared. Institutional racism is a huge term in the media. However, it is not the role of the representatives sitting here to point fingers and say, "Look at you." This is not a school playground. We are here to work with organisations to tackle the issue. We want to do it as a critical friend but we need to be supported to do it.

We also need the Equality and Human Rights Commission to provide the right kind of support and guidelines for organisations to implement change. This is not just about pointing the finger and walking away. It is about saying that we are frustrated by the lack of progress within those organisations but, at the same time, we want the opportunity to work with them to do something about it.

Annabel Goldie: I find that immensely helpful. Thank you very much indeed.

John Finnie: Good morning, panel. At this stage of the proceedings, most of our prepared questions have been answered, but for the record I will touch on specific duties under the Equality Act 2010. I have a very straightforward question, and simple replies would be good. Has the public sector equality duty been adhered to? Is the EHRC doing enough to ensure that it is being adhered to and that employers are taking steps to overcome barriers in employment for ethnic minorities? Naira Dar touched on that latterly.

Naira Dar: They are adhering to the duty to an extent. There are efforts to do work in that regard in some cases, but they do not go far enough. We have alluded to the fact that we see people from minority ethnic communities applying for posts and getting interviews because they satisfy essential criteria, but they are not being appointed. 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?

The equality duty is partially being met, but employers need to do more to fully meet the duty. The EHRC can and has played a role in that, but it needs more powers to enforce some of the changes that are required. As my colleague said, there is a level of complacency in that employers feel that if they have done a little bit towards the equality duty and it is okay, that is enough

because nobody is going to come and knock on their door to check.

Jatin Haria: The EHRC has just done a review of the April 2015 publications on employment data from public bodies under the PSED. An example from that showed that, in relation to staff recruitment, only 64 per cent of public bodies mentioned reporting on race, so they are not adhering to the PSED requirement. That is not a new duty, because public bodies have had the duty since 2002 to do staff monitoring and reporting. However, only two thirds of them are doing that 13 years on, and we are talking just about publications.

The PSED also places a duty on public bodies to use the data, which is the crucial point, as we said earlier, because it is not just about collecting data. I have seen very few examples of a public body stating how it will use the data that it has collected by looking at imbalances and having an action plan. I want the Government to go back and reword the PSED to make public bodies have an action plan rather than just tell them that they should use the data.

Suzanne Munday: I know that there are differing opinions about data collection and the degree to which it should be done, but I think that it is really important. At the moment, we have significant data gaps and we need to focus energy on addressing those gaps so that we have an evidence base both as a baseline and as a measure against progress. I agree with my colleagues that the issue is about what people do with the data. Support needs to be given so that public bodies can use the data effectively.

Rami Ousta: I agree with my colleagues' views and reiterate what I said earlier, which is that there is no doubt that the PSED is not being adhered to or taken seriously. Maybe that is why we are discussing under-representation in employment of certain groups, certainly in public bodies.

The EHRC has always been keen to engage with even our organisation on reporting on certain public bodies, but it cannot just investigate something out of the blue; it needs some data beforehand. We feel that the EHRC has been overstretched because of resource cuts, which is not fair. However, we value the EHRC's role in monitoring the public authorities.

Jatin Haria: The EHRC is the regulatory body for equalities, but in my opinion it is unfortunately not keen on taking any enforcement action. The EHRC publishes reports and works with bodies, but I think that if it took some enforcement action, we would get change overnight.

John Finnie: I think that we have largely covered that area.

I will address a specific point to Jatin Haria. The convener will conclude the meeting by asking about ways ahead, so I am not asking you to comment on that, but I note that you said that you are keen that we do not replicate previous recommendations,

"but rather examine why previous efforts have failed".

I stress that the convener will conclude by asking about the future, but are we conducting the inquiry in the right way? People have said that they are being blunt, and please be assured that we appreciate you being blunt. Like you, we have significant frustrations about the issue. Are we going about the inquiry in the right way?

Jatin Haria: At the risk of being really impolite—

John Finnie: You certainly will not offend me. We want to know.

10:30

Jatin Haria: From the evidence that public bodies gave at a previous meeting, and from what has been said previously, it seems that there is a culture of complacency, for want of a better word. I see no real urgency in public bodies to take action. The answers on how the public sector equality duties have, or have not been, implemented are part of that.

The problem is just a general frustration. We have been here before. There have been numerous recommendations on race and employment. I was involved in the race equality advisory forum under the previous Scottish Executive in 2001, the report of which had a whole chapter on race and employment. We had the ethnic minorities and the labour market group, which was set up back in 2005. It had intense meetings and came up with an action plan, with a bold statement about eliminating the ethnic penalty by 2013. However, as far as I know, nothing really happened.

The issue is, if you make recommendations, how will we get anybody to implement them? They will have to be SMART—specific, measurable, achievable, relevant and time-limited—recommendations so that, in due course, we can measure whether they have achieved anything. Who will monitor that? I know that you cannot commit future committees but, at the very least, you should see whether anybody has paid a blind bit of attention to the recommendations.

Drew Smith: I have a couple of questions on positive action, which might go beyond the public sector equality duty. Naira Dar's submission talked about positive action sometimes getting mixed up with good practice, and that might be partly what Suzanne Munday alluded to with the example that she used. We will come on to that, but my first

question is about positive action as distinct from the duty or good practice. What are the limits on people using positive action, and what can we do to change that?

Naira Dar: Positive action has a role, but what it can do is limited. It should not be used in every situation and not every public sector organisation should have it. The bigger picture is about how we make changes so that we do not require positive action, which is a short-term measure. My colleague Suzanne Munday mentioned the positive action training in housing—PATH—programme. I am interested to understand what long-term impact that has had. Are we training graduates to sit in front-line posts or to become managers? Where have they gone as a result of a positive action measure? I do not know of many organisations that have taken that route.

There is a concern about how the approach is viewed in the wider workforce because, even today, when we have all the terminology in the world, positive action is still referred to as positive discrimination, which it is not. If an organisation does not have a clear understanding of equalities legislation or race equality, it will not understand how a positive action programme would fit in. There is a real energy to look not only at mainstreaming but at other measures that we can take to combat inequalities. Therefore, I would take positive action, but as a short-term measure to make a long-term impact in mainstreaming equalities.

Rami Ousta: The theme of positive action has been going on for a long time. BEMIS has been proactive in deploying the scheme in Scotland and in advancing things. However, I want to explain the difference symbolically between positive action and positive discrimination, because there is a lot of confusion among stakeholders and communities on the matter.

If people are lining up to start a race, we cannot expect ethnic minorities to be given a head start of half a mile on everyone else. That would be positive discrimination, and it would be rejected by minorities as it is unethical, illegal and not tolerated in the UK.

Equally, however, it is not feasible to allow ethnic minorities to start the race half a mile behind the line. We would start by giving those minorities advice on fitness and diet to enable them to start on the same line, and see who wins the race after that. That is a symbolic example.

We find that stakeholders are still scared of the concept of positive action. They think that it involves preferential treatment for minorities, which is not the case. Positive action is understood by certain public bodies in particular ways. For example, if a minority is holding a cultural event, the public body will have a stall there. The approach should be more focused than that.

There have been issues with some examples of positive action. The Government introduced the graduate internship programme, which was initially supposed to be a positive action scheme for ethnic minorities. However, it was against the law because it involved payment and employment. We had to advise the Government that it was against the law and could not be implemented as a positive action scheme.

Instead, the scheme was placed within a wider equality setting. It worked well, and CEMVO and BEMIS managed to get a lot of graduates to progress to employment. However, that was temporary, and the scheme was cut off. People were referred to another third sector organisation—the Scottish Council for Voluntary Organisations—which ran things for us. The graduates would previously have trusted BEMIS and CEMVO to enable them and empower them to have the confidence to progress in that setting.

The concept of positive action is valid and feasible. Academic institutions love to work with us on it, and an interest in positive action should be sustained in any future strategy. However, to speak on behalf of BEMIS and our members, there is no way that we will tolerate positive discrimination, because it is insulting for minorities.

Jatin Haria: I totally disagree with that last comment and I cannot let it stand. On other issues such as gender, we have gone to a point at which we allow positive discrimination in political parties. We are now looking at having 50:50 gender representation on boards, which will involve some measure of positive discrimination.

We are talking about levelling the playing field as a short-term measure. If positive discrimination is what it takes, that is what we need; I know that that is not under our control and that it is for legislation.

Unfortunately, most of the positive action initiatives seem to use what we and CEMVO have described as the deficit model: it suggests that there is something wrong with black people, so we need to equip them to apply. That is true for some people, but—as Naira Dar said—the vast majority of black and minority ethnic people, especially young people, are often better qualified than their white counterparts, so something else is going on.

I have one example of where positive action could have been used. When the police were recruiting 1,000 extra officers a few years ago, they had a golden opportunity to recruit a hundred extra black police officers if they had wanted to do so. I am not sure that they did anything specifically in that recruitment round. Such a big recruitment

exercise would have been a golden opportunity, especially as we know all about underrepresentation in the police.

John Mason: I will follow up on what Rami Ousta said. To take the track analogy that he used, it is true that we can get people as fit and healthy as they can be, but if part of the track is harder to run on—as, it seems, is the part of the track that is given to black and ethnic minority folk—they surely need an advantage, because they will have to put in more effort to get to the end of the line.

Rami Ousta: The whole idea of positive action is that it does not apply only to ethnic minorities—it applies, for example, to single mothers. The idea is to enable people to overcome historical disadvantages and compete just like anyone else.

Try saying to John or Jason from Drumchapel that you want positive discrimination. That would create tension and a lot of inequality.

John Mason: How do you answer the point that positive discrimination has been used for women, because the only way in which we could get women into the Cabinet was to say that the figure should be 50 per cent?

Rami Ousta: With respect to members of the Cabinet, is the idea to choose people because of their ethnicity? For example, am I allowed to be given a job even if I am an idiot? I do not necessarily fulfil the requirements of that job just because I am from an ethnic minority. Is that sort of positive discrimination the way forward?

Empowering women to sit on boards through good practice, encouragement and identifying skills is excellent. That has been happening on our board since well before any initiative was introduced by the Government—we even had a ratio of 60:40. However, we are against granting advantages to people just because of their ethnicity.

Most ethnic minority people have pride and dignity, and they want to achieve things through their own abilities. Like other socioeconomic factors, unemployment and poverty affect not only ethnic minorities, as we know from our experience of talking to people. To John from Drumchapel or Possilpark, in his socioeconomic circumstances, it is ethically not right for someone from an ethnic minority to be given an advantage in getting employment because of their ethnicity.

Drew Smith: I hesitate to respond to that with my own view. We are trying to deal with structural inequalities. Do you not accept that structural interventions are required to deal with those? We can always find examples of individuals about whom we think, “Why are they in that job?” but that is the case at the moment. Those instances do not reflect what we might call a structural inequality whereby there is a significant disconnect between the representation of a group of people in society and their representation in management positions, in government, in the public sector or in employment more generally.

Rami Ousta: I speak as a member of an ethnic minority who is proud of his citizenship and ethnicity. However, when various ethnic minority groups state that, for example, I am not dark enough to serve in an ethnic minority organisation, that reflects the stage that ethnic classification has reached. If we start to empower ethnic minorities and let them progress themselves in society with pride and dignity, while supporting them to build their skills, that should not be viewed as negative. The way forward is to work with our minority communities and stakeholders to build bridges between them and empower them to progress; otherwise, for the next two years, we will end up talking about disadvantaged minorities—poor souls—and creating a culture of dependency. We want to create a culture of citizenship and empowerment.

Mr Mason is right in saying that this is the stage of removing barriers, so why should there be different rules for different people? That is the idea when we talk about race equality beyond symbolic positive action. For us, it is about empowerment and removing existing barriers in a positive way. That does not always have to be done by attacking or undermining. We have to create structures that will enable our communities to start believing in their ability to function as equal citizens.

Naira Dar: As a member of an ethnic minority and a woman, I am happy with the 50:50 rule. The whole point of positive action—the reason why it exists—is to address the inequalities that already exist. It is not positive action that is creating those inequalities.

Suzanne Munday: Positive action has a place, but it should be looked at in the wider context. BME younger people have higher levels of educational attainment when they leave school, but that is not reflected in their performance in the jobs market, and positive action will not necessarily address that issue. There is a huge disparity between the number of BME people who apply for jobs with public sector bodies and the number who are appointed—they meet the essential criteria and get shortlisted but are not appointed—and positive action will not necessarily address that issue either. Therefore, although positive action has a place, there are embedded and entrenched structural issues that we need to examine. It is time to have an honest and difficult conversation, and we must be brave.

Drew Smith: So there is broad agreement that there is a place for positive action—the issue of positive discrimination is separate—but there is probably not agreement on what would fit into that category and how well it is used. Could anything be done to champion an explanation of what positive action is, as opposed to having a debate about positive discrimination or something else? Is anyone charged with rolling that out across different bodies and sharing the learning?

The Convener: Answers must be very brief, because we are seriously running out of time. Suzanne, do you want to answer first?

Suzanne Munday: Gosh, no. I think that Rami Ousta should answer first. I am still thinking.

10:45

Rami Ousta: As far as positive action is concerned, we have a partnership arrangement with the Scottish Football Association to improve the participation of minorities in football. That is not about getting minorities to play football, as they play anyway; it is about enabling them to progress by becoming football coaches or referees or playing a role in mainstream football clubs.

An outcome of that arrangement is to facilitate the participation of minority women. Initially, we thought that that would be a very hard issue to address, but we have developed more than 60—65—ethnic minority female coaches. That has been made possible by enabling participation in settings with female-only facilities. Now the women concerned have sufficient confidence to cascade the training to their local communities.

Jatin Haria: To answer Drew Smith's question directly, I do not know of any systematic interventions, training or advice on positive action. Instead of spending so much money on unconscious bias training, maybe the public sector could do something to equip its staff on positive action.

I will go a bit further. Earlier, we spoke about the public sector equality duty. There is a duty to use the employee information. Let us put in a duty on all public sector bodies to report on what positive action measures they have taken. That would enable them to be very explicit and tell us what they are doing.

Naira Dar: I agree with what Jatin Haria said. There are already guidelines—the EHRC has produced papers to explain what positive action means and how people can apply it. There is not a direct requirement for them to use positive action; they are simply encouraged to do so. If the public bodies have reported that they are making headway, they should come and tell us about what they are doing.

The Convener: The committee hopes to take evidence from the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights towards the end of our evidence gathering. It would be useful if you could tell us what issues we should raise with him. You can either tell us now or take time to think about it and send us suggestions in writing.

Suzanne Munday: A lot of today's discussion has focused on BME youth employment and unemployment. That is a hugely important issue, but there are other people in the BME workforce.

I am thinking of people in their middle years—I am not going to put a number on middle years, because the definition is apparently fluid. There is quite a significant cohort of the BME communities who are in their middle years and have worked for a long time in very hard occupations. In the context of the census, we are talking about retail, wholesale and hospitality—service industries. They are now at an age when life circumstances will increasingly impact on them. For example, they might have poorer health or caring responsibilities, and they might be affected by the general downturn in the economy. I would not like that cohort to be ignored in the debate.

Research that we carried out with members of that age group for one of the legacy commissions found that, if they were ill, if they were caring for someone or if there were family issues, they would hide it from their employer, because they were afraid of losing their job and not being able to get back into the employment market. Particularly when the employment market is moving on quickly as regards skills, it might be necessary to consider skills development in that age cohort.

Jatin Haria: We will write to you to give you stuff to ask the cabinet secretary. The Scottish Government has a 20 per cent non-disclosure rate in its workforce. You could ask him what the Government's plans are in that regard. We have talked about previous recommendations. The Scottish Government set up a strategic labour market group on race and employment 10 years ago. What happened to that? The answer to that might help the committee to avoid repeating the same recommendations; it might at least help it to do something slightly different.

Naira Dar: The point that I would raise would be about the regulation bodies. What are they doing to look at the equalities work that public sector organisations are required to do? They need to look at themselves as regulatory bodies and to consider how comfortable they are about asking some of the equality questions and looking at intersectionality.

Rami Ousta: We are interested in ensuring that the Government and the cabinet secretary are

aware of the role of the third sector in progressing and assisting the Government in fulfilling its policies or strategies. Whatever happens in relation to employment, it should not be seen as only the Government's responsibility. It is also the responsibility of groups such as ours—we, too, are accountable—but we need the Scottish Government's support.

The Convener: Thank you very much. John Mason has a very brief question.

John Mason: Jatin Haria suggested the establishment of a task force. What would it do that no other body is doing at present?

Jatin Haria: It would do all the work that we have talked about such as looking at previous recommendations, examining why they did not work, thinking about what really needs to work and drilling down with authorities to find out whether they are actively looking at the imbalance between applications and success at interview. It would also be a medium-term monitoring body to ensure that recommendations are implemented.

John Mason: Is that partly because the EHRC is not doing its job?

Jatin Haria: Partly.

The Convener: John Finnie also has a very brief question.

John Finnie: My question was on exactly the same issue, convener.

The Convener: Do you wish to make a brief response, Suzanne?

Suzanne Munday: A task force could also look at other mechanisms, including, say, putting in place a social responsibility clause for economic development grant aid.

Naira Dar: A task force would be able to drill down into some key questions such as where people who do not have access to employment pathways are going. For example, we are supporting ethnic minority communities to set up social enterprises; that is great, but they are taking that route because they have no route to other forms of employment. A little more needs to be done to understand where the labour market is and what the alternatives are.

The Convener: I have to ask Rami Ousta to be very brief.

Rami Ousta: Okay.

The Convener: If that is possible. [*Laughter*.]

Rami Ousta: The concept of a task force carries with it the risk of it becoming another group that keeps on meeting and discussing the same things over and over again. We would need to know what authority it would have or what role the Government would authorise for it; until then, there is a risk that it could turn into another debating group or tokenistic thing.

The Convener: We have had an excellent and enjoyable evidence-taking session, and I thank everyone for coming forth and giving us information. The main points that have been raised include data collection; ensuring that developments are issue-led; links to stakeholders; rejection of the term "unconscious bias"; institutional discrimination; and the role of the EHRC. If you have any other comments that you did not have the opportunity to make in what has been a very tight session, you should send them to us in writing.

That concludes the public part of today's meeting. We will hear informally from businesses on 29 October.

10:52

Meeting continued in private until 11:32.

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