



## EQUAL OPPORTUNITIES COMMITTEE INQUIRY ON RACE, ETHNICITY AND EMPLOYMENT

ENGENDER SUBMISSION, JULY 2015

### 1. INTRODUCTION

Engender welcomes this opportunity to submit our views to the Equal Opportunities Committee inquiry on race, ethnicity and employment. Women's disadvantage within the labour market is a key manifestation of gender inequality. Within this, women from black and minority ethnic (BME) communities face particular discrimination and challenges in accessing paid work. Our work complements that of Close the Gap, which focuses on factors that drive the gender pay gap, such as underemployment, women's overrepresentation in part-time, inflexible, low-paid employment, and occupational segregation. We work on gender and employability, and on the underpinning issues of women's unpaid care work in the household and community, and social attitudes about gender roles. Clearly, these structural inequalities are relevant to the women that comprise around half of Scotland's BME population, and their participation in the formal labour market

These barriers are undoubtedly amplified in particular ways for women from different minority ethnic communities. However, gender-disaggregated data and research on BME women's experiences of accessing employment is lacking in Scotland, and needs to be better understood. Improved data collection should be one element of an intersectional approach which recognises women's multiple identities, clearly distinguishes between the barriers faced by different BME communities and is led by BME women and BME women's advocacy organisations.

In 2007, the Equal Opportunities Commission published *Moving on Up? Visible minority ethnic women at work*. It found that widespread stereotypes undermine BME women's prospects of employment and promotion.<sup>1</sup> This was the last piece of strategic work undertaken on BME women and the labour market in Scotland.

Within the thematic areas identified by the committee, our submission focusses on employability, modern apprenticeships, devolution of employment support, multiple

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<sup>1</sup> EOC (2007) *Moving on up? Visible minority ethnic women at work*

discrimination and assumptions, and employment tribunals. Aside from the public sector equality duty, the implications of which are covered by other organisations submitting to this inquiry, we are not aware of any positive action regarding race and ethnicity by employers in Scotland. We also highlight structural discrimination faced by women more broadly, women's unpaid care work, issues raised by refugee women, and the need for policy coherence across Scottish Government.

## **2. EMPLOYMENT SUPPORT AND ADVICE**

### **2.1 Employability**

Tailored employment support programmes are crucial in tackling both the specific barriers faced by different groups and systemic issues that sustain inequality in the labour market such as occupational segregation. Such programmes work with individuals to meet their support needs from a particular perspective. They recognise equalities issues in a way that generic programmes simply do not. For instance, gendered employability programmes provide specific support to overcome the barriers women face when out of work or at risk of long-term unemployment, accommodate the time pressures and broader restraints faced by women with unpaid caring roles, and support women into male-dominated sectors. Scotland's only women-focused employability organisation, Women onto Work, has just announced that it will close in August 2015.

Tailored programmes that account for the specific barriers faced by women from different BME groups are needed, or else BME women will continue to experience inequality in the labour market. Such programmes should be developed in partnership with BME women and BME women's organisations. A good example is *One Step Closer*, the successful pilot employability project for refugee and asylum seeking women developed by the Refugee Women's Strategy Group and Scottish Refugee Council.<sup>2</sup> The report recommends that the course is rolled out to the wider community of refugee and asylum seeking women in Scotland.

### **2.2 Modern Apprenticeships**

The Modern Apprenticeship programme (MAs) is one area of significant public investment in which people from BME communities and women are under-represented. It is a key entry point to the labour market, and so segregation in MAs will result in the replication of that segregation in the workplace. Uptake and retention rates across MAs starkly demonstrate the gender segregation that drives

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<sup>2</sup> Scottish Refugee Council (2014) *One step closer: Confidence building and employability course for refugee and asylum seeking women*

occupational segregation in Scotland. In 2013, in the two largest frameworks, Construction and Engineering, only 1.3% and 2.7% of apprentices 'in training' were women, whilst only 1.3% of Childcare starts were men.<sup>3</sup> Meanwhile, public spend per male apprentice was 53% higher than for female counterparts. There is no publicly-accessible data on BME women's participation in the MA programme, however, and this should be addressed by Scottish Government and Skills Development Scotland.

### **2.3 Devolution of employment support**

The forthcoming devolution of employment support for jobseekers to the Scottish Parliament, as set out in the current Scotland Bill, provides opportunities to improve the system for BME women. At present, employability programmes adopt a blanket approach that fails to mitigate against factors that prevent or restrict women's labour market participation. The power over employment support offers potential to design programmes that remedy this and take heed of specific issues flagged by BME women and race equality organisations in order to tackle discrimination. Failure to do so will see the social security system further entrenching women into low-paid, and low-valued work, and perpetuating gendered occupational segregation

## **3. RECRUITMENT, RETENTION AND PROMOTION**

### **3.1 Multiple discrimination and prejudice**

Direct and indirect discrimination, unexamined prejudice and unconscious bias drive BME women's comparatively low rate of employment in the UK. Figures show that in 2012, only 47% of BME women were in employment compared with 68% of white women.<sup>4</sup> Whilst statistics vary across different ethnic groups, BME women have consistently been less likely to be in paid work.

A recent Westminster APPG inquiry into ethnic female minority unemployment found that discrimination is experienced by ethnic minority women at all stages of the recruitment process, including shortlisting, interviews, and within recruitment agencies. The inquiry received evidence that 25% of the ethnic minority unemployment rate for both women and men can be explained by prejudice and racial discrimination.<sup>5</sup> It also found that culturally insensitive workplaces can impede BME women's recruitment and progress, and that BME women find Jobcentre Plus to be less useful and supportive than white people.

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<sup>3</sup> Skills Development Scotland (2013) *Modern Apprenticeships Performance Reports*

<sup>4</sup> ONS (2012) *Annual Population Survey*

<sup>5</sup> Runnymede Trust (2012) *Ethnic minority female unemployment: Black, Pakistani and Bangladeshi heritage women*

### **3.2 Assumptions**

Assumptions about BME women's choices, skills, beliefs and preferences also limit their opportunities in the workplace. For instance, the APPG inquiry found that assumptions about women's intentions regarding marriage and children are routinely made at job interviews. Although this is an issue faced by women generally, it was perceived to be enhanced by cultural assumptions. This is compounded by the broader assumptions and gender stereotyping that sees women clustered in certain professions and undermines their career progression and earning potential.

Assumptions around employment and ethnicity are also made by policymakers. For instance, language, access to ESOL and cultural differences are still major barriers for many refugee women in Scotland. However, these issues do not apply to the majority of 'settled' BME women in across Scotland. A focus on individuals can also detract attention from embedded institutional problems and, to some extent, drive institutional racism by providing employers with a smokescreen. Framed as 'the deficit model' by CEMVO and 'supply-side' vs. 'demand-side' by CRER, we support their recommendation that these issues are very clearly defined by this inquiry.

### **3.3 Employment tribunals**

In July 2013, the UK government introduced fees of up to £1200 for individuals to access employment tribunals. Equal pay and discrimination cases have had some of the highest upfront costs and the number of claims has dropped dramatically as a result. Figures show that race discrimination cases were down by 61% in 2014, relative to the same period in 2013, and that sex discrimination cases fell by 91%.<sup>6</sup> Again, however, intersectional data on the ethnicity of women accessing employment tribunals is lacking.

Certain functions of employment tribunals are to be devolved to Scotland with the forthcoming Scotland Act, and it is expected that the Order of Council that sets these out will include administration, rules of procedure and funding. If so, the Scottish Government must scrap fees that prevent workers from challenging discrimination in the workplace and improve disaggregated data-collection with regards to use.

## **4. SYSTEMIC ISSUES**

Many of the key points that we wish to make from equality and gender perspectives do not fall neatly within the categories identified by the committee. These are

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<sup>6</sup> Ministry of Justice <https://www.gov.uk/government/collections/tribunals-statistics>

structural issues that underpin unequal access to opportunities and contribute to both race and gender pay gaps.

#### **4.1 Access to the labour market**

Barriers to employment for women, and for BME women specifically, must be understood more broadly than at the level of employment support or recruitment, and promotion processes. Issues such as education, equivalency of qualifications, language skills, and cultural differences receive a lot of attention in debates around race, ethnicity and employment. However, the relatively low employment rates and progression of ethnic women reflect a much wider set of systemic issues.

Many of these issues were identified during the committee's inquiry on 'women and work' in 2013. Access to childcare, lack of flexible working, occupational segregation that sees women clustered in low-paid, insecure jobs, and multiple unpaid caring responsibilities within the family are experienced by BME women, in addition to racial discrimination. We need to know more about how these gendered issues affect women from different BME communities in Scotland.

#### **4.2 Underemployment**

There is a severe lack of quality, secure and flexible employment opportunities that are compatible with women's caring roles. Girls outperform boys in school (at all levels and in all subjects)<sup>7</sup> and a majority of students in further and higher education are women. Yet within six months of leaving university a significant gender gap in terms of prospects and pay has developed.<sup>8</sup> Women are thus chronically underemployed in Scotland, which acts as a drag on economic growth and means that Scotland's workforce is underperforming, as well as fuelling women's in-work poverty. This is the reality that is masked by headline figures that show women's employment to be on the rise. Once again, we need more data, understanding and detail on the types of jobs in which BME women are employed.

#### **4.3 Occupational Segregation**

Occupational segregation is a key cause underpinning the gender pay gap, which currently sits at 12% for full-time workers and 32% for part-time workers in Scotland, and is deeply entrenched in Scottish economic structures. Women are significantly overrepresented across low-paid sectors, including care, retail, administration, and

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<sup>7</sup> Education Scotland research (accessed 11/3/15)

<http://www.journeytoexcellence.org.uk/resourcesandcpd/index.asp>

<sup>8</sup> The average woman earns £3000 less within 6 months of graduating; Oxford University Careers Service (accessed 11/3/15) <http://www.ox.ac.uk/news/2015-01-13-study-reveals-careers-gender-gap-university-graduates>

lower ranks of the public sector. BME women are also over-represented in these low-paid sectors. However, 26-31% of BME women (depending on the community) are represented in professional occupations, compared with 19% of white women.

Meanwhile, the glass ceiling that sees men overrepresented in senior positions, even in female-dominated professions like teaching, is clear evidence of ongoing failures to address gender inequality in the workplace. As highlighted by Close the Gap, promotion blocking affects BME women even more disproportionately, with a rate of 36% for African black women as opposed to 10% for white women.<sup>9</sup>

#### **4.4 Unpaid work**

Any discussion of employment should also take account of the unpaid care work that enables the so-called 'real economy' and labour workforce to function. Unpaid carers, 60-65% of whom are women, contribute £10.3 billion to Scotland's economy annually, a sum equivalent to over a third of the national budget. Women are twice as likely to give up paid work in order to care and are 74% of the Carer's Allowance caseload across the UK. Carer's Allowance is set at the lowest rate of any work-replacement benefit, which, alongside other pressures on time and resources, has a bearing on the type of paid work that unpaid carers are often forced to accept.

Meanwhile BME carers experience particular issues in accessing and using support, and uptake is notably low compared with white carers.<sup>10</sup> Efforts to improve employment support and reduce discrimination within employment for BME women should be linked to policies and services that support unpaid carers. It is also vital that this inquiry is rooted in the broader context of women's work and issues of economic inequality. Within this, the framing language is also crucial. For instance, the commonplace framing of women's unpaid work as 'economically inactive' is inaccurate, economically misleading and sexist.

#### **4.5 Refugee and asylum seeking women**

The institutional and cultural barriers set out above are often even further compounded for refugee and asylum seeking women when seeking employment. In addition, women's experiences of seeking asylum can result in physical and mental health problems that undermine their capacity to find paid work without adequate support. The employment rate is also lower for refugee women than for refugee men. The Refugee Women's Strategy Group, which is led by refugee women, has

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<sup>9</sup> EHRC (2008) *Equality group inequalities in education, employment and earnings: A research review and analysis of trends over time*

<sup>10</sup> IRISS (2010) *Improving support for black and minority ethnic carers*

consistently highlighted major issues such as racism and stigma, ignorance of immigration processes, lack of support networks and informal childcare, and the need for tailored employability support for refugee women.<sup>11</sup> Engender endorses the set of recommendations that they set out in their submission to this inquiry.

## 5. CONCLUSION AND RECOMMENDATIONS

The Scottish Government's revised economic strategy prioritises tackling inequality as a key strategic aim. It recognises that the female workforce is a valuable resource that should be harnessed to foster growth and is nominally committed to reducing race inequality in the workplace. However these conversations remain marginal to mainstream economic policymaking and a lack of policy coherence across government has undermined efforts to improve gender inequality in paid work and periodic investigation into the lack of action on race, ethnicity and employment.

Nonetheless, opportunities exist to address this, provided that an intersectional approach is taken and that BME women in Scotland are meaningfully involved in the development of any initiatives. These include the Scottish Government's current social justice agenda, the Scotland Bill, and high-level commitments to focus on gender equality issues. We therefore urge the Equal Opportunities Committee to make the following recommendations to the Scottish Government.

- Ensure that gender is mainstreamed throughout any action that is taken to tackle racial discrimination in the labour market.
- Improve intersectional data-collection on BME women's employment and underemployment in Scotland.
- Invest in research on BME women's linked experiences of racial discrimination in the labour market, unpaid care work and social security system.
- Support public bodies to produce race and gender pay gap and occupational segregation statements under the public sector equality duty from 2017.
- Create tailored employment support programmes for women from different BME communities and for refugee women.
- Introduce the use of blind appointments to counter double discrimination in recruitment processes through the Fair Work Convention and Framework.
- Use new powers over employment support and employment tribunals to provide targeted support for BME women and to abolish tribunal fees.

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<sup>11</sup> RWSG (2014) *Speak for Yourself: Report from our engagement with 100 refugee and asylum seeking women*  
RWSG (2011) *Struggle to contribute: a report identifying barriers encountered by refugee women on their journey to employment in Scotland*;

## ABOUT US

Engender is Scotland's gender equality organisation. For more than 20 years we have worked across Scotland on feminist policy, advocacy, and activism. We make women's inequality visible, and bring women together to make change happen.

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