Close the Gap

Response to the Equalities and Human Rights Committee's Race equality, employment and skills inquiry

June 2020

1. INTRODUCTION

Close the Gap is Scotland's policy advocacy organisation working on women's labour market participation. We have been working with policymakers, employers and employees since 2001 to influence and enable action that will address the causes of women's labour market inequality.

The gender pay gap is the key indicator of women's labour market inequality, and the persistently divergent experiences men and women have in the workplace, and also in education, training, care and domestic labour. It is a persistent feature of Scotland's labour market, with Scotland's gender pay gap remaining stubbornly high at 13%.[1] While there are gendered commonalities in the experiences of all women in the labour market, Black and minority ethnic (BME) women's lived experiences of employment are also inflected by racism and, for some, Islamophobia or other religious discrimination. An intersectional approach to policymaking and employer interventions to advance equality are therefore critical. In Scotland, BME women face an intertwined set of gendered and racial barriers that affect their ability to enter, progress and stay in good quality employment. It is also the case that BME women are not a homogenous group, but rather have diverse and differing experiences in employment based upon their ethnicity, race, migrant status and, in some cases, religion. Overcoming the inequalities faced by BME women in the labour market therefore necessitates a truly intersectional approach.

Despite the increasing emphasis on race equality policy in Scotland, and a growing consensus on the need to move toward intersectional approaches to equalities work, the experience of BME women has not been afforded significant focus in labour market policymaking, race equality policymaking or in work by employers. The experience of BME women in employment is an under-researched area and there remains a lack of data relating to BME women's experiences of the labour market which makes it increasingly difficult to adopt an intersectional approach to analysis of the labour market. COVID-19 has highlighted and exacerbated pre-existing inequalities in the labour market, and it is therefore vital that the Scottish

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[1] Close the Gap (2020) *Gender Pay Gap Statistics*

Government maintain their focus on equalities. This inquiry into race equality, employment and skills will be important in shaping the Government's responses to labour market and economic problems caused by the coronavirus crisis.

2. Still Not Visible: Research on Black and ethnic minority women's experiences of employment in Scotland

Close the Gap published research in 2019 on the labour market experience of BME women in Scotland. Providing an important insight into the lived experiences of BME women at work in Scotland, *Still Not Visible: Research on Black and ethnic minority women's experiences of employment in Scotland* captures data on key aspects of employment across recruitment, development and workplace culture.[2] The findings and recommendations are based on analysis of primary and secondary data.[3] The key findings include:

- Almost three-quarters of respondents reported they had experienced racism, discrimination, racial prejudice and/or bias in the workplace.
- 47% of respondents believed they had experienced racism, discrimination, racial prejudice, and/or bias when applying for a job.
- 42% of respondents indicated they had experienced bullying, harassment or victimisation because they are a BME women.

The main conclusion drawn from this research is that BME women continue to face high levels of racism, racial prejudice, discrimination and bias in the labour market which ultimately impacts their ability to secure, retain and progress within sustainable, good employment. These findings highlight the need for substantive action by employers and policymakers to tackle the causes of BME women's inequality in the labour market.

3. Still Not Visible: Actions for employers

The next stage of Close the Gap's Still Not Visible work is focused on building solutions to the issues raised in the research. Critically, one of the points emerging from the launch event for the *Still Not Visible* research was that the development of solutions to BME women's inequality needs to actively involve BME women. Women highlighted that BME organisations and individuals are often repeatedly asked to articulate the problems they experience around employment but are not consistently

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[2] Close the Gap (2019) *Still Not Visible: Research on Black and minority ethnic women's experiences of employment in Scotland*

[3] The primary data was collected through four focus groups with BME women in Scotland, and an online survey which received 127 responses. The content and format of the focus groups were designed to capture an understanding of the discrimination and inequality that BME women face because of both their ethnicity and gender. The survey covered areas such as recruitment, employment status, development opportunities, qualifications and caring roles.

involved in shaping solutions.[4] The importance of lived experience and involving BME women should be considered by the Committee.

To this end, on 24th June Close the Gap hosted an engagement event with BME women to explore the actions employers should take to address the problems identified in the research, and in particular around recruitment; workplace culture; caring responsibilities and flexible working; and training and development. Close the Gap will be using the findings from this event to produce guidance for employers detailing actions they can take to address BME women's inequality at work. We will be happy to share this resource with the Committee in due course.

Where possible, we have referenced the initial findings of the engagement event in throughout this response. However, BME women highlighted a number of key issues raised during the event which are particularly pertinent for this inquiry:

- The lack of progress in addressing BME women's workplace inequality was discussed, and although the specific barriers experienced by BME women are now well-established, little change has resulted.
- A need for clearer accountability, both in terms of policymakers working around BME women's labour market equality, and also around employer inaction on BME women's equality in the workplace.
- A need for greater transparency from employers, to demonstrate that BME women's equality is a priority, that action is being taken, to build trust between employers and the BME women in their workforce and so that BME women feel supported.
- The current context, specifically COVID-19 and the Black Lives Matter campaign, is an important opportunity to push for substantive action on BME women's inequality at work.

Close the Gap's response to this inquiry is based upon the findings of our *Still Not Visible* research and an initial analysis of the information gathered at last week's engagement event.

4. Public sector: leading the way or falling behind?

Concerningly, Close the Gap's research found that BME women working in the public sector were more likely to report experiencing racism, racial prejudice, discrimination and bias than respondents from the third and private sectors. For example, while 72% of respondents said they had experienced discrimination, racial prejudice and/or bias in the workplace, this figure rises to 86% for respondents from the public sector. Overall, 42% of respondents said they experienced harassment or victimisation because of being a BME women. However, while this figure fell to 29%

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[4] Close the Gap (2019) 'Close the Gap's new research finds three-quarters of BME women have experienced racism, discrimination and bias at work' available at https://www.closethegap.org.uk/news/blog/close-the-gaps-new-research-finds-three-quarters-of-bme-women-have-experienced-racism-disc1/

for respondents in the third sector, and 33% in the private sector, it rises to 50% among participants from the public sector.

These findings are especially concerning as the majority of public sector workers are women and, with the exception of Indian and Chinese women, ethnic minority women are more likely to work in the public sector than white British women.[5] It is also oft-repeated that the public sector should lead the way in building inclusive workplaces, but these figures call into question the extent to which this is happening in practice. These findings therefore highlight the need for further action in the public sector, and emphasise the failure of the public sector equality duty to facilitate transformative change, as highlighted in more detail below. Within this inquiry, there is a need for the Committee to give particular consideration to the role of the public sector in addressing BME women's inequality in the labour market. This should involve a focus on measures to improve existing interventions, while also considering the development of new interventions.

Nevertheless, while this research highlights particular challenges in the public sector, existing evidence on poor equalities practice in the private sector still stands. Private sector employers tend to be less engaged in the equalities agenda, particularly smaller employers. There are fewer regulatory levers to enable change in the private sector, and it therefore may be the case that in general employees in this sector are themselves less familiar with work to advance equality. Trade union density is also lower in the private sector, and therefore employees are often less aware of their employment rights. In order to tackle BME women's employment inequality, targeted interventions are therefore necessary across all sectors of the labour market. In line with recent campaigns from third sector intermediaries,[6] the research also highlights the importance of action in the third sector, with 59% of third sector respondents having experienced racism, racial prejudice, discrimination and bias in the workplace. Respondents from the third sector were also more likely to report racism than private sector respondents in a number of areas, including when applying for jobs and in accessing development opportunities.

5. The existing policy framework

Despite the increasing emphasis on race equality policy in Scotland, the experience of BME women has not yet been afforded significant focus. The Race Equality Framework (REF), published in April 2016, outlines key actions across a range of areas including employment and education. Employability and employment ambitions contained within this framework cover reducing employment inequalities, ensuring access to appropriate early learning and childcare for minority ethnic

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[5] Equality and Human Rights Commission Website (2017) Ethnicity: What does the pay gap look like?

[6] See Third Sector (2020) '#CharitySoWhite: Time for an urgent commitment to racial equality' available at https://www.thirdsector.co.uk/charitysowhite-time-urgent-commitment-racial-equality/management/article/1670826 and SCVO Webinar (2019) https://twitter.com/scvotweet/status/1166342109844180992

families and ensuring robust policy responses that support race equality in relation to income and poverty. While the employability and employment section of the framework does contain a reference to 'gender and race intersect(ing) to create extra barriers', little explicit consideration is given to gender throughout the report or within framework's actions.

The Race Equality Action Plan (REAP), published in 2017, details actions to be taken over the course of this Parliament (2017-2021) to advance race equality, tackle racism and address barriers faced by minority ethnic communities. This wide-ranging action plan covers a range of policy areas including employment, education and housing. Again, the actions relating to employment do not mention BME women specifically. It is also likely that the ongoing COVID-19 crisis will delay the delivery of some of these actions.

The lack of available data, and the importance of employers both gathering and utilising data to identify and address issues was a key area of concern in the Equal Opportunities Committee's 2016 inquiry into race, ethnicity and employment.[7] Under the public sector equality duty (PSED), listed public bodies in Scotland are required to, amongst other things, mainstream equality into all of their functions; do equality impact assessment; gather, analyse and use employee data disaggregated by protected characteristic; develop equality outcomes, and report on progress to deliver these; publish their gender pay gap; and publish an equal pay statement, including occupational segregation information, by gender, race and disability. However, the public sector equality duty has not resulted in the transformational change that was intended. Analysis of employer reporting under the duty by Close the Gap[8], the Coalition for Racial Equality and Rights (CRER) [9], and the Equality and Human Rights Commission[10] has concluded that there is very limited evidence of change for women and other protected groups.

Analysis by equalities organisations in Scotland has also concluded that the duty has contributed to the diminution of focus in the identity-based inequality experienced by particular groups, including Black and minority ethnic people and women.[11] There has been an increasing homogenisation of equalities work, with the nine protected characteristics targeted as a single group, with little recognition that the causes of the inequality experienced by protected groups are different, as are the solutions. Close the Gap's assessment of public bodies' compliance with the duty has identified a significant decline in performance of the duty since it replaced the single equality

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[7] Equal Opportunities Committee (2016) *Removing Barriers: Race, Ethnicity and Employment*
[8] Close the Gap (2017) *Making Progress? An assessment of public sector employers' compliance with the public sector equality duty*
[9] Coalition for Race Equality and Rights (2018) Equality and Human Rights Commission Research Report - Effectiveness of the PSED Specific Duties in Scotland
[10] EHRC (2017) *Public authorities' performance in meeting the Scottish Specific Equality Duties 2017: Measuring Up?*
[11] Equality Sector (2017) *The Socio-Economic Duty: A Consultation Equality Sector Response* available at https://www.closethegap.org.uk/content/resources/Socioeconomic-duty-consultation-equality-sectorresponse-September-2017.pdf

duties on gender, disability and race.[12] CRER have also highlighted that public bodies admit within their reported material that BME individuals are under-represented in their workforce without undertaking any action to change this.[13] The Scottish Government's commitment to review the specific duties is therefore vitally important in addressing a lack of intersectional action by listed public bodies. It is critical that the review of the duty is not deprioritised as a result of competing pressures caused by Covid-19, because it is women, and especially BME women, that have been disproportionately affected by Covid-19.

There has been a number of key policy developments in recent years and devolution has enabled a range of Scottish-specific initiatives to be developed, producing a rhetorical shift and enhanced political commitments towards race equality. However, while the national-level rhetorical and political commitment has been praised as distinct, the extent to which they have translated into meaningful national action is contested.[14] To date, there have been limited updates on the progress made against these various objectives and the actions contained with the REF and REAP. CRER have highlighted the lack of scrutiny and accountability that are embedded within these plans and frameworks, and the subsequent lack of monitoring mechanisms which makes it difficult to determine what is being achieved.[15] As mentioned above, BME women at Close the Gap's recent engagement event also lamented the lack of action and absence of accountability mechanisms. Gender equality, and the specific barriers faced by BME women, have been given little consideration within the race equality policy framework. Race equality and intersectionality considerations have not yet been mainstreamed in Scottish Government policymaking and the public sector equality duty is not operating as intended. Additionally, equality impact assessments (EQIAs) are done unevenly, often poorly and frequently too late in the policymaking process to effect change[16] and this trend has been exacerbated during Covid-19 crisis.

6. Implications of Brexit

Within the policy context, it is important to consider the potential implications of Brexit on migrant BME women's labour market participation and socio-economic inequality. Post-Brexit changes to immigration, including the introduction of an Australian-style points system,[17] is likely to present particular issues for migrant BME women in the labour market. In particular, migrant BME women are concentrated in

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[12] See Close the Gap (2017) *Making Progress? An assessment of public sector employers' compliance with the public sector equality duty*

[13] CRER (2017) *Removing Barriers: Race, Ethnicity, and Employment –Scoping Exercise*

[14] Coalition for Race Equality and Rights (2016) *Changing the Race Equality Paradigm: Key Concepts for Public, Social and Organisational Policy*

[15] Official Report – Equalities and Human Rights Committee Session 21st November 2019 available at http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12387

[16] Coalition for Race Equality and Rights (2018) *Equality and Human Rights Commission Research Report - Effectiveness of the PSED Specific Duties in Scotland*

[17] Syal, Rajeev (2020) 'Points-based UK immigration bill passes initial Commons stage' 18 May 2020, *The Guardian,* available at https://www.theguardian.com/uk-news/2020/may/18/points-based-uk-immigration-bill-passed-by-parliament

low-paid roles that have been branded 'unskilled' by the UK Government[18], including retail and care work.[19] The Immigration Bill cements the undervaluation of care work, sending a care message that this work is unskilled which has implications for how women in these roles are remunerated, and how they are valued within society. Additionally, there are fears about the impact of Brexit on development and progression opportunities among BME people in the labour market. 52% of BME people feel that Brexit will negatively impact their career progression, compared to 16% of non-BME people.[20]

Moreover, BME people in Britain faced rising and increasingly overt racism in the wake of the Brexit referendum. Minority ethnic women reported a sizeable increase in their experience of racism, with 74% saying they had faced racial discrimination in 2019, compared with 61% in the latter half of 2016.[21] This racist abuse extends to the sphere of employment, with reports highlighting that BME people are experiencing growing racist abuse while working, including being assaulted or being spat on.[22] In addition to physical violence, the TUC have reported an increase in other forms of harassment including patients refusing to be attended to by NHS workers who were born outside of the UK, and service-sector workers being told to "go home".[23] Brexit is therefore likely to exacerbate some of the pre-existing challenges BME women face in the labour market.

7. The COVID-19 Context

It is vital that the COVID-19 crisis does not lead to a depriortisation of equalities work by Scottish Government,[24] particularly as both the short-term labour market changes and the long-term economic implications of the crisis are likely to negatively impact gender and race equality.[25] Indeed, the COVID-19 health and economic crises have highlighted in particularly stark terms the continued socio-economic inequality in Scotland, that disproportionately affects BME women. Public Health England's report into why BME people have been dying from COVID-19 in disproportionately high

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[18] O'Carroll, Lisa, Walker, Peter and Brooks, Libby (2020) 'UK to close door to non-English speakers and unskilled workers', 18 February 2020, *The Guardian*, available at https://www.theguardian.com/uk-news/2020/feb/18/uk-to-close-door-to-non-english-speakers-and-unskilled-workers

[19] Gerlich, Karolina (2020) 'Care Workers like me aren't low skilled – these immigration rules will risk lives', *The Guardian*, 20 February 2020, available at https://www.theguardian.com/society/2020/feb/20/care-workers-like-me-arent-low-skilled-these-immigration-rules-will-risk-lives

[20] Consultancy UK (2019) 'Half of BAME citizens fear Brexit may impact career progression' available at https://www.consultancy.uk/news/20151/half-of-bame-citizens-fear-brexit-may-impact-career-progression

[21] The Guardian (2019) 'Racism rising since Brexit vote, nationwide study reveals' available at https://www.theguardian.com/world/2019/may/20/racism-on-the-rise-since-brexit-vote-nationwide-study-reveals

[22] TUC (2016) *Combatting racist abuse in the workplace*

[23] Ibid.

[24] Close the Gap (2020) *Close the Gap response to the Equalities and Human Rights Committee on the impact of COVID-19 on equalities and human rights*

[25] Runnymede Trust (2020) 'Coronavirus will increase race inequalities' available at https://www.runnymedetrust.org/blog/coronavirus-will-increase-race-inequalities

numbers[26] found, when comparing to previous years, all-cause mortality deaths over the period of COVID were almost three times higher in Black, mixed and other women and 2.4 times higher in Asian females compared to 1.6 times higher among white women.[27] Additionally, from an analysis of 10,841 Covid-19 cases in nurses, midwives and nursing associates, all female-dominated occupations, the report concluded that those from Asian ethnic groups were overrepresented.[28] However, the report has been criticised by race equality organisations and others for failing to look at the possible reasons behind these differences,[29] and for a lack of clarity as to how to address the issues raised.

Research by Close the Gap, *Disproportionate Disruption,* found that women account for the majority (51.5%) of workers in roles that have been assessed by the Scottish Government as being at high exposure to job disruption.[30] This research also highlights that COVID-19 is very likely to further entrench labour market inequality for BME women who already face multiple barriers to good quality employment.[31] BME women are more likely to work in a sector that has been shut down; more likely to be in insecure work which puts them at increased risk of loss of hours and earnings; and are concentrated in low-paid service sectors which are more susceptible to redundancies over the course of the crisis.[32] The concentration of BME women in low-paid service sector roles means that they are at a disproportionate risk of furlough, reduced hours and redundancy. BME women are more likely to be in low-paid work, and women account for two-thirds of workers earning less than the living wage. Receiving only 80% of their usual salary through the Job Retention Scheme is therefore likely to push more BME women into poverty.[33] Indeed, higher proportions of BME mothers (23.7%) reported that they were struggling to feed their children during the COVID crisis then white mothers (19%), and 42.9% BAME women said they believed they would be in more debt than before the pandemic compared to 37.1% of white women.[34] Overall, this evidence highlights the importance of

[26] The Guardian (2020) 'Why are people from BAME groups dying disproportionately of COVID-19?' available at https://www.theguardian.com/world/2020/apr/22/why-are-people-from-bame-groups-dying-disproportionately-of-covid-19?CMP=Share_AndroidApp_Outlook

[27] Swerling, Gabriella (2020) 'Why are so many people from BAME backgrounds dying from coronavirus?', 4 June 2020, *The Times* available at https://www.telegraph.co.uk/news/2020/06/04/bame-covid-coronavirus-black-ethnic-minority-background/

[28] Siddique, Haroon (2020), 'Key findings from Public Health England's report of COIVD-19 deaths' 2 June 2020, *The Guardian,* https://www.theguardian.com/world/2020/jun/02/key-findings-from-public-health-englands-report-on-covid-19-deaths

[29] Samir, Jeraj (2020) 'What Public Health England's report on BAME death says -and what it doesn't, 2 June 2020, *New Statesman* available at https://www.newstatesman.com/science-tech/2020/06/what-public-health-england-s-report-bame-deaths-says-and-what-it-doesn-t

[30] Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality*

[31] Close the Gap (2019) *Still Not Visible: Research into Black and minority ethnic women's experience of employment in Scotland*

[32] Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality*

[33] Ibid.

[34] Women's Budget Group (2020) 'New data reveals "crisis of support" for BAME women' available at https://wbg.org.uk/media/new-data-reveals-crisis-of-support-for-bame-women/

adopting an intersectional approach to labour market and economic recovery policy making.

BME women are also over-represented in high-risk occupations, including health workers, social care staff, and essential retail. In the health and social care sectors, BME women, particularly migrant BME women, are concentrated in undervalued, underpaid and under-protected roles. BME women's increased exposure to COVID-19 as a result of their position in the labour market is likely to be intensified by ongoing problems around access to essential PPE and testing,[35] which is causing additional anxiety among frontline staff.

COVID-19 has highlighted the continued inequalities faced by BME women in Scotland and has further increased the importance of this Committee inquiry. Moving forward, it is vitally important that Scottish Government integrate gender-sensitive data analysis and gender mainstreaming approaches into labour market and economic recovery policymaking, and programme and service design. In addition, there is a vital need for interventions specifically designed to tackle BME women's labour market inequality. Without such measures, a key impact of COVID-19 will be to further cement BME women's inequality in the labour market. To this end, Close the Gap and Engender recently published a paper on *Gender and Economic Recovery* which sets out principles for a gender-sensitive economic recovery.[36] The principles range from ensuring that the principle of equality and non-discrimination is core to the economic recovery, to addressing the systemic undervaluation of "women's work" as a key priority of economic recovery.

8. **BME women's labour market participation**

The Scottish employment rate (defined as the ratio of those employed amongst the economically active) of BME women (50.5%) is significantly lower than white women (72.8%), white men (78.3%), and BME men (67.9%).[37] There is also variation of employment rates between different non-white minority ethnic groups. For example, the employment rate for Indian women in 63.4%, but this falls to 39.4% for Pakistani/Bangladeshi women.[38]

Occupational segregation, which describes where men and women do different types of work and different levels of work, is a defining feature of Scotland's labour market. Existing patterns of occupational segregation are intensified for BME women. Ethnic minority women are over-represented in low-paid, and often precarious, occupations including catering, hairdressing, sales, textiles and clothing manufacturing.[39] Data highlights that BME women are concentrated in

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[35] Royal College of Nursing (2020) 'Nurse leader calls on First Minister to intervene on protective equipment supply' available at https://www.rcn.org.uk/news-and-events/news/rcn-writes-to-fm-re-ppe-23-mar-2020
[36] Close the Gap and Engender (2020) *Gender and Economic Recovery*
[37] Office for National Statistics (2019) Annual Population Survey July 2018-June 2019
[38] Ibid.
[39] Longhi, S. & Platt, L. (2008) *Pay Gaps Across Equalities Areas: An Analysis of Pay Gaps and Pay Penalties by Sex, Ethnicity, Religion, Disability, Sexual Orientation and Age Using the Labour Force Survey*

accommodation and food services, accounting for 2.8% of the Scottish workforce; human health and other social work activities (2.6%); and education (1.5%). However, BME women are under-represented in construction accounting for only 0.1% of the Scottish workforce and manufacturing (0.4%). More specifically, Asian, Asian Scottish or Asian British women account for 2.2% of the workforce in accommodation and food services, and 1.57% of the workforce in human health, but only 0.2% of those working in manufacturing. Equally, while African women account for 0.58% of the workforce in human health, they account for only 0.12% of the workforce in information and communication.[40]

Information on the gender pay gap for BME women is somewhat complicated, particularly as BME women are not a homogenous group and there is significant variation dependent on ethnicity and migration status. In addition, there is no publicly available Scottish-level data on the gender pay gap for BME women which remains a critical data gap.

UK-level figures highlight, on average, BME women have tended to earn more than white British women in most categories, with the notable exception of Pakistani and Bangladeshi women. However, the picture is very different for migrant BME women and there are significant differentials between British-born and migrant women within the same ethnic group, particularly among Black African women.[41] The following pay gaps and pay advantages represent the difference in median wage per hour when compared to the median hourly wage of a white British woman in the UK:

- British-born Bangladeshi women experience a 0.9% pay gap and this rises to 12.3% for a Bangladeshi migrant woman.
- The pay gap for a Pakistani woman is 5.8% if they are British born and 7.9% if they are a migrant.
- A British-born Black African woman has a 19.4% pay advantage over a White British woman. However, no such advantage exists for Black African migrant women who experience a 6.1% pay gap.
- A British-born Black Caribbean woman has a 15% pay advantage while migrant women of the same ethnicity experience a 1.7% pay gap.
- Both British-born and migrant Chinese women experience a pay advantage over a White British woman, at 26.5% and 11% respectively. Finally, Indian women are the only other ethnic group to have a pay advantage over white women regardless of whether they are British-born (14.9%) or migrant (5.4%).[42]

[40] Scotland's Census (2011) *Table DC6223SC Industry by ethnic group*
[41] Equality and Human Rights Commission Website (2017) Ethnicity: What does the pay gap look like? available at https://www.equalityhumanrights.com/en/pay-gaps/ethnicity-what-doespay-gap-look
[42] Equality and Human Rights Commission Website (2017) Ethnicity: What does the pay gap look like? available at https://www.equalityhumanrights.com/en/pay-gaps/ethnicity-what-doespay-gap-look

9. ANSWERS TO CONSULTATION QUESTIONS

1. **How should employers, schools, colleges and universities work together to help people from minority ethnic communities move into work?**

Close the Gap's research found that when faced with recruitment and workplace discrimination, BME women often feel that their only option is to undertake further study. However, the anticipated link between quality education and good employment does not always exist for BME women because of racism and discrimination in recruitment processes. More detail on recruitment discrimination is available in our response to question 2 below. A key action for employers, therefore, is to make changes to their recruitment processes, in line with the specific recommendations detailed in question 2 below, if they are to enable BME women to move from education into employment.

Colleges and universities should also take action to address toxic and negative cultures within their institutions. Research has highlighted that one in two students had witnessed or faced racism on campus, while a National Union of Students (NUS) report concluded that incidents of racism made BME students want to discontinue their education.[43] Recent EHRC research found that, in universities, reporting systems for racism and racial discrimination were fragmented and staff practice was inconsistent.[44] This research noted that there remains an apparent reluctance to admit that racism remains a problem within their institution as universities appeared to prioritise the protection of their reputation, over the importance of addressing problems of racism publicly. It is therefore important that higher and further education institutions take action to address their own practices and to adopt a zero-tolerance approach to racism. Indeed, the UCU have launched a campaign on building an anti-racism environment in universities.[45]

Converting existing qualifications

Close the Gap's research found that 30% of survey respondents had qualifications gained in other countries. However, almost three-quarters (73%) had not converted their qualification to the UK equivalent. When asked why they did not convert their pre-existing qualifications, the most common reasons were that the process was too long (31%), too complex (26%), and too expensive (21%). Participants also raised concerns around the cost of qualifications, such as the International Language Testing System certification (IELTS). This is in line with the Equal Opportunities

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[43] The Guardian (2019) 'Universities must stop covering up racism in order to protect their reputations' available at https://www.theguardian.com/education/2019/oct/23/universities-must-stop-covering-up-racism-in-order-to-protect-their-own-reputations

[44] EHRC (2019) *Racial harassment in British Universities: qualitative research findings*

[45] See UCU week of action against workplace racism at https://www.ucu.org.uk/action-against-workplace-racism

Committee's conclusions around inconsistent provision of English for Speakers of Other Languages (ESOL) classes and training.[46] Challenges in converting qualifications were identified as contributing to the cycle of underemployment, with many migrant BME women having to take jobs below their skill level and then becoming effectively trapped in low-skilled and low-paid work while they struggled to convert their qualifications. Access to language courses and the conversion of qualifications will be a particular issue for migrant BME women, and will be less pertinent to settled BME communities. Work by Scottish Government, and higher and further education bodies to make changes to the process of converting qualifications may enable more BME women to find work that is commensurate with their skill level.

Under-representation of BME people in teaching professions

The lack of ethnic diversity within the Scottish teaching workforce is well-established.[47] Only 1.4% of the teaching workforce are from ethnic minority backgrounds, with ethnic minorities accounting for 1% of the primary teacher workforce, and 1.7% of the secondary sector workforce. The number of teachers from ethnic minority backgrounds in promoted posts across the whole profession is only 0.6%.[48]

An EIS survey of minority ethnic teachers found that experiences of racism range from the use of racist or Islamophobic language; racist attitudes from colleagues; invisibility of racial diversity within curriculum content; curriculum content that perpetuated racial stereotypes; to racist attitudes and comments from parents and pupils. Despite this evidence, there has been little action to tackle workplace racism by local authorities.[49] Teachers' experience of racism and racial discrimination contributes to the negative experiences of BME pupils in school settings and also deters BME young people from choosing teaching as a profession.[50]

For pupils, school can also be a toxic environment, with racism often seen as going unchallenged. In a recent survey, almost half of female respondents (48.7%) expressed disagreement or strong disagreement in responding to the statement 'I believe my school would respond effectively to any concerns raised about racism or discrimination'. Over half of female respondents (51.3%) disagreed or strongly disagreed that teachers at their school were knowledgeable about the processes they were required to follow if a racist incident happened at school. Substantially

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[46] Equal Opportunities Committee (2016) *Removing Barriers: Race, Ethnicity and Employment*
[47] See Scottish Government (2018) *Teaching in a Diverse Scotland: Increasing and treating minority ethnic teachers in Scotland's schools* and Kaliani Lyle (2017) *Addressing Race Inequality in Scotland: The Way Forward*
[48] Scottish Government (2018) *Teaching in a Diverse Scotland: Increasing and treating minority ethnic teachers in Scotland's schools*
[49] Scottish Government (2018) *Teaching in a Diverse Scotland: Increasing and treating minority ethnic teachers in Scotland's schools*
[50] Ibid.

fewer female respondents (1.3%) than male respondents (10%) strongly agreed that teachers were knowledgeable about these processes.[51] A culture of racism and sexism in schools contributes to gender segregation in subject choice which sees BME girls and young under-represented in STEM subjects which have better labour market outcomes.

Developing the young workforce strategy

The Developing the Young Workforce (DYW) strategy was published in 2014 with its implementation planned over seven years, ending in 2021. There are a number of specific recommendations relating to race in the DYW Strategy, including the promotion of modern apprenticeships (MAs) to BME people; a targeted campaign to promote the full range of MAs to young people and parents from the BME community; and realistic targets to increase the number of young people from BME groups starting MAs. Progress against these recommendations has been extremely slow. Recommendation 26 relating to embedding equality education across Curriculum for Excellence has resulted in homogenous equalities resources which do not speak to the specific inequalities faced by each protected group, and are ineffective to support teachers to do good quality work on equalities. There is also only one KPI on race and ethnicity, which relates to the number of MA starts from minority ethnic communities equalling the population share by 2021. The increase since 2012/2013 has been 1.2 percentage points, with the percentage of BME starts increasing from 1.1% to 2.3% in 2018/19. The population share in these years was 3% and 4.1% respectively, therefore they've only closed the gap between starts and the population share by 0.1 percentage points.

As a result of the lack of KPIs relating to race equality, there has been very little clear progress reporting against these recommendations. This aligns with the findings of Close the Gap's gender review of DYW.[52][53] Additionally, while the majority of the recommendations have clear gendered and race equality impacts, gender and race equality has not been mainstreamed in the strategy and thus these recommendations have been taken forward with little consideration of the experiences of young BME women and girls.

Career information advice and guidance

Career information advice and guidance (CIAG) is a critical intervention in helping people from ethnic minority backgrounds into work, as highlighted by the Race

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[51] Intercultural Youth Scotland and EDI Scotland (2019) *In Sight: Black, Asian and Minority Ethnic experience in Scottish schools*

[52] See Close the Gap (2020) A Gender Review of Developing the Young Workforce: Scotland's youth employment strategy

[53] Scottish Government has since committed to working with Close the Gap in a range of ways including building gender competence in teachers and other education practitioners. See Scottish Government (2019) *Developing the Young Workforce: Scotland's Youth Employment Strategy –5th annual progress report*

Equality Framework which recommends that CIAG tackles occupational segregation in relation to race. Skills Development Scotland's CIAG Equalities Action Plan[54] highlights that discrimination is the main explanation for the educational achievements of BME people not being reflected in labour market outcomes. The Equal Opportunities Committee had previously highlighted that career advisers may reflect stereotypical views and direct young people into certain career accordingly, and the Committee recommended high quality equality and diversity training for those in CIAG roles.[55] Despite this, the action plan, published in 2019, is 'focused on promoting our services to ethnic minority communities and signposting to the information they need to understand their rights and enter and sustain education, employment or training.' While an overarching action contained within the plan is to ensure colleagues have access to enhanced equality-related learning and development resources, there is no indication that this equalities training will be mandatory or form a central part of qualifications. More specifically, actions relating to ethnic minorities are firmly focused on supply-side initiatives, such as sharing information with migrants, refugees and asylum seekers and promoting CIAG services to BME people.

Evidence from previous financial crises[56] indicates that economic downturns tend to have particularly detrimental effects on younger workers, making CIAG especially important. As both young women and BME women are concentrated in service sectors, young BME women are likely to be particularly impacted by job disruption.[57] Attention should therefore be afforded to how CIAG meets the specific needs of BME girls and women during periods of economic recession.

Close the Gap have called for equalities to form a central part of initial CIAG qualifications, ensuring CIAG staff can tackle occupational segregation and stereotyping.[58] Skills Development Scotland has committed to working with Close the Gap to develop mandatory gender competence[59] training for CIAG practitioners. This work should involve an intersectional approach, and Skills Development Scotland should consider broadening this approach to develop mandatory training on the specific inequalities which impact on BME groups.

Employability services

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[54] Skills Development Scotland (2019) Careers Information, Advice and Guidance Equality Action Plan 2019-2021

[55] Equal Opportunities Committee (2016) *Removing Barriers: Race, Ethnicity and Employment*

[56] Resolution Foundation (2020) *Class of 2020: Education Leavers in the Current Crisis*

[57] Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality*

[58] Close the Gap (2020) *Gender Pay Gap Manifesto: Realising Fair Work for Women*

[59] Gender competence is the knowledge that the roles of women and men are socially constructed and result in gendered inequalities which shape their lives, and the ability to use this understanding to inform analysis, policy and strategy. This includes knowledge about the tools, policies and strategies which relate to gender inequality, such as gender mainstreaming.

There is also a role for employability services in enabling BME women to move into employment and addressing underemployment. Current employability programmes are seen as reinforcing the trends of occupational segregation and underemployment, with the design of these services failing to meet the needs of BME women. Rather than actively disrupting occupational segregation and adopting a personalised approach to support, employability services can funnel BME women into low-paid, gendered, precarious work, such as cleaning or retail, where BME women are currently concentrated. Employability services should therefore be designed with tackling occupational segregation as a central aim. Indeed, the Equal Opportunities Committee concluded that the Scottish Government should work with employment services to develop gender specific employability schemes aimed at ensuring appropriate resources, information and training are available for ethnic minority women seeking employment support and advice.[60]

Despite this, Fair Start Scotland does not prioritise tackling occupational segregation and the information to potential suppliers on the Employability in Scotland website[61] contains no reference to gender, or gendered employability issues. It is not clear how delivery is taking cognisance of the stark gender differences in women's experiences of work, or the particular experiences of BME women. Close the Gap have previously called for successful bidder(s) to deliver employability programmes to be required to demonstrate their knowledge and skills around intersectional gender analysis and gender-sensitive service development[62], and/or their robust plans for developing that capacity. COVID-19 and the anticipated 'jobs recession' will result in increasing numbers accessing employability support. There were over 110,000 household claims for Universal Credit in Scotland between 1 March and 7 April, up from an average of 20,000 per month in 2019. As women are more likely to lose their job in the 'jobs recession', it is important that women are able to access tailored, gender-sensitive support in the aftermath of the crisis that does not reinforce occupational segregation by funnelling BME women into low-paid, female-dominated sectors.

Modern Apprenticeships

Scotland's national training programme, Modern Apprenticeships (MAs), represents a key entry point into the labour market for young people who do not attend further or higher education. MAs are an important component of the Scottish Government's

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[60] Equal Opportunities Committee (2016) *Removing Barriers: Race, Ethnicity and Employment*
[61] Employability in Scotland website 'Developing Employment Support' available at
http://www.employabilityinscotland.com/devolved-employment-services/developing-employment-support-2018/
accessed April 2020
[62] Gender analysis' refers to an analytical approach that takes account of the socially constructed differences between men's and women's lives and experiences. 'Intersectional' gender analysis is that which understands that women are not a homogenous group, but that e.g. disabled women's and Black and minority ethnic women's experiences will be inflected by ableism and racism. Intersectional gender analysis will be informed by knowledge and understanding of racism, ableism, and the experiences of LGBT women and older and younger women.

measures to promote sustained employment.[63] Despite Skills Development Scotland's (SDS) equalities action plan[64] containing an action to increase the number of MA starts from minority ethnic communities to equal the population share by 2021, progress has been extremely slow. In 2018/9, only 2.3% of MA starts self-identified as being from a BME group and non-white minority ethnic groups are also underrepresented at levels SCQF 9 and above.[65] Moving forward, with a view to evidencing the experiences of different groups of women undertaking apprenticeships, the Scottish Government should require SDS to publish additional intersectional MA data. These data gaps have been well-established, but there has been little substantive action to address these gaps.[66] Building on existing publicly available data, this intersectional data should include data disaggregated by key equalities characteristics (including sex and race, and race and disability), and by framework. In addition to data relating to starts, intersectional data pertaining to achievement rates should also be publicly available, to enable monitoring of dropouts and leavers.

More broadly, the lack of gender-sensitive sex-disaggregated data used to develop skills planning policy was highlighted in *A Fairer Scotland for Women* and improving the range of gender-sensitive sex-disaggregated data used in skills policy has been a long-term ask of Close the Gap.[67] The existence of these data gaps is well-established and acknowledged, yet there has been very little meaningful action taken to address the problem. For example, Skills Development Scotland's newly refreshed Data Matrix[68], used to shape Regional Skills Assessments (RSAs), contains only one reference to gender-disaggregated data and there is no intersectional gender-disaggregated data within the matrix. This is concerning as RSAs are used to provide a 'coherent evidence base to inform future investment in skills'.[69] That there has been little progress on the gathering and utilisation of gender-disaggregated data means we remain some distance from Skills Development Scotland utilising intersectional data in skills planning policy.

Intersectional gender-sensitive sex-disaggregated data is essential to understanding women's experiences of skills and training and is also a critical component of gender-sensitive policymaking that takes account of the needs of different groups of women.

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[63] Skills Development Scotland (2015) *Equalities action plan: For Modern Apprenticeships in Scotland*
[64] Skills Development Scotland (2015) *Equalities action plan: For Modern Apprenticeships in Scotland*
[65] CRER (2017) *Removing Barriers: Race, Ethnicity, and Employment –Scoping Exercise*

[66] Close the Gap (2020) *Gender Pay Gap Manifesto: Realising Fair Work for Women*
[67] Ibid.
[68] Skills Development Scotland Data Matrix available at https://www.skillsdevelopmentscotland.co.uk/what- we-do/skills-planning/regional-skills-assessments/#data-matrix
[69] Skills Development Scotland website 'Regional Skills Assessments' available at https://www.skillsdevelopmentscotland.co.uk/what-we-do/skills-planning/regional-skills-assessment

Occupational segregation is correlated with sectoral skills shortages,[70] and if women's skills are to be effectively utilised, skills policy must be informed by intersectional gender-sensitive sex-disaggregated data.[71]

2. How should employers encourage more people from minority ethnic communities to apply to work with them?

In Close the Gap's research, nearly half of respondents (47%) said that they had experienced racism, discrimination, racial prejudice, and/or bias when applying for a job and 41% indicated that they had experienced racism and discrimination at an interview for a job. Participants in our research raised concerns around a lack of feedback for unsuccessful job applications or interviews, as the absence of meaningful feedback leads to a lack of clarity around how women should progress with their job search, and their career. Recruitment processes and practices can discriminate against women in a number of ways. Practices such as psychometric testing and assessment centres are laden with racial and gender bias and can therefore be alienating to BME women. These tools are often not equality-proofed, can be Westernised, can reward stereotypically male traits and are therefore inherently exclusionary to some BME women, particularly migrant BME women. If jobs are not formally advertised, and employers instead use word-of-mouth recruitment by promoting the job through their networks, women, who tend to have less access to informal workplace networks, are less likely to be aware of these roles and development and promotion opportunities. Where recruitment, development and progression opportunities are reliant on access to informal networks, BME women will be particularly disadvantaged as these networks are often tinged with gender and racial prejudice, especially where networks are based on stereotypically male activities such as playing golf or football.

Among research participants, being able to speak English to the standard of native English speakers was cited as a substantial barrier to accessing employment amongst participants who were born and raised in countries with an official language other than English. At the same time, other focus group participants indicated that their language insecurities come from viewing themselves through the prism of the discriminatory employer, rather than objective reality. Several participants expanded on this, explaining that no matter how competent they had become in speaking English, they felt that they would always be marked as a non-native speaker by their name or their accent. In this way, the barrier around language often relates to the judgement, discrimination and bias around accents and language from employers, as opposed to any genuine skills deficit among BME women. Indeed, English language

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[70] Women in Scotland's Economy research centre (2013) How Modern is the Modern Apprenticeship in Scotland

[71] Gender-sensitive sex-disaggregated data is broken down by sex, so that it is possible to compare and contrast differences between men and women. It is not just counting women and men, though, and comprises statistics and other information that adequately reflect gendered differences and inequalities in the situation

skills are more pertinent issue for migrant BME women and there is also a strong correlation between English language skills and age. For example, while 45% of Bangladeshi women aged 65 and over couldn't speak English, only 1% of Bangladeshi women and girls under 25 couldn't speak English.[72] This is particularly relevant to Scotland, as data shows that 76% of the non-white population in Scotland are below the age of 40, compared to 47% of the white population.[73] It is therefore inaccurate to claim that English language skills is a universal barrier for ethnic minority women, and instead our findings around language further highlights problems of employer prejudice and discrimination in recruitment.

Participants at Close the Gap's engagement event prioritised three key areas for employer action in the realm of recruitment:

Gathering data, disaggregated by gender and race, on applications, shortlisting and hires to identify gendered and/or racial patterns. If inequalities are identified at any of these stages, employers should review their processes to establish the cause.
Exploring opportunities for positive action measures to address the under-representation of BME women in specific roles, grades or among the wider workforce. For example, making sure job adverts are worded to encourage applications from BME women; that pictures in job adverts represent BME women; or offering pre-interview information or training sessions for potential employees to learn about the business and the skills required for the vacant post.
Setting targets around BME women's equality in the workplace and measuring progress against those targets annually. For example, an increase in the proportion of BME women in senior roles, or increasing the proportion of BME in a particular type of job.

Employers can encourage more people from minority ethnic communities to apply to work with them by taking action to change their recruitment practices. For example, it is vitally important that roles are recruited through robust and standardised job applications and open recruitment where jobs are advertised, and potential candidates are given reasonable access to information on the role and it's requirements.[74] Employers can also ensure, whenever possible, that interview panels are gender balanced and have ethnic minority representation. Those on recruitment panels should also have been trained in non-discriminatory recruitment practice and have robust equalities training. Employers should have a fair and objective

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[72] UK Population by ethnicity statistics available at: https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/demographics/english-language-skills/latest

[73] SPICe (2015) *Ethnicity and Employment*

[74] See Kaliani Lyle (2017) *Addressing Race Inequality in Scotland: The Way Forward* and Equal Opportunities Committee (2016) *Removing Barriers: Race, Ethnicity and Employment*

recruitment and selection policy; adopt blind recruitment methods; complete shortlisting audits; and provide consistent, high-quality post interview feedback for all applicants.

Employers also need to gather, and utilise, robust data on their recruitment practices, identifying blockages across applications, selection processes and interviews with a view to making changes. This should include gathering data disaggregated by race and gender on applications for jobs; shortlisted applicants; and appointments. BME women in Close the Gap's event emphasised the importance of gathering and utilising intersectional data in developing workplace policies which address BME women's workplace inequality.

Provisions in the Equality Act 2010 allow employers, in certain specific circumstances, to pursue positive action in order to address disadvantages faced by people with protected characteristics. To date, positive action is an under-utilised provision of the Equality Act. In addition, positive action measures are often delivered poorly and can unintentionally sustain BME people's inequality. There is a role for the Scottish Government in promoting the use of positive action measures, in line with recommendation 7 in the Equal Opportunities Committee inquiry.

3. **What support should employers give to keep people from minority ethnic communities in their organisation? For example, women returning to work.**

This inquiry should not merely be focused on getting more BME women into work, but also improving the experience of BME women in the workplace. Toxic workplace cultures are central to the negative employment experiences of BME women. Within Close the Gap's research, BME women reported that they face many forms of overt racism and discrimination, and implicit bias. The 'microaggressions'[75] that BME women face on a daily basis include colleagues giving them a nickname or changing their name to something that is seen as 'easier to pronounce'; being treated as though they were less intelligent than their colleagues; and stereotypical expectations about the type of work or position they would hold, for example presuming they are a cleaner or secretary. Retention must, therefore, be a central aspect of policies to improve BME women's experience of the labour market.

Leadership and workplace culture

In the realm of workplace culture, BME women at Close the Gap's event identified the following recommendations as priority areas for action:

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[75] Microaggressions are brief and everyday verbal and non-verbal behaviours, whether intentional or unintentional, that communicate hostile, derogatory, or negative prejudices toward women and/or any protected group

Ensuring that an organisation's discrimination, harassment, and bullying policy contains a clear complaints procedure, and that staff are aware of this procedure and have confidence in using it.
Ensuring staff who manage grievances and disciplinaries have received equality training which includes information on sexism, racism, and harassment and discrimination based on sex and race.
Ensuring that there is strong leadership on tackling sexism and racism from senior staff in the organisation. This leadership can be demonstrated in a range of ways including modelling the behaviour you expect to see in staff; making sure the appropriate policies are in place; and ensuring that employees are aware of policies or organisational commitments on equality and diversity.
Developing systems and processes to gather data on the reporting of racism, sexism, discrimination, harassment, and bias in the workplace through the complaints procedure. Employers should also monitor the outcome of disciplinary and grievance cases to identify patterns and the effectiveness of these procedures.
Consulting BME women employees to gauge perceptions on workplace culture and confidence in the handling of complaints. This could be done by survey, focus group or webinar.

Toxic workplace cultures emerged as a cross-cutting issue for BME women that impacted all aspects of their employment experience. The sense from research participants was that managing racism, sexism and discrimination in the workplace requires emotional labour, whereby women must manipulate their actual feelings, or appearance of their feelings in order to satisfy the perceived requirements of their job. Discussions in the focus groups imply that BME women are required to undertake significant emotional labour in order to be accepted and to cope with negative workplace culture. One participant explained: "*I smile... I'm telling you, if you want to survive you have to have a cheerful personality, otherwise you will burn.*" Others consider whether, given their negative experience as a BME woman in the workplace and the energy necessary to manage this experience, maintaining their role is worth it. One participant commented *"It is quite tough and hostile and you say to yourself: is that worth it for my mental health, to come to a workplace where I don't feel wanted?"* This highlights the heavy burden of working in a culture where racism and sexism is prevalent, and the effect it can have on BME women's wellbeing, health and sense of self. This discrimination can therefore lead to women leaving the workplace in order to escape further workplace discrimination.

The use of unconscious bias training is widespread, but this often operates as the only method of tackling discrimination in the workplace and to this end, such training

alone is insufficient.[76] Unconscious bias training often represents a box-ticking exercise and one-off training, rather than being viewed as an ongoing process, with content and effectiveness not being continuously evaluated and reviewed. This was a key concern for BME women at Close the Gap's engagement event, with unconscious bias training being viewed as tokenistic and delivered in a way which did not discuss the specific experiences of different groups of BME people. Also, unconscious bias training can mask underlying negative attitudes towards people from ethnic minority backgrounds.

Only strong leadership can change workplace culture, and this must include ensuring robust practice on reporting incidents of racism, harassment and discrimination. BME women participating in Close the Gap's engagement event noted that strong leadership, including leaders communicating that the organisation adopts a zero-tolerance approach to racism and discrimination and publicly committing to anti-racist leadership, was impactful in tackling negative workplace cultures. It should be set out clearly that staff who raise concerns about racism will be supported, and that those perpetrating racism, harassment and discrimination will be held to account. Leadership plays a crucial role in creating and sustaining a change-oriented organisational culture, and creating a zero-tolerance culture towards racism will send a powerful message to the workforce that anti-racism work is a priority. This leadership can be demonstrated in a range of ways including modelling the behaviour you expect to see in staff; actively challenging racism and prejudice in the workplace; making sure the appropriate policies are in place; and ensuring that employees are aware of new policies or organisational commitments. In particular, the Sottish Government can work with senior leadership in the public and private sector to obtain buy-in and long-term commitments to race equality.

Gender-sensitive employment practice

An important starting point for improving the retention rates of BME women is the development of gender-sensitive employment practice. This includes offering flexible and part-time working at all levels of the organisation, conducting equal pay reviews and analysing the data by gender and race, providing support with childcare, and developing work that will address occupational segregation. Employers must also go further and adopt an intersectional approach. For example, employers should consult with BME women to gauge their perceptions on workplace culture and complaint handling procedures with a view to making changes. This will enable employers to target their interventions to the issues that are perceived by BME women in that particular workplace. BME women at our engagement event felt that consultation with BME women employees should be the starting point for action to build inclusive workplace cultures, with the findings of this engagement

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[76] EHRC (2018) *Unconscious Bias Training: an assessment of the evidence for effectiveness*

subsequently guiding employers to tackle the specific problems in their workplace in collaboration with their employees.

As a starting point, employers should also gather data to identify blockages in retention and career progression.[77] Data gathered in this area should include gender and race-disaggregated data on voluntary redundancies, compulsory redundancies and dismissals by grade, department and working pattern; proportion of women returning to work following maternity leave; and destination of women returning to work following maternity leave.

Inflexible working practices

In the area of flexible working and caring responsibilities, BME women participating in Close the Gap's engagement event highlighted the following areas as priorities for action:

Where possible, offer part-time and other types of flexible working at all levels in the organisation.
Gathering data on flexible working across the organisation, including flexible working requests and refusals, and analyse by gender, race, department and grade to identify patterns.
Offering support with childcare. This could include participation in a childcare voucher scheme; an onsite creche; childcare allowance; and/or discounted childcare through a partnership with a local provider.

Retention is a particular problem for women after they've had children due to a lack of flexible working opportunities, quality part-time work and pregnancy and maternity discrimination. Women are twice as likely to give up paid work in order to care, between 59% and 70% of unpaid care is delivered by women in Scotland.[78] Inflexible working practices, including a lack of quality part-time work, in the majority of workplaces makes it difficult for women to combine childcare with a job that is commensurate with their skill level. Part-time jobs are more likely to be found in the lower grades of all organisations, and concentrated in undervalued work such as care, admin and cleaning. Only 12% of jobs paid £20,000[79] or more are advertised as being available on a flexible basis.[80] While all employees have the right to request flexible working, research by Close the Gap has found that there is no evidence of an increase in the use of formal flexible working in Scotland since 2010.[81] A cultural

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[77] Kaliani Lyle (2017) *Addressing Race Inequality in Scotland: The Way Forward*
[78] Engender (2020) *Women and COVID-19*
[79] £20,000 full-time equivalent or more.
[80] Family Friendly Working Scotland (2017) *The Timewise Flexible Jobs Index Scotland*
[81] Close the Gap (Forthcoming 2018) *Flexible Working for All? The impact of the right to request regulations on women in Scotland*

presumption against flexible working in many workplaces creates a significant barrier to women's progression and labour market equality.

Changes to working patterns and practice necessitated by COVID-19 have again called into question pervasive presenteeism[82] in many workplaces, and a cultural presumption against flexible working which create a significant barrier to women's progression and labour market equality. COVID-19 has also highlighted that many more roles are capable of being done on a flexible basis. Research by the CIPD found that 32% of employers have introduced new flexible working arrangements during the current crisis.[83] However, it is not pre-determined that this new-found flexibility and changes to workplace cultures will be maintained in the aftermath of the crisis, and the Scottish Government should seek to encourage employers to introduce increased flexible working opportunities. Promoting the importance of flexible working at all levels of an organisation is therefore a vital aspect of promoting fair work for women. Flexible working opportunities will be vitally important in enabling women with caring responsibilities to return to work in the aftermath of COVID-19, particularly if there are any additional barriers in accessing appropriate childcare, as highlighted in the section above.[84]

BME women are particularly under-represented in senior roles. For example, in 2016/7 only 25 black women were recorded as working as professors, meaning black women account for only 0.1% of professors in UK universities.[85] Across the labour market only 6% of management roles are held by BME people, and BME women are very likely to be under-represented within this 6%.[86] Providing flexible working at all levels of an organisation can help BME women to progress and better manage their work-life balance. Evidence shows that effective flexible working can reduce absenteeism and improve staff recruitment and retention. Studies have also indicated productivity gains from flexible working, associated with enhanced staff wellbeing and morale, and the reputational benefits that make an organisation more attractive to a wider pool of talent.[87] Employers, where possible, should offer flexible and part-time working at all levels of the organisations. It is pivotal that employers gather data on flexible working patterns across their organisation, including flexible working requests and refusals, and analyse by gender, race and grade to identify patterns.

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[82] Presenteeism is the practice of being present at work outwith one's normal hours, and for more hours than is required. Cultures of presenteeism negatively impact women because of their disproportionate caring responsibilities outwith work which makes it more difficult to be at work outside their normal hours.

[83] CIPD (2020) *Labour Market Outlook, Spring 2020*

[84] Close the Gap (2020) *Close the Gap response to the Advisory Group on Economic Recovery*

[85] The Guardian (2018) 'UK Universities making slow progress of equality, data shows' available at https://www.theguardian.com/education/2018/sep/07/uk-university-professors-black-minority-ethnic

[86] CMI (2017) *Delivering Diversity: Race and Ethnicity in the management pipeline*

[87] Close the Gap (2016) *Gender Equality Pays: The economic case for addressing women's labour market inequality*

Access to affordable, flexible and appropriate childcare

The lack of flexible working opportunities is coupled with a lack of affordable, appropriate and flexible childcare. Close the Gap's research found that BME women face additional barriers in accessing appropriate, affordable and flexible childcare and almost two-thirds (62%) of survey respondents said that their caring roles have affected their ability to do paid work. Women are disproportionately responsible for care for children, sick people, older people and disabled people, and a lack quality part-time and other types of flexible working makes it difficult for them to balance work with family life. The provision of quality, flexible childcare is inconsistent in Scotland and childcare is the most immediate barrier to women being able to work, study and train. The prohibitively high cost means that many women leave their job to do part-time or full-time childcare. Families working full-time spend up to 45% of disposable income on childcare.[88]

Respondents reported finding it difficult to plan work around childcare with women forced to use sick leave and annual leave to manage their caring roles due to the inflexibility of both working practices and childcare provision. This difficulty in balancing paid work and childcare has been exacerbated by the ongoing coronavirus crisis.[89] BME women are over-represented in low-paid work and are therefore more likely to work shifts, atypical or ad hoc hours and thus face additional challenges in accessing affordable, flexible childcare around their working hours.[90] For migrant BME women, the absence of informal networks of family or friends close by to help with childcare increased the burden of childcare, limiting their ability to enter the workforce or increase their working hours. A third of survey respondents also noted that a lack of cultural diversity, specifically the under-representation on BME people among childcare staff, and a lack of cultural sensitivity in service delivery would prevent them from using paid-for childcare services.

Employers can provide support with childcare through measures such as participation in a childcare voucher scheme; an onsite creche; childcare allowance; and/or discounted childcare through a partnership with a local provider. The Scottish Government have an important role to play in providing affordable, appropriate and flexible childcare. The Scottish Government have announced that local authorities will no longer be legally obliged to deliver 1140 hours of funded childcare from August 2020 as a result of the ongoing coronavirus crisis. Subsequently, only eight of Scotland's 32 local authorities have committed to delivering the 1140 hours by August.[91] There is no indication as to how long implementation will be delayed and, considering there were emerging issues with delivery around flexibility and choice,[92]

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[88] Family and Childcare Trust (2017) *Childcare Survey 2017*

[89] Close the Gap (2020) *Disproportionate Disruption: The impact of COVID-19 on women's labour market equality*

[90] Family and Childcare Trust (2018) *Childcare Survey 2018*

[91] BBC News 'Most Scottish councils cannot commit to nursery target', 26 June 2020 available at https://www.bbc.co.uk/news/uk-scotland-53190816

[92] Audit Scotland (2020) *Early Learning and Childcare Follow-up*

it may be some time before the extended entitlement is implemented in full. Given the importance of childcare to enabling women to participate in the labour market, and in education and training on an equal basis with men, the recent announcement delaying the implementation of the additional funded childcare hours is likely to have implications for Scotland's gender pay gap and women's labour market inequality. Following the end of the coronavirus crisis, it is vital that the delivery of the 1140 funded hours is a key priority.

Training and development opportunities

As outlined in question five, employers should also consider access to training and development opportunities as a means of retaining staff. 49% of survey respondents felt that they had been overlooked for a workplace development opportunity because of racism, discrimination, racial prejudice and/or bias. Women are less likely to receive employer training than men, and there are also gender differences in the types of training accessed. Women are more likely to receive generic training such as equality and diversity and health and safety, while men are more likely to be given supervisory and management training.[93] Part-time workers, the majority of whom are women, are significantly less likely than full-time workers to receive any workplace development and support opportunities, particularly in relation to opportunities to perform tasks outwith their job role. Low paid, part-time women workers are the least likely to receive any type of training.[94] BME women's concentration in low-paid, part-time work therefore represents a further barrier to BME women accessing development and progression opportunities.

Employers should therefore be gathering and utilising information on training and development, disaggregated by race and gender, on employees accessing training; the type of training or development opportunity; and requests for training that are refused. This data should also be disaggregated by grade, team/department and whether the employee is full-time or part-time. It is also vital that training is advertised and open to all employees, rather than being reliant on workplace networks which are largely exclusionary to BME women.

4. **How do employers deal with racism and discrimination at work? For example, does everyone know their responsibilities?**

As highlighted in our response to question 3, within Close the Gap's research, toxic workplace cultures emerged as a cross-cutting issue for BME women. Almost three-quarters (72%) of survey respondents indicated that they had experienced racism, discrimination, racial prejudice and/or bias in the workplace with 27% indicating they

[93] Aldrige, Fiona and Corin Egglestone, (2015) *Learning, Skills and Progression at Work: Analysis from the 2015 adult participation in learning survey*, UK Commission for Employment and Skills
[94] House of Commons Women and Equalities Committee (2016) *Inquiry into the gender pay gap*

had experienced this in the last year and 40% within the last two years. More specifically, 42% of respondents indicated that they experienced bullying, harassment or victimisation in the workplace because they are a BME woman.

More than half of the respondents (52%) who had experienced racism, discrimination and/or harassment in the workplace said that they did not report it. Of those who did report, only 23% were satisfied with how their complaint was handled which highlights potential problems with a culture where complaints are not adequately addressed. There were a number of reasons offered as to why individuals did not report bullying or harassment (see chart 1). The most common reasons for not reporting were thinking that their line manager would not support them and thinking that it would not make a difference. That 20% did not report because the bullying was by a line manager, HR or senior manager presents particular challenges and highlights the need for significantly improved workplace practice around bullying and harassment. There were also fears around the complaint not being kept confidential or that reporting would make the situation worse.

Chart 1: Reasons why BME women did not report racism, discrimination and/or harassment
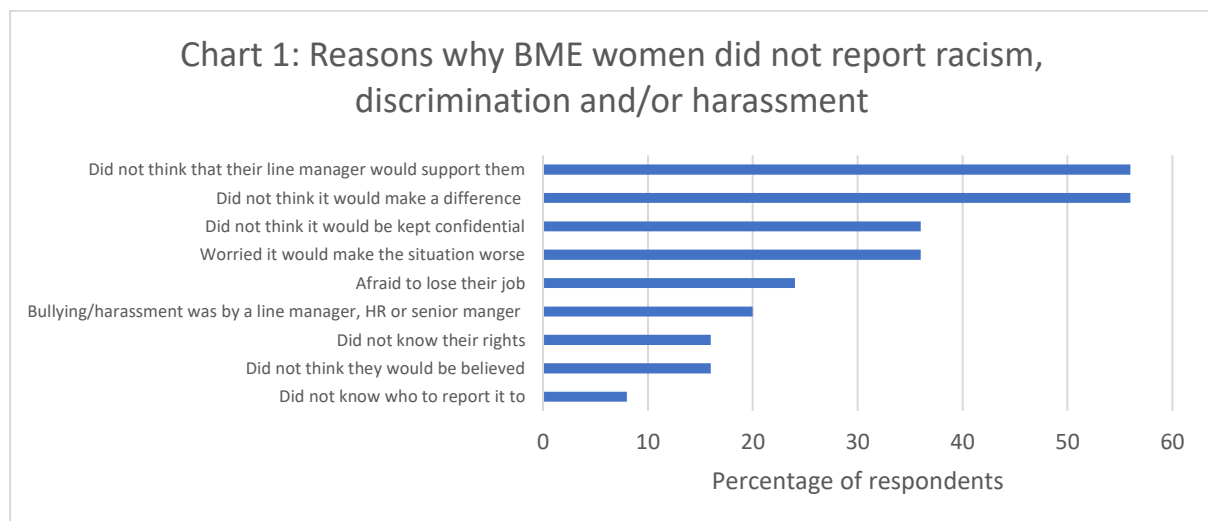
These findings are complementary to research conducted by the TUC which found that just under half (42%) of BME women did not feel able to report their experience of discrimination to their employers.[95] The study BME women were also less likely to report incidents of bullying and harassment than BME employees overall, and more than a third (35%) of BME women reported being treated less well after reporting assault and/or physical violence.

These findings highlight poor employment practice and employer complacency. Employers should make sure there is a simple method for BME workers to report racism at work, and make sure that BME workers feel confident that complaints about racism will be taken seriously, acted on and dealt with satisfactorily. Strong

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95 Trade Union Congress (2017) *Is Racism Real? A report about the experiences of Black and Minority Ethnic workers – polling findings*

leadership and communication should ensure that all staff know that workers who raise concerns about racism will not be victimised for doing so, and staff who raise concerns should be supported in the workplace. BME women participating in Close the Gap's engagement event also noted the importance of employers and HR teams being trained to respond to complaints relating to both overt discrimination and implicit bias. There was a pervasive sense that complaints relating to implicit bias are often dismissed as being 'in someone's head' and thus not taken seriously by employers, which discourages women from reporting their experiences.

It is also worth noting that BME people are more likely to be in insecure work, with BME women even more likely to be in insecure work.[96] Across the labour market, 1 in 19 employees are in insecure work, compared to 1 in 13 BME employees, and BME workers are twice as likely to be on zero-hour contracts.[97] Women in insecure work may not be classed as employees, particularly if they work in the gig economy, and therefore miss out on many of the existing statutory protections. This may make women more vulnerable and less confident in speaking out about racism and discrimination faced at work[98], particularly when they are reliant on one person for shifts or flexibility. Gig economy workers do not have access to important employment rights such as sick pay and holiday pay, nor maternity provision and the right to request flexible working which particularly disadvantages female gig workers. Within this inquiry, the Committee should consider the particular barriers faced by low-paid BME women, and BME women in the gig economy. BME women may also be placed at increased risk of poverty as a result of COVID-19, as BME women are over-represented in low-paid roles where they may be ineligible for statutory sick pay and a critical gap in financial protection has emerged for gig economy workers who are ineligible for both Government support schemes.[99]

5. **What training and development opportunities should employers have to encourage a diverse workforce?**

The BME women who attended our recent engagement event highlighted the following recommendations as being key areas for action in the realm of training and development:

> Enabling staff to have protected time during working hours for training and development.

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[96] Trade Union Congress (2017) *Insecure work and ethnicity*

[97] Trade Union Congress (2019) 'BME workers far more likely to be trapped in insecure work, TUC analysis reveals' available at https://www.tuc.org.uk/news/bme-workers-far-more-likely-be-trapped-insecure-work-tuc-analysis-reveals

[98] Trade Union Congress (2017) *Is Racism Real? A report about the experiences of Black and Minority Ethnic workers – polling findings*

[99] Close the Gap (2020) *Falling through the cracks: Women, COVID-19 and the gig economy*

Ensuring development opportunities are communicated to all staff through a formal process.
Offering a range of training and development opportunities, including face to face training, online courses, supporting staff attendance at seminars or conferences, and engagement with professional networks.

Close the Gap's Still Not Visible research uncovered a pervasive sense amongst BME women that discrimination and bias is not only preventing them from securing employment, but also from progressing within employment. Around half of survey respondents (49%) felt that they had been overlooked for a workplace development opportunity because of racism, discrimination, racial prejudice and/or bias. When asked whether their employer provides clear development opportunities, less than half (42%) of respondents agreed. The remainder of respondents indicated that exclusionary informal networks and working reduced hours prevent them from accessing opportunities. Some respondents believed that there are opportunities if you know the right people, and others noted they would have to change their working hours to access development opportunities. These findings align with previous research by The Guardian which found that 43% of those from a minority ethnic background had been overlooked for a work promotion in a way that felt unfair in the past five years, compares to only 18% of white people who reported similar treatment.[100]

We outlined the gendered barriers to training opportunities in question 3. These gendered barriers to training and in-work development are compounded by racial inequality for BME women. Overall, part time work represents a barrier to training and development opportunities for a number of reasons. For example, the primary reason for most women working part-time is their caring roles; time spent doing this unpaid work extends into all aspects of women's lives making it more difficult to undertake training or education outwith working hours. Given that women account for three-quarters of part-time employees in Scotland, and the fact BME women are considerably more likely to be working part-time than their male counterparts, the lack of training opportunities for those who do not work full-time hours has a profoundly gendered impact. Employers should therefore be offering training opportunities to all staff, regardless of their working patterns.

Again, the ongoing coronavirus crisis has made training and development opportunities particularly important. Low paid, part-time women workers, who are more likely to work in a sector that have been shut down, are the least likely to

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[100] Booth, R & Mohdin, A (2018) 'Revealed: the stark evidence of everyday racial bias in Britain' available at
https://www.theguardian.com/uk-news/2018/dec/02/revealed-the-stark-evidence-of-everyday-racial-bias-in-britain
Accessed June 2020

receive any type of training.[101] Employers are less likely to be prioritising training and development, particularly non-essential training, during periods of recession. This means that state-funded skills programmes will be the main lever for upskilling and reskilling opportunities to support BME women to re-enter the labour market. There is a need for skills programmes to support women with both pre-work and in-work training, with existing evidence around women's experience of employer training highlighting the importance of Scottish Government interventions.

As part of a project to develop the Women in Renewable Energy Scotland (WiRES) network, Close the Gap delivered a mentoring initiative for women working in the renewables industry. The evaluation of the project found that a third of women had been attracted to join WiRES because of the opportunity to participate in the mentoring programme. Of those who were mentored, 83% felt better able to plan their career or professional development.[102] The WiRES experience echoes the evidence-base on mentoring[103] which strongly supports sex-specific networks and interventions as a way of redressing gender inequalities in individual workplaces and in industrial sectors.[104] More can be done to provide valued mentoring and role model opportunities for women across the country, as highlighted within the Economy, Jobs and Fair Work Committee's gender pay gap report.[105] Employers should also introduce ethnicity employee networks to bring together ethnic minority employees and to enable these employees to shape solutions to under-representation and any emergent workplace issues. Providing such sex-specific mentoring opportunities and ethnic minority networks may improve the retention of BME women, and will enable BME women to access important peer support and development opportunities.

BME women participating in our engagement event noted the importance of employers making these networks visible and accessible to their employees. In addition, it was also noted that access to both internal and external networks should be open to staff at all levels. Participants highlighted that individuals in senior roles have greater access to formal employee networks, as a result of having more control over their working time and how to manage their diary. Women in less senior roles often have less flexibility and it thus may be more difficult to find time during the working day to access networks. Enabling staff to have protected time during

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[101] House of Commons Women and Equalities Committee (2016) *Inquiry into the gender pay gap*

[102] Close the Gap (2015) *How Women's Networks and mentoring can address occupational segregation: what policymakers can learn from WiRES*

[103] Close the Gap (2012) *Fixing the Leaky Pipeline: Securing a Supply of Skills in Scotland's Renewable Energy Sector?*

[104] Royal Society of Edinburgh (2012) *Tapping all our Talents: Women in Science, Technology, Engineering and Mathematics: A Strategy for Scotland RSE*

[105] Scottish Parliament Economy, Jobs and Fair Work Committee (2017) *No Small Change: The Economic Potential of Closing the Gender Pay Gap*

working hours to attend networking and mentoring opportunities is therefore essential.

Employers should gather data on all employee training and development opportunities, such as training that is essential to a job; courses which may facilitate promotion; shadowing, coaching and mentoring; and other opportunities that allow employees to develop their skills. Information gathered on development should include the employees accessing training, the type of training or development opportunity and requests for training that are refused. This data should be by gender, race, grade, team/department and whether full-time or part time, which will enable employers to identify patterns in who accesses training and development opportunities.

10. CONCLUSION

Understanding the labour market experiences of BME women is critically important for both policymakers and employers. Research by Close the Gap identified that addressing women's labour market inequality could add up to £17bn to Scotland's economy.[106] For policymakers, inclusive economic growth[107] and labour markets can only be achieved through intersectional approaches which acknowledge, and actively seek to overcome, the barriers faced by particular groups such as BME women, disabled women and LBT women. COVID-19 has highlighted in particularly stark terms the existing inequalities in Scotland's labour market, and the long-term impacts of the economic crisis are likely to cement and intensify the barriers experienced by BME women in accessing and progressing within good quality employment. It is therefore essential that the Scottish Government adopt an intersectional approach to addressing the labour market issues raised by COVID-19. Programmes and interventions to promote equality must remain a key focus throughout this crisis and, ultimately, the economic and social problems raised by COVID-19 makes this inquiry even more vital. The Committee must, therefore, maintain their focus on this policy area.

For employers, beyond the arguments for equality and human rights, there are clear economic imperatives and regulatory levers for public sector employers to tackle inequalities faced by BME women. There is a mounting global evidence base to suggest that the gains to employers in advancing equality and diversity are wide-ranging.[108] This includes improved staff morale; reduced costs through higher retention; enhanced creativity and innovation in product and service design; enhanced productivity and profitability; reputational gains and being able to recruit from a wider talent pool; and reduced financial risk by avoiding costly tribunal

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[106] Close the Gap (2016) *Gender Equality Pays: The Economic Case for Addressing Women's Labour Market Inequality*
[107] Emily Thomson (2020) *Gender & Inclusive Growth: Inclusive Growth and its potential to improve gender equality*, Close the Gap and Engender
[108] Close the Gap (2016) *Gender Equality Pays: The Economic Case for Addressing Women's Labour Market Inequality*

claims.[109] To date, however, there has been a lack of intersectional equalities work by employers, and broader equalities work is not delivered to a high standard. While BME women will benefit from gender-sensitive policies in the workplace, employers must also go further and adopt an intersectional approach.

For Scottish Government and its delivery agencies, the use of data, disaggregated by both race and sex, is critical to capturing the experiences of women with multiple intersecting identities. Taking an intersectional approach means ensuring that key policy frameworks, such as the Race Equality Framework and the Race Equality Action Plan, actively consider gender equality across development, implementation and evaluation. At present, the experiences of BME women have not afforded sufficient focus within these policy frameworks. The evidence sessions that shaped this inquiry did not have a strong focus on intersectionality, and we urge the Committee to change this trajectory when analysing the evidence and implementing potential solutions, ensuring that attention is afforded to the particular barriers experienced by BME women.

To advance BME women's labour market equality requires transformational change, with targeted action by employers and policymakers necessary. It is vitally important that the Committee focuses on demand-side interventions, focused on structural and institutional racism and discrimination, as opposed to supply-side interventions which too often focus on the 'deficits' of BME women. This inquiry must not merely rearticulate the problems relating to race equality and employment and we urge the committee to make tangible recommendations, while also building-in accountability to ensure that progress is made towards these actions. This requires monitoring the progress of recommendations through the provision of quality intersectional data. The Committee's focus must go beyond merely improving employment rates for BME women and also consider the types of work BME women are entering, thus challenging occupational segregation and BME women's concentration in low-paid work, as well as progression opportunities to address BME women's underemployment.

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[109] McGregor S. (2017) *Race in the workplace: The McGregor-Smith Review*