

# CHANGING MINDS

*Attitudes to Black and Minority Ethnic Employment*

就業良機

ملازمت کے موقع

فرص عمل

ਨੌਕਰੀਆਂ ਦੇ ਮੌਕੇ

ਚਾਕਰਿਆਂ ਵਧਾਗ

ਰੋਜ਼ਗਾਰ ਕੇ ਅਵਸਰ

***'The reason today's event is  
needed is because people have  
been narrow minded in the past.  
The Fair benefits me, but it  
shouldn't have to happen.  
Hopefully there will be a time  
when we don't need to do this.'***

Quote from participant at one of the Job Fairs.

<sup>1</sup> 19yr old British Asian attendee at Edinburgh Job fair 2004

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## Executive Summary

This report provides the background to the supporting Good Practice Recommendations (*Changing Minds - Good Practice Recommendations for Changing Attitudes to Black and Minority Ethnic Employment*). It focuses on what is needed to achieve real change and progress in changing attitudes to Black & Minority Ethnic (BME) employment.

It is based on:

- The experiences of Exhibitors and attendees at the four job fairs held in Edinburgh, Glasgow, Aberdeen and Dundee between 2004 - 2007
- Existing reports, published and unpublished, on the Job Fairs based on attendee and exhibitor surveys
- Experiences of Bield, Hanover and Trust Housing Associations (Scotland) Lothians employment initiative
- An overview of existing research and good practice e.g. PATH 3 year longitudinal research on career aspirations of BME young people.

In 2003 a partnership of Bield, Hanover (Scotland) and Trust Housing Associations, the Chartered Institute of Housing in Scotland (CIHS) and the

Scottish Federation of Housing Associations (SFHA) was developed, at the initiative of the three associations, to address identified disadvantage<sup>2</sup> faced by BME people seeking employment in the housing and public sectors of Scotland.

The Job fairs provided a unique opportunity for Scotland's BME communities to have access to potential employers and for the public and voluntary housing sectors to make direct contact with potential employees.

Now all the planned Job fairs are completed the partners have gathered together the experience and knowledge gained from the events and available research to produce good practice guidance.

The partners are clear that they want to provide practical guidance to employers that is grounded in the reality of BME peoples' practical and actual experiences and perceptions of job seeking across Scotland.

### **A Brief Overview**

Despite many good intentions by employers, the experiences of attendees and employers at our Job Fairs suggests that the reasons behind continued under-representation include:

- institutional barriers continuing to exist within many organisations
- many BME potential employees perceptions of the recruitment processes are that they are not regarded equally
- positive action is combine and poorly understood
- equality issues are often still regarded by employers and staff as a 'paper process' which ticks boxes and fail to effect change within organisations.

Under-representation of BME people may not be the result of intentional and overt discrimination, rather a failure to understand what needs to be done to address and change organisational cultures which perpetuates disadvantage.

Research by Napier University in 2006<sup>3</sup> on race and gender equality in Edinburgh's Employability Strategy (Joined Up for Jobs - JU4J) found that the approach by service providers to equalities issues generally was 'non discriminatory'- a 'we treat everyone the same' approach and suggest that there is a need for a more proactive approach where the systemic causes of gender and race inequality are understood, made visible and addressed.

<sup>2</sup> 2001 Census results which suggested that despite a higher percentage of working age people they had a higher rate of unemployment in the over 25 population

Ethnic Minorities and the labour market - final report March 2003 Cabinet Office

<sup>3</sup> Race and Gender Inequality in JU4J, Employment Research Institute, Napier University 2006

## **Impacts of Legislation**

Legislation has been a key driver in eliminating overt racism and discrimination in employment. The Race Relations Act of 1976 was amended in 2000 as a result of recognition that it wasn't enough to provide a remedy and insufficient progress had been made in eliminating race discrimination and substantive equality of opportunity.

However some years on the legislation has not brought about the progress in eliminating substantive inequality and under-representation that it sought. One reason may be that too much emphasis has been on process and paperwork as a substitute for action.

'Mainstreaming' and 'diversity' have become popular approaches to equality issues but have equally failed to deliver sufficient progress.

A mainstreaming approach to equal opportunities can only be established when the specific barriers and existence of continued and persistent discrimination are identified and addressed in mainstream service provision.

## **The Case for Positive Action**

Positive action is rarely used and poorly understood yet an evaluation of PATH Scotland in 2003<sup>4</sup> concluded that there was a continuing need for positive action in Scotland.



The aim of positive action is to ensure that people from previously excluded ethnic minority groups can compete on equal terms with other applicants. It is intended to make up for the accumulated effects of past discrimination.

Positive action does not need to have a direct relationship to a specific organisation. It can be an initiative with the communities that the organisations work within to

provide information and training to demystify the recruitment process, increase skills in application writing and interviewing.

However positive action is not an 'either or' activity in addressing racism, it is a complimentary but important activity. It is not a substitute for ensuring that policies, processes and practices address barriers, stereotyping and promote equality.

<sup>4</sup> Good Practice in Positive Action - A report for Communities Scotland, University of Stirling June 2003

# Introduction

This report provides the background to an accessible and practical guide for employers in the housing and public sectors on good practice in employment which focuses on what is needed to achieve real change and progress in:

- Culture and attitude change
- Race equality promotion duty in practice
- Responsibility and accountability to communities.

It is based on:

- The experiences of Exhibitors and attendees at the four job fairs held in Edinburgh, Glasgow, Aberdeen and Dundee
- Existing reports, published and unpublished, on the Job fairs
- Experiences of the Bield, Hanover, Trust, Lothians employment initiative
- An overview of existing research and good practice e.g. PATH 3 year longitudinal research on career aspirations of BME young people.



Over the four year span of the four Job Fairs, Scotland's declining population was given a boost by the expansion of the European Union<sup>5</sup>. As a result of increases in migration to Scotland from these countries (particularly Poland) the diversity of Scotland's population has increased. Most markedly migration of people from new EU countries seeking employment has been across Scotland and not limited to the traditional areas of immigration in the Central Belt. We do not yet know the employment careers and aspirations of these new migrants and whether the same issues of actual and perceived barriers to employment will be the same as it has for indigenous BME communities. We do know that the majority of these new migrants are working in low paid jobs which often do not reflect their qualifications<sup>6</sup>. However the impacts of this migration across Scotland add to the relevance of this report for all housing and public service providers.

<sup>5</sup> Date and countries

<sup>6</sup> Fife Partnership Research February 2008 which identified that more than 70% did not make use of their qualifications and skills in their current job (Sunday Herald 10/2/08)

# Background

In 2003 a partnership of Bield, Hanover (Scotland) and Trust Housing Associations, the Chartered Institute of Housing in Scotland (CIHS) and the Scottish Federation of Housing Associations (SFHA) was developed, at the initiative of the three associations, to address identified disadvantage<sup>7</sup> faced by BME people seeking employment in the housing and public sectors of Scotland.

The partnership aimed to provide an opportunity for these employers to showcase their organisations to potential BME employees. A start up grant from the Lintel Trust enabled the first Job Fair to take place in June 2004 in Edinburgh to be followed by annual events in Glasgow, Dundee and Aberdeen between 2005 and 2007<sup>8</sup>.



At each Job fair the Partners surveyed both attendees and employers to seek their views and experiences. We wanted to provide a unique opportunity for Scotland's BME communities to have access to potential employers and for the public and voluntary housing sectors to make direct contact with potential employees. The Job fairs included free workshops by Careers Scotland on writing job applications and CV's, and interview techniques.

Following the first Job fair in Edinburgh the City of Edinburgh Council funded the publication of 'Moving Forward' which provided initial good practice advice to employers based on the experiences of exhibitors and attendees.

Now all the planned Job fairs are completed the partners have gathered together the experience and knowledge gained from events, available research to produce good practice guidance.

The partners were clear that they wanted to provide practical guidance to employers, that was grounded in the reality of BME peoples' practical and actual experiences, and perceptions of job seeking across Scotland.

<sup>7</sup> 2001 Census results which suggested that despite a higher percentage of working age people they had a higher rate of unemployment in the over 25 population  
Ethnic Minorities and the labour market - final report March 2003 Cabinet Office

<sup>8</sup> For more detailed information on the Job fairs see Appendix 1

# Why the Job Fairs were necessary

The idea for the Job Fairs stemmed from a number of independent studies which produced clear evidence that despite Equal Opportunities legislation, substantial problems persist when it comes to achieving equality in practice for people from BME backgrounds and communities. The evidence underlined the difficulties that this creates both for BME people seeking to enter or advance in the workplace, and for employers seeking to recruit the best candidates. The Job Fairs were conceived as a practical way to open up new opportunities for potential candidates and employers and to break down existing barriers.

Findings from independent reports included the following:

*'Respondents, particularly those at work, expressed a clear view that even when they had considerable qualifications and were confident and highly articulate, they still had to be better than white people to succeed or be promoted. For many this seemed to them to be the 'natural' state of affairs'*<sup>9</sup>.

*'Employment is arguably the single most important key to full, active and equal participation in society. Jobs bring economic benefits and help raise social standards. When discrimination, prejudice and negative stereotypes restrict access to the labour market to certain groups, the impact is devastating.'*

*'The discriminated groups are not the only victims – employers themselves lose out if they do not choose the best candidate for the job, as do the public or consumers they serve'*<sup>10</sup>.

There is no shortage of research and/or good practice on equal opportunities in employment and what it should mean in recruiting and retaining BME employees<sup>11</sup>. Yet while overt and open discrimination is no

<sup>9</sup> PATH - A longitudinal study of the career aspirations of Black and Minority Ethnic Youth - 2003-2006, University of Strathclyde August 2007

<sup>10</sup> Putting equality into practice - What role for positive action? Directorate-General for Employment, Social Affairs and Equal Opportunities - European Commission 2007

<sup>11</sup> E.g. PAIH/EVH Guidance, CIPD Guidance

longer acceptable BME people remain under-represented in the housing and public sectors both in employment and in service provision.

Despite good intentions and existing legislation on equality issues - the experiences of attendees and employers at our Job Fairs suggests that:

- institutional barriers still exist within many organisations
- many potential BME employees' perceptions are that they are not given equal consideration in recruitment processes
- positive action is under-used and poorly understood
- equality issues are often still regarded by employers and staff as a 'paper process', requiring boxes to be ticked but not requiring real change within organisations.

The negative outcomes of failing to recruit from the widest possible pool are that some public and housing sector employers are missing out on valuable skills and experience offered by many BME applicants for jobs. As well as reducing the potential pool of applicants for jobs, many employers fail to understand the potential of positive action to not only redress under-representation but also to improve their business.

Scotland's housing, public and voluntary sector organisations have legal and regulatory requirements to actively encourage positive measures and good practice in improving employment opportunities for BME workers through the Race Relations Act Amendments in 2000 and s106 of the Housing (Scotland) Act 2001.



They also have a responsibility to ensure that they are recruiting from the widest possible pool of talent to benefit their business.

An examination of most housing and public sector organisations will show that the numbers of BME workers are either well below levels which reflect the relative size of the BME population of Scotland as a whole, or non-existent. For example, in 2004/5, Housing Associations in Glasgow

employed just 1.28% of employees from BME communities – yet the 2001 census showed that of 5.46% of households living in Glasgow<sup>12</sup> are of BME origin. There are significant variations among different associations which influence the overall figures of BME people employed. For example, one association employs more than 24% BME staff but conversely, there are more than 40 associations who employ no BME staff at all.

### **How can this situation be changed?**

In order to overcome barriers, organisations must acknowledge, in their policies, processes and activities that they do not exist in a vacuum. The majority of staff in public and housing services in Scotland are white and can bring to their jobs assumptions and stereotypes that exist in society generally. To a lesser or greater degree, this inevitably shapes perceptions about what makes a good potential employee.

Assumptions and stereotypical views can consciously or unconsciously influence the recruitment process. Unvoiced questions such as "will this applicant 'fit in' if he/she is not like me?" can result in hidden discrimination, perpetuating inequality. Unconscious or conscious presumptions can be triggered by many things with no bearing on a candidate's suitability for a position or skill set. The triggers can include surname, accent, skin colour, style of dress, or religious affiliation.

The starting point of the Job Fair Partners project was a determination to address and combat inequality, organisations must first consciously recognise stereotypes and assumptions and secondly ensure that any prejudicial or stereotypical views do not interfere with the recruitment process.

In short, the project was rooted in the belief that real and sustained change requires organisations to make fundamental changes both in attitude and action. It was conceived as a practical way of starting to bring about change, rather than one-off initiative or theoretical strategy.

The purpose of this report and its recommendations is threefold:

- to collate relevant research and experiences by other bodies in order to provide context
- to outline the specific experiences and lessons from the Job Fairs
- to provide a constructive and practical guide in order to help make real and sustained change and progress.

<sup>12</sup> APSR RSL returns 2004/5 and 2001 Census returns

# A Wider Context

If the housing, public and voluntary sectors are not as effective as they might be in breaking down racial barriers in employment, it brings into question:

- Our legislative framework
- Activities to promote equal opportunities
- Current guidance on these issues.

There has undoubtedly been progress in the last 30 years since the Race Relations Act came into force (1976). Overt discrimination is no longer acceptable and equal opportunities policies in recruitment are now the norm.

*'Up until that time policy makers assumed that you could not wipe out racial discrimination by law, only through changing hearts and minds. But as pointed out by Earl Warren, the chief justice at the time, 'This is a false credo. True, prejudice cannot be wiped out, but infliction of it upon others can.' Laws, rules and policies can affect behaviour if there is a cost attached to that behaviour.'*<sup>13</sup>

Yet under-representation in employment in the public and housing sectors persists. The experiences of BME people identified in research and confirmed by the experiences of Job fair participants continues to be of actual and/or perceived discrimination<sup>14</sup>. The Commission for Racial Equality (CRE) in its final report in 2007 before it merged with the newly formed Commission for Equality and Human Rights (CEHR) concluded:

*'In general, the qualitative research shows that respondents recognised that vast improvements had been made over the last 20 to 30 years relating to discrimination, largely as a result of legislation and education, but felt that more subtle forms of prejudice remained to be addressed. This ties in with notions of 'stealth racism' identified by the CRE in 2004.'*<sup>15</sup>

<sup>13</sup> Stimulating leadership to promote positive action -Paul Lappalainen, Senior Legal Expert, Swedish Integration Authority

<sup>14</sup> Joseph Rowntree Foundations Experiencing ethnicity: Discrimination and service provision

<sup>15</sup> Race Relations 2006 - A Research report by IPSO Mori for CRE, 2007

The notion of 'stealth racism' ties into the McPherson report into the murder of Stephen Lawrence which identified institutional racism:

*'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 disadvantages minority ethnic people'.*

In other words under-representation of BME people may not be the result of intentional and overt discrimination, but more a failure to understand what needs to be in place to change an organisational culture which perpetuates disadvantage.



# A 'Blind' Approach

*'A question raised by many small housing associations is why they needed to take action on equality and diversity at all. After all, given the ethos of their organisation, they argued that they treated everyone equally as a matter of course. Some also argued that they didn't need to do anything because, for example, the BME population in their area was so small.'<sup>16</sup>*

Research by Napier University in 2006<sup>17</sup> on race and gender equality in Edinburgh's Employability Strategy (Joined Up for Jobs - JU4J) found that the approach by service providers to equalities issues generally was that they believed themselves to be 'non discriminatory' – and to adopt a 'we treat everyone the same' approach. The research suggested that there is a need for a more proactive approach where the systemic causes of gender and race inequality are made visible and addressed.

A separate study by the University of Strathclyde also highlighted a level of apathy on issues related to BME groups:

*'In the agencies considered there existed a significant apathy, lack of interest and knowledge in relation to positive action procedures, even when they were operating in areas significantly populated by BME groups.'*<sup>18</sup>

Institutional apathy and/or apparent lack of willingness to take proactive steps to address the under representation of BME people within public sector workforces emerged as a theme in the Job Fairs project . Job Fairs Partners encountered significant apathy while marketing the event to housing associations with many associations stating that they could not see the relevance of the Job Fairs to their organisations.

<sup>16</sup> Housing Corporation Guidance for Small Housing Associations

<sup>17</sup> Race and Gender Inequality in JU4J, Employment Research Institute, Napier University 2006

<sup>18</sup> PATH - A longitudinal study of the career aspirations of Black and Minority Ethnic Youth - 2003-2006, University of Strathclyde August 2007

At the Glasgow Job fair in 2005 it was particularly difficult to attract exhibitors. This is despite Glasgow having the largest BME population in Scotland. However, more than one-fifth of Exhibitors said that the Job Fair was their first attempt to make direct contact with BME Jobseekers. A further one-third of exhibitors said the 2004 event had been their first attempt. In total nearly 60% of Employers said that the Job Fairs in Edinburgh and Glasgow had provided their first direct contact with BME jobseekers.



## Good Practice

**Housing and Public Service Employers need to go beyond a 'non discriminatory' approach and to consider specific initiatives to actively promote employment opportunities in order that their services can become truly representative of the communities within which they work.**

# Impacts of Legislation

Legislation has been a key driver in eliminating overt racism and discrimination in employment. The Race Relations Act of 1976 identified what may constitute discrimination and provided a remedy for individuals. The Race Relations Act of 1976 was amended in 2000 as a result of recognition that it was not enough to provide a remedy and that insufficient progress had been made in eliminating race discrimination and substantive equality of opportunity. The amendments were made in recognition of the fact that public authorities must assume a responsibility to address racism proactively.

Section 71(1) of the Race Relations Act now gives public authorities a statutory general duty to have 'due regard' to the need to eliminate unlawful racial discrimination, and to promote equality of opportunity and good relations between people from different racial groups, in carrying out all their functions.

The duty requires public authorities to take the lead in preventing unlawful racial discrimination, and in promoting equality of opportunity and good race relations. In practice, this means building racial equality considerations into the day-to-day work of developing policies, providing services, implementing employment practice and other functions<sup>19</sup>.

Public authorities, which include local authorities and the Scottish Housing Regulator<sup>20</sup> must:

- prepare and publish a race equality scheme which states how they will meet the duty in the areas of policy and service delivery
- monitor specified employment procedures and practices, by racial group, and make this data public in an annual report.

However, years later, the legislation has not brought about the progress in eliminating substantive inequality and under-representation that it sought. One reason may be that too much emphasis has been on process and the preparation of a strategy as a substitute for action.

<sup>19</sup> CRE Guidance

<sup>20</sup> Housing Associations are not public authorities but through the regulatory regime effectively have similar responsibilities to promote good race relations

*'Analysis by the British Audit Commission has also suggested that organisations become too focused on process rather than outcome; bureaucracies can view the publishing of the equality scheme as the completion of the legal requirement rather than the starting point for effecting real change in everyday practice'<sup>21</sup>.*

In other words the emphasis has been on organisations meeting legislative demands to establish and demonstrate their 'understanding' through strategies and associated 'paperwork' rather than taking any action to address disadvantage.



## Good practice

**The requirements of the Race Relations Act to produce strategies need to be equally matched by activities to eliminate disadvantage and promote good race relations.**

<sup>21</sup> **Professor Mark Bell**, Putting equality into practice - What role for positive action? Directorate-General for Employment, Social Affairs and Equal Opportunities - European Commission 2007

# There is no 'magic wand'

*'Black communities are tired of taking part in research that asks them what they want from services only to find nothing happens until five years later when they are asked the same questions over again.' (Flynn 2002)*

Research can provide knowledge which informs change - but only if activity follows. A Joseph Rowntree Foundation report<sup>22</sup> brought together key issues from projects and research since 2000. This report found that there was evidence of a gap between research as an activity and developing ideas and influencing action in practice. Certainly the experience of the Job Fair Partners echoed this research.

## Why is there more enthusiasm for research than activity?

Sometimes it seems that the relationship between housing and public services and BME employment issues, and race equality more generally, has revolved around a quest for a 'magic wand' which can provide the blueprint and all the answers. There is a belief that it is only when sufficient information is gathered that action can be taken. This is a false belief which not only perpetuates the status quo (albeit a slightly more informed status quo) but makes BME communities distrustful of taking part in yet more research which is not matched by a commitment to change.

The questions; who, what, when and how, will never be answered in full. Information is not always available, national figures for BME populations do not match local conditions and do not always keep up with the times e.g. the arrival of new EU migrants has changed Scotland's population considerably yet the only 'hard' evidence of numbers is contained in the 2001 census which pre-dated their migration.

Public authorities and housing providers often assert or believe that they need to have all the answers before taking action so that they 'get it right'. The reality is that actions speak louder than words and there will never be a 'magic wand'.

Making informal contact with minority ethnic organisations, building links and gaining insight into the perceptions and beliefs about your organisation doesn't have to wait. Taking even small steps will automatically lead to greater knowledge. The reality is that not all initiatives will run perfectly to plan and some organizations will agonise over a choice of partner on BME projects.

<sup>22</sup> Joseph Rowntree Foundations Experiencing ethnicity: Discrimination and service provision

The most important step is building links and engaging in projects which foster a better understanding of BME groups. Committing to action delivers knowledge and develops understanding.

**Link Housing Association in Edinburgh decided several years ago that each Housing officer would contact two organisations that represented excluded groups, and go and talk to them. As a result of this contact, they discovered that one BME organisation had a lot of housing queries and that it lacked knowledge and information to deal with the queries effectively. As a result, Link joined up with other Edinburgh Housing Associations and established a monthly surgery to deal with the queries. This resulted in an application to Homepoint and funding for the BME organisation to deliver a housing surgery.**

This is a classic example of open dialogue and a direct approach delivering practical positive results.

It would be helpful, nevertheless, if individual employers did not need to 'reinvent the wheel' in order to establish the information that is available about the areas they work within. The Scottish Government and local authorities should work together to gather available data and produce area profiles which would assist smaller employers and mean that nationally and in each local authority area, profiles were available in an accessible form. Individual employers could then have a baseline from which they could work. However the absence of these profiles is not an excuse for inactivity.

## Good practice

- **Employers need to move from information to action in order to effect change.**
- **Initiatives to encourage recruits from BME communities should be proactive and ongoing to ensure that organisations properly represent the communities they serve.**
- **The Scottish Government and local authorities should work together to develop area profiles which could be used by employers to help target activities.**
- **Changing demography and new and emerging hidden barriers encountered by people from BME communities, when seeking employment, must be continuously identified by, and to, employers.**

# Mainstreaming

*'Minority ethnic communities are presented as a very distinct research group who require a distinct service response'.<sup>23</sup>*

Research on minority ethnic issues including employment has tended to concentrate on specific issues - and indeed some areas appear to be over researched (Butt et al<sup>24</sup>). Often the research has identified a need for specific responses to specific issues. At the same time 'mainstreaming' has become a popular approach to equality issues (there are now six separate equality 'streams', age, gender, race, religion, sexuality and disability). In theory mainstreaming should mean equal opportunities underpins all service provision rather than specific activities separated from mainstream provision - not being the responsibility of a few but of the whole organisation. This is the approach advocated by the Scottish Housing Regulator.

In theory who could argue that equality and fair services should underpin all the activities of an organisation? If that were the result of mainstreaming then the approach would be justified. In fact 'mainstreaming' has often resulted in equality issues being the responsibility of no-one in particular, with no particular resources dedicated. The result is that it is an after-thought in terms of activity. This is borne out by typical responses to the issues presented which effectively say '*happy to discuss, totally agree but have no staff and/or resources to do anything about it*'.

Moreover, in many organisations, mainstreaming has also resulted, in a response which seeks to attract minority and excluded people to use its current service rather than starting by examining whether the service provided is appropriate to their needs. In other words, mainstreaming has resulted in people being mainstreamed not services.

A mainstreaming and generic approach to equal opportunities can only be established when the specific barriers and existence of continued and persistent discrimination are identified, and addressed in mainstream service provision. Without that, services will continually fail to address the specific needs of BME service users and potential and actual employees.

<sup>23</sup> Experiencing Ethnicity: Discrimination in Service provision Foundations Joseph Rowntree Foundation 2004  
<sup>24</sup> Experiencing Ethnicity: Discrimination in Service provision Foundations Joseph Rowntree Foundation 2004



*'There were few black and minority ethnic staff in mainstream services and some of the services had made little attempt to change this'*

*'Black and minority ethnic service users felt mainstream services were often inappropriate for their needs and that services made assumptions based on stereotypes and prejudice about what the needs of these users may be or what they may want to access'<sup>25</sup>*

An employer who only takes specific measures e.g. advertising jobs in BME publications but neglects to consider how their organisation is structured, the training that staff receive and whether 'assumptions of equal opportunities' actually means a norm of white Scottish/British expectations and behaviour fails to address institutional and 'stealth racism'. They may be able to demonstrate a non-discriminatory policy on paper but fail to address substantive equality issues.

*There are also institutional factors to take into account. An organisation may employ open and unprejudiced staff, but the employment arrangements used may work to the detriment of a particular group of applicants or, in terms of allocation policies, against the interests of some potential residents. Direct or indirect discrimination cannot be justified for any size of organisation, however small.<sup>26</sup>*

<sup>25</sup> Experiencing Ethnicity: Discrimination in Service Provision, Foundations, Joseph Rowntree Foundation 2004

<sup>26</sup> Housing Corporation Guidance for small HA's

The Job Fair Partners believe that legislation, research outputs and a mainstreaming approach has resulted in confusion by employers about the approach they should take to equality issues.

Should employers concentrate on meeting legislative requirements and/or mainstreaming and/or provide distinct and specific services? The answer is all three are important and relevant. However, getting the preconditions for mainstreaming in place is key, as is achieving the right balance between addressing cultural change within organisations and providing specific services. Given results to date and the inescapable fact that under-representation of BME communities persists, the logical conclusion is that few public authorities and RSLs have got that balance right yet.

*'The Scottish Executive should demonstrate attention to the literature on the ideology of racism and considerable evidence to suggest that programmes reliant upon 'diversity' 'multiculturalism' and 'inclusion' have not and will not properly challenge the sort of racism experienced by young people at the various levels identified in this study - structural, cultural, institutional and personal.'<sup>27</sup>*

## Good practice

**Mainstreaming race equality requires substantive changes in approach to service provision, specifically an understanding that 'treating everyone equally' often means like a 'white Scottish/British person' and results in a stereotyped assumption of needs.**

**Mainstreaming in its real sense means understanding and addressing barriers faced by specific groups, all of which may be different, not a 'blind' approach to equality which perpetuates institutional racism.**

**Services need to be mainstreamed not people.**

<sup>27</sup> Executive Summary and Recommendations - PATH - A longitudinal study of the career aspirations of Black and Minority Ethnic Youth - 2003-2006, University of Strathclyde August 2007 pv

# Making Changes

There is a need and a requirement for housing and public services to address continued discrimination, stereotyping and assumptions, to make mainstream services accessible and to recruit representative workforces.

## How can this be achieved?

Attendees at all four Job fairs confirmed to the partners that their perception was that race discrimination in employment remained an issue.

*'I think they prefer Scottish white people. Sometimes they do not give out good information. They don't sound interested.'<sup>28</sup>*

*'Employers take white candidates more seriously than BME candidates.'*

*'Some employers assumed that I couldn't speak English when dressed in traditional dress.'*<sup>29</sup>

This belief that a stereotyped approach by employers plays a large part in success and failure in employment and careers is backed by other research including a study by Strathclyde University for PATH Scotland.

*The study indicates clearly that these respondents do not seem over confident about their career prospects and more than half relate this to their being members of BME Groups<sup>30</sup>*

These may be perceptions rather than fact but the issue still needs to be addressed. It is not enough for employers to say that they are an equal opportunity employer - they need to demonstrate it throughout their application process.

Many attendees at the Job Fairs thought that they were not treated fairly in selection procedures as a result of dress, accent etc. This can be the result of failing to inform candidates of how applications are dealt with, or from a perception that it's 'a closed shop' because of jargon, and/or a failure by employers to understand the barriers and address stereotypical assumptions and prejudices in staff training.

<sup>28</sup> Attendee at Dundee Job fair

<sup>29</sup> Quote from Attendee at Glasgow Job fair 'Moving Forward' publication

<sup>30</sup> PATH - A longitudinal study of the career aspirations of Black and Minority Ethnic Youth - 2003-2006, University of Strathclyde August 2007

Employers should examine their own recruitment practices and consider the following:

### **Job Advertisements**

More applicants will be attracted to job vacancies when wording is clear, to the point and jargon-free. Otherwise applications may be restricted to those already familiar with the field.

An opportunity for prospective applicants to informally discuss an advertised vacancy and job requirements in advance of submitting an application should be offered. This allows applicants less familiar with processes and organisations a better opportunity to decide if they are qualified to apply.

Job vacancy advertising should include both traditional means and community publications and networks.

### **Job Applications**

Application forms need to be simplified and written in plain English.

Application packs should include guidance notes to help applicants complete applications with relevant information e.g. if shortlisting will depend on candidates meeting a certain specification then the guidance notes should clearly state this.

Ensure that the job description and person specification reflect the needs of the post not the organisation e.g. BME candidates may have qualifications from abroad that are not recognised in the UK. Is the requirement for a degree actually essential or is it shorthand for a requirement to work at a certain level which could be evidenced in another way?

Employers should provide computer-friendly job application forms so that spelling and grammar checks can be utilised by applicants and time saved.

### **Shortlisting**

Monitoring data is routinely requested by organisations for good reasons. Applications should make clear that the shortlisting panel will not have access to this information and how the monitoring data will be used i.e. anonymity should be respected.

Perceptions of unfairness to BME candidates can be addressed through 'blind' shortlisting where the recruitment panel does not see the personal details of the applicant. Application packs need to inform candidates that this will happen.

## **Interviews**

An interview is an opportunity to explore candidates' suitability in more depth. It is the responsibility of the interviewer to create the appropriate atmosphere for the interview, including differentiating between the need for formal or informal tone and determining the size of interview panel appropriate for the post.

Those conducting interviews need to make it clear to each candidate at the start of each interview that similar questions will be asked of all the candidates.

Interviewers must reassure candidates that if they do not understand a question, they can request that the question be repeated without fear of being penalised. When repeating the question, the interviewer should rephrase it using simple language, then ask the candidate if the question was understood the second time.

Interviewers should be aware that:

- unfamiliar accents do not equate to lack of fluency in English
- unfamiliar accents can mean that the interviewer concentrates on deciphering the actual words spoken and may as a consequence lose some of the meaning and depth of responses.

If interviewers are unsure whether they have understood a response because of an unfamiliar accent they should use follow up questions to ensure that they grasp the full depth and content of the interviewee's response.

If candidates are unsuccessful then employers should take time to provide informed and detailed feedback to candidates which will help them to improve their interview skills.

## **Good Practice**

- **The challenging environment faced by BME applicants and existing employees in large and predominantly white organisations must be recognised.**
- **Employers need to put in place processes to identify deficiencies in their recruiting systems and ensure these are addressed.**
- **Employers must be conscious that their selection procedures are often perceived to be unfair by BME applicants and their respective communities.**
- **Selection procedures must not only be fair, but also be perceived to be fair.**
- **There is a need for cultural awareness training for recruiters to apply to interview situations (body language, attitude, traditional dress, prejudices, accent, etc.).**

# The Case for Positive Action

*'Equal opportunities are often assumed to exist, while the existence of discrimination is denied. In such a situation, positive action can play an important role as a tool to redress the lack of substantive equality in our societies'.<sup>31</sup>*

## What is Positive action?

Positive Action is a term that is often misunderstood. It is assumed by some employers that if they have 'mainstreamed' equality issues into service provision then positive action equates to positive discrimination i.e giving unfair advantage to a particular group. But this is a misunderstanding of what positive action is and what it aims to achieve.

Positive Action is needed to create a level playing field for employment, to identify and address barriers created by past failures to have a level playing field. It does not make recruitment processes less fair or give advantage to one group.

Yet few employers use positive action measures to promote employment of BME people and it is seldom used by housing and public sector employers to address identified under-representation in their workforce.

*'There was an overwhelming tendency not to make a distinction between generic service delivery for BME people (and specifically BME Youth) in the community and positive action measures to combat social exclusion and under-representation of BME people'.<sup>32</sup>*

It may be that employers attitudes towards positive action reflect those found in a Scottish Government survey on attitudes to discrimination:

*'Although supported by a majority, substantial minorities feel that it would not be fair if a company provided either women or black and Asian people with extra opportunities to secure training and qualifications in order to increase their chances of gaining promotion..... It looks as though attempts to secure greater equality of outcome may well be resisted if they are regarded as unfair procedurally.'*

<sup>31</sup> Putting Equality into Practice - What role for positive action? European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, March 2007

<sup>32</sup> PATH - A longitudinal study of the career aspirations of Black and Minority Ethnic Youth - 2003-2006, University of Strathclyde August 2007

*It is those with more qualifications and those in middle class jobs who are most likely to feel that these measures would be unfair. ....It seems that those who already have qualifications or a secure senior post are particularly reluctant to see others helped to obtain the advantages that they already hold.<sup>33</sup>*

However the people surveyed did not have access, as employers do, to the data and research which shows continued under-representation and disadvantage. What the survey shows is that continued work needs to be done by employers to change public perceptions about the intentions and purpose of positive action.

*Fair and equal treatment must apply not only in getting a job, but also in the conditions and opportunities that are available to those who are already working. Hard facts show that those in key positions of responsibility in business and public service do not reflect the diversity of society. In a world where attitudes and perceptions change slowly, positive action is a tool that can make significant changes to redress these imbalances in the short and medium term<sup>34</sup>.*

### **What the Law says about positive action**

The term 'positive action' refers to the measures within the Race Relations Act that employers may lawfully take to meet special needs involving training, education or welfare (section 35), or to train or encourage people from a particular racial group that is under-represented in particular work (sections 37 and 38).

The aim of positive action is to ensure that people from previously excluded ethnic minority groups can compete on equal terms with other applicants. It is intended to make up for the accumulated effects of past discrimination.

*Concerning quality, the main thrust of antidiscrimination laws is toward ensuring that employers do not discriminate against the most qualified applicants or employees because of irrelevant factors like gender, ethnicity, and religion or other belief, disability or sexual orientation. If an employer accepts such less qualified personnel there is an increased risk that the goods produced or services provided will not be of the highest quality.*

<sup>33</sup> Attitudes to Discrimination 2006, Scottish Social Attitudes Survey, Scottish Government January 2007

<sup>34</sup> Putting equality into practice - What role for positive action? Directorate-General for Employment, Social Affairs and Equal Opportunities - European Commission 2007

*Naturally, for this to take place, policy makers must first demonstrate their ability to show leadership. It is also up to those who are discriminated against to demand such leadership<sup>35</sup>.*

In 2003 Communities Scotland evaluated PATH Scotland, one of the few but probably the best known positive action projects in Scotland<sup>36</sup>. PATH (Scotland) aims to tackle the under-representation of black and minority ethnic (BME) communities in employment in Scottish housing through positive action measures. The scheme operates by offering BME individuals the opportunity of a two- or three-year work placement within housing associations and local authorities throughout Scotland. The PATH (Scotland) trainees also undertake a formal housing qualification on a day-release basis.

The evaluation concluded,

*'There is a continuing need for positive action in Scotland, and the study has shown that PATH (Scotland) is making a key contribution in this field, both in the specific field of housing and also more generally through other activities and through its standing as an exemplar of good practice. PATH (Scotland) has a valuable fund of experience and expertise<sup>37</sup>.*

A similar evaluation of PATH in England and Wales in 2001 commented,

*The overwhelming majority of respondents were very positive about their experience of PATH. Many cited PATH as the most important contributor to their career development<sup>38</sup>*

PATH is one very specific example of successful positive action but it is not the only way to take positive action.

Following the Job Fairs, Bield, Hanover (Scotland) and Trust Housing Associations' Equal Opportunities Programme established a Lothians Project 'Job Opportunities Support Project' funded by Communities Scotland and Capital City partnership. The aim of the project is to encourage recruitment of BME employees to the public and housing sectors. The project offers

<sup>35</sup> Putting Equality into Practice - What role for positive action? European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, March 2007

<sup>36</sup> Positive Action Training in Housing (PATH) provides BME people with qualifications and traineeships with housing organisations

<sup>37</sup> Good Practice in Positive Action - A report for Communities Scotland, University of Stirling June 2003

<sup>38</sup> The Root to my Tree - Examining the Experiences of Positive Action Training in Housing, Julianne L8J Publications



support to BME candidates both directly and by providing links to partner organisations such as Careers Scotland and Women Onto Work, providing support to gain skills and obtain employment. It also works with employers to offer placements so that candidates can obtain work experience. Within two years the project obtained employment for 29 people and placements for a further 11 individuals.

The review of the project<sup>39</sup> identified specific barriers and issues including:

- Reluctance by employers to commit to placements
- Lack of adequate feedback by employers following interviews
- Qualifications and experience abroad not being recognised
- Employers negatively influenced by names which identify applicants as from a BME background, particularly Muslim names
- A lack of understanding of how to complete application forms and how systems work
- Low levels of confidence of BME applicants.

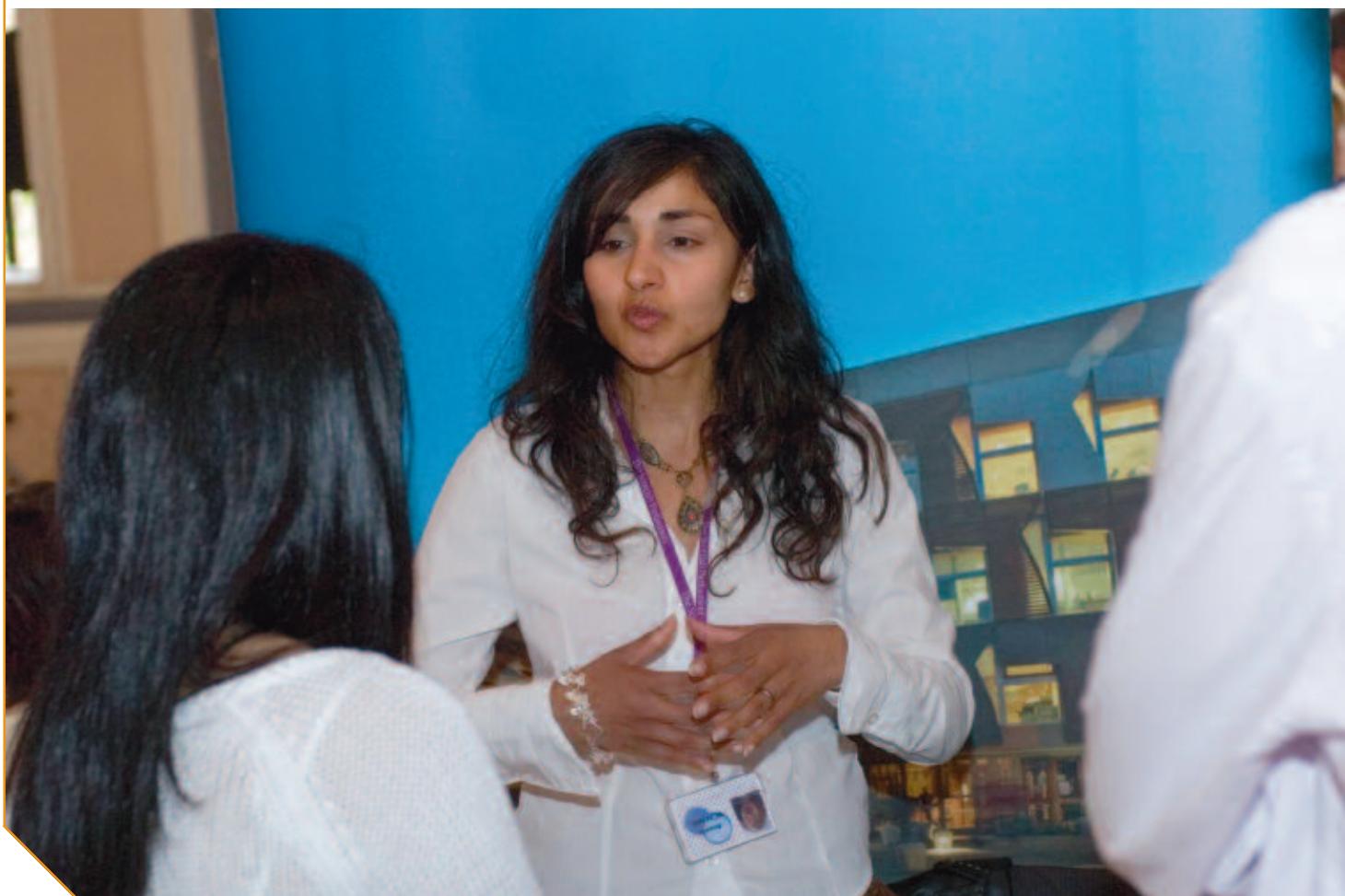
These findings reflect the experience of the Job Fairs Attendees. They also offer further evidence of a need for general positive action measures to increase knowledge of systems and also to support and equip potential BME employees with the knowledge and confidence they need to obtain employment in the public and housing sectors on equal terms.

<sup>39</sup> Job Opportunities Support Project Review Report December 06, Bield, Hanover and Trust Housing Associations

It is critical to recognise that associations did not undertake the project only for the benefit of their organisations. The associations pooled their experience of Job fairs nationally and set their findings against the context of legislation which states that they have a proactive duty to promote equality of opportunity and good race relations. The result was a very practical initiative which has had a positive impact in addressing under-representation of BME employees in the public and housing sectors generally.

In the Partners' first publication on the Edinburgh Job Fair, 'Moving Forward', specific recommendations for positive action measures were made. The recommendations have been reinforced by the experiences of the following three job fairs and the Lothian project and remain relevant. They are reproduced below as suggestions for positive action:

- There is a need for events and projects aimed at potential job candidates from Black and Minority Ethnic (BME) communities.
- There is a need for practical advice and support on employment processes (especially for people with high qualifications and degrees earned abroad) on what employers are looking for and "how the system works" in Scotland.



- There is a need for training, work placement programmes and volunteer schemes to help potential employees get their foot in the door.
- There is a need for “Good Practice in Employment” workshops or forums for employers to gain insight into their recruitment practices.
- Employers should offer work placements and training opportunities for BME job seekers to demystify, and give access to, the inner workings of mainstream organisations.

However, positive action should not be viewed as an ‘either’ ‘or’ activity in addressing under-representation. It is a complementary but important activity, not a substitute for ensuring that policy, practice and processes address barriers, stereotyping and promote equality.

*Positive action was seen as an important solution to many of the problems identified, but only if it involved re-education of all staff and was accepted by everyone in the workplace. Otherwise, resentment and racism would not be successfully challenged<sup>40</sup>.*

The Attitudes to Discrimination survey also clearly identifies a need for employers to provide information to stakeholders and communities on positive action.

## Good Practice

**The employment statistics clearly establish a basis for positive action.**

**Positive action can help create a level playing field.**

**Employers should consider positive action in its widest not narrowest sense.**

**Positive action measures need not be linked to specific jobs and placements, they can take the form of more general information and training targeted at specific groups.**

**Positive action fits with the requirement to promote equality of opportunity and good race relations contained within race equality legislation.**

**The goals of positive action and the need for it need to be explained to staff, stakeholders and communities so that it gains legitimacy.**

<sup>40</sup> Good Practice in Positive Action - A report for Communities Scotland, University of Stirling June 2003

# Conclusions

Under-representation of BME employees remains a real issue for public and housing sector employees - the fact, figures and research all confirm this. The consequences are that despite equal opportunity policies, strategies, impact assessments and good practice guidance employers are missing out on a potentially valuable collection of skills and experience offered by many potential BME applicants. In other words, it's bad for business, reinforces negative perceptions about both the public and housing sectors and employers are failing to recruit from the widest possible pool of talent.

BME potential employees are either not applying for jobs or failing to get jobs if they do apply. The experiences of the Job fair participants identify perceptions of unfairness in the recruitment process, that employers 'prefer' white Scottish candidates and institutional barriers to employment based on stereotyped views, e.g. assumptions based on issues like dress, accents.

The reasons and causes for continued and persistent under-representation are not based on overt discrimination and it is generally not the intention or aim of public and housing sector employers to present barriers to employing BME candidates. Rather it is a confusion of approaches - generic equality policies which fail to identify specific barriers to employment; a focus on paperwork (impact statements, strategies etc) rather than actions; a culture of 'fear' of making mistakes and/or mistaken beliefs that action can only be taken after some 'threshold' of information has been gathered; and failures of mainstreaming where equal opportunities become ineffectual through lack of leadership and resources - 'the responsibility of all becomes the responsibility of none.'

Making progress in changing attitudes to BME employment in the public and housing sectors requires:

- Taking action not generating more paperwork
- Going beyond a generic approach to equality and identifying and addressing stereotypes and assumptions within organisations that create barriers for BME people in accessing jobs
- Leadership, ongoing commitment and resources - not a series of unrelated 'one off' events

- An understanding that employers need to address public perceptions whether they are accurate or misinformed - perception really is in the eye of the beholder
- Taking positive action either jointly or alone to create a more level playing field - allowing people to compete on equal terms for jobs and bridging the gap that past discrimination has created
- An understanding by staff, stakeholders and communities that positive action does not create unfair advantage. Taking individual responsibility to challenge discrimination where it occurs.

There is a job of work to be done to recruit and retain representative workforces, remove stereotypes and demolish barriers. It requires commitment both internally and publicly, leadership and appropriate resources but most of all it requires employers to take action! But the benefits to employers who commit to activity to address under-representation will soon be apparent:

- An enhanced reputation which will affect service delivery as well as recruitment
- Improved access to a wider pool of candidates.

Equal opportunities are about people not paper.



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