

Chapter 3 Equal Opportunity in the Workplace

Securing equal opportunities in the workplace will require steady and persistent work to bring about change. The EMETF is working to bring about a profound cultural change – to make discrimination in the workplace as unacceptable as, for example, drink driving.

The Task Force Departments most involved in delivering the Strategy Unit recommendations in this section are the Home Office – who have overall government responsibility for race equality and are parent Department of the CRE, and the DTI. Together with the CBI and TUC they are working on the strategy to remove the inequalities experienced by ethnic minorities in the labour market.

Progress on the recommendations

The Strategy Unit report found that there were gaps in the evidence base on equality in the workplace. A number of recommendations were made for research in the area of workplace discrimination and projects have been set up across the Task Force departments that contribute to this work.

In response to Recommendation 27, discussions between the Home Office and the CRE took place. The Home Office commissioned a literature review of the effectiveness of anti prejudice campaigns to develop a clearer understanding of what does and does not work. A draft report was received in August 2005 and the final report will distil evidence of how to design, implement and evaluate a campaign. The CRE conducted its own additional research into public attitude campaigning and attitudes towards new migrant communities which is published on its website. Plans to design an awareness campaign are currently underway.

The public consultation on the draft CRE Code of Practice on Racial Equality in Employment ended in August 2004 as reported last year¹. Significant changes have been made to the code to reflect comments from a variety of bodies. The revised code was published in November and will become law from 6th April 2006. Employers will therefore have over 4 months to familiarise themselves with the code's recommendations and make any changes they see necessary. A short guide to the code has been produced which explains the importance of the code, but is not a substitute for it.

Other Government initiatives designed to support workforce diversity include:

- The Specialist Employment Advisers (SEAs) in Jobcentre Plus² who work with employers to help them diversify their workforces. Best practice lessons from the current evaluation may then be disseminated through Jobcentre Plus and employers networks;

¹ Year 1 Progress Report, page 44.

² Ibid page 48.

- The work of Acas Diversity Adviser Network (formerly RREAS). The service offered to employers by the adviser network has been diversified to cover all aspects of equal opportunities in the workplace. Acas is currently training 8 further diversity advisors.
- The Businesslink.gov online guide, entitled *Prevent Discrimination and Value Diversity*³ which is available to employers 24th December 2005.

The original procurement recommendation has been met through the publication of the CRE guidance as reported in Year 1. The need to go further was recognised and highlighted in the last annual report. IRIS consulting examined how Government departments use their procurement activity to promote race equality and to develop a framework for policy and procurement officials to enable them to embed race equality into the procurement process.

In late 2004 the, then, Minister for Work asked the National Employment Panel's Minority Ethnic Group to examine the issue of race equality and procurement in Jobcentre Plus – a remit which was later extended to DWP as a whole. The Group reported to the National Employment Panel in October 2005 and is due to submit its final report to the Minister for Employment and Welfare Reform in January 2006. The report will outline a model for DWP to embed race equality into its procurement practices.

In the last year departments have been working in a number of areas that support the equality element of the Strategy Unit recommendations. This includes:

- The Government race equality and Community Cohesion strategy⁴ commits the Home Office and the CRE, to provide greater support and monitoring for the delivery of the duty to promote race equality and sets out plans to make greater use of inspectorate bodies to ensure that public authorities are meeting their duties.
- Under the Race Relations Amendment Act, all listed public bodies should carry out and publish Race Equality Impact Assessments (REIA) on policies and functions. A Home Office and CRE web tool⁵ to help public bodies to carry out REIAs was launched in September 2004. The Home Office is monitoring the number of REIAs that are carried out and is supporting departments in completing them. In 2004/2005 14 central departments carried out and published a total of 256 REIAs, compared to the 76 impact assessment published by 11 departments in 2003/2004.
- The public sector has continued to diversify its own workforce. The percentage of civil servants in core departments from an ethnic minority background rose from 8% to 8.2% and progress continued towards achieving the target for ethnic minority senior civil servants (SCS). The proportion of ethnic minority SCS rose from 2.8% to 3.3%.
- ODPM are working to increase ethnic diversity in the Fire and Rescue Service. A review of diversity targets began in March 2005 with the aim of developing a new strategy and targets by the end of the year.
- The Strategy Unit report recommended measures⁶ to note and address trends in Employment Tribunal (ET) cases. DTI are working with ET Presidents to see how best the interests of ethnic minority people might be served through the judicious use of evidence of

³ Available at www.businesslink.gov.uk

⁴ Available at http://www.homeoffice.gov.uk/documents/race_improving_opport.pdf

⁵ Available at <http://www.cre.gov.uk/duty/reia/index.html>

⁶ Recommendation 22

racial discrimination tribunal cases. This will be informed by the current review of judgements in Race Relations Act (RRA) cases, and the qualitative and quantitative surveys of the experience of Tribunal applicants (see below)

- DTI is also exploring other ways to tackle employer discrimination⁷ and began consulting stakeholders in the private sector and employer intermediaries in September 2004. The findings of this exercise have informed a four month open consultation amongst wider stakeholders, which is due to be launched in December 2005.

Ethnic Minority Employment Research Programme

DTI and DWP have active research programmes on workplace discrimination and related issues:

- **Ethnic Penalties in the Labour Market: Employers and Discrimination:** this research reviewed the current position of ethnic minorities in the labour market, exploring how ethnic minority representation and achievement varies by different employer characteristics and establishing how far these variations might be linked to discrimination in the workplace. The report is to be published January 2006. Initial results show that ethnic penalties in access to employment and access to professional and managerial jobs were particularly significant for Pakistani, Bangladeshi and Black Caribbean men.
- **Job interviews, ethnicity and disadvantage:** a study of the interaction between participants in job interviews to determine how employers evaluate candidate performance and to identify possible sources of discrimination. Report to be published January 2006.
- **Good Practice in ethnic minority recruitment, retention & advancement:** a study of organisational policies and practices that are effective in promoting ethnic minority employment. Report to be available early 2007.
- **Fair Treatment at Work pilot survey 2005:** a survey of employee's perceptions of discrimination, bullying and harassment in the workplace. It will provide a UK benchmark for the experience of racial discrimination at work on the basis of race, ethnicity, religion, place of birth and the other main equality and discrimination strands. The survey will cover both individual employees' personal experience of discrimination, and their perception of discrimination against others in the workplace. Preliminary results are expected to be available by March 2006.
- **Business benefits of equal opportunities:** a secondary analysis of the Workplace Employee Relations Survey to test for associations between equal opportunities policies and business performance. Report to be published in spring 2006.
- **Survey of claimants in Employment Tribunal RRA cases:** a quantitative survey of the characteristics of claimants in 500 Employment Tribunal cases that involved a claim under the Race Relations Act. The survey uses the same research instrument as the 2003 Survey of ET Applications (SETA 2003). Reporting will focus on comparing and contrasting the characteristics, experiences and outcomes of claimants in RRA cases with a range of other types of ET case. Final report to be published early in the New Year.

⁷ Recommendation 23

- **The experiences of claimants in RRA cases:** an analysis of 40 in-depth interviews with claimants in cases that involved a claim under the RRA. The research aims to explore with claimants the origins of their dispute, their expectations from the system, their motivations and their reflections on the outcome of their case. Interviews are still being conducted. Final report due by March 2006
- **Review of judgements in RRA Tribunal cases** will provide a documentary analysis and review of the texts of judicial decisions in RRA ET cases decided at tribunal. The research is being undertaken by a team of academic labour law specialists. The texts of 150 judicial decisions have been chosen for the study, with half from successful and half from unsuccessful cases. Final report to be published in the New Year.