



Tackling Racism and Discrimination in the workplace

A guide for members and reps

Introduction

Stephen Lawrence (13 September 1974 — 22 April 1993) was a black British teenager from Plumstead, South East London, who was murdered in an unprovoked racially motivated attack while waiting for a bus in Eltham on the evening of 22 April 1993.

His death and the subsequent investigation aroused widespread controversy, public campaigning, and heated public debate. The case led to cultural changes of attitudes on racism and the police, and changes to the law and police practice including the partial revocation of the rule against double jeopardy.

Although the police were informed about the alleged murderers the day after the attack; it took law enforcement 19 years for two of the perpetrators to be convicted of murder in 2012. This negligence was an inexcusable disgrace - the actions and inactions of the police highlighted how law enforcement in many cases blatantly condoned racism and exposed the institution's deep-seated racist views.

In his final report (February 1999) following the public inquiry into Stephen Lawrence's murder, Sir William Macpherson labelled the police's response to Stephen's killing "institutionally racist", a term that captured well the unintentional prejudice and plain racial stereotyping afflicting parts of British society.

In the wake of Stephen's murder, activists drove forward anti-racism and equality reforms. These reforms aimed to change the mindset of the British people. However, echoes of the same prejudices that fuelled race riots, racist violence, and everyday discrimination continues in our workplaces today.

Despite the progress that has been made, racism and discrimination are still workplace issues. Race-related harassment is happening, today, and harming the wellbeing and dignity of our BAME (Black and Ethnic Minority) members and colleagues.

Discrimination in pay, appraisals, progression, and training are still happening with employees being treated less favourably by colleagues and senior management because of their race.

Racism is not a thing of the past. As a union, we all stand up against racism in any form, anywhere, and anytime. None of us should look away because we feel it's not affecting us directly.

This handbook aims to encourage and remind us of our duties to speak up and act against racism and discrimination. It reminds us to stand against racism and discrimination in our society- especially so in our capacities as Community members and representatives in our workplaces. Unions have a very important role to play in helping to support members and press employers to act to eliminate racism and discrimination.



This guide was created for Stephen Lawrence Day in partnership with Baroness Doreen Lawrence OBE, Stephen's mother, and member of Community.

The facts

Some people think that racism is a thing of the past- but unfortunately that's not the case. Today, the UK's 3.2 million BAME (Black And Minority Ethnic) workers are not always being treated equally at work.

What are the problems?

There is a pay gap for BAME workers. According to research done by the TUC, BAME workers are paid, on average, 8.3% less than white workers. This gap is even wider for those workers without degrees- for those BAME workers whose highest qualification is A-levels, wages are 10% lower than for equivalent white workers.

As well as this wage gap, BAME workers are more likely to be in the most insecure types of employment- BAME workers are more than a third more likely than white workers to be in temporary or zero-hours work. Many low paid BAME workers are working 2 or even 3 jobs to make ends meet.

Race Discrimination is when someone is treated unfairly because of their race (this includes skin colour, nationality, ethnic and national origin).

Progression is another problem. BAME people are under-represented in managerial or professional jobs. That means that there are fewer BAME people in these higher paid jobs than you would expect based on the number of BAME people in the population.

BAME workers are being passed over for promotion, denied opportunities to act up, and not given development opportunities as often as their white colleagues.

The TUC's research shows that even when the differences in wages caused by location, ethnicity and class are considered, race still makes a difference. This means that race discrimination is happening in our workplaces today.

Furthermore, there is evidence that BAME workers are disproportionately subjected to disciplinary proceedings. There are a number of causes of this, from communication problems between managers and workers who speak English as a second language, to managers using harsher measures against BAME workers rather than choosing to resolve issues informally when the problem is first identified.

Racial Harassment is conduct in the workplace related to race that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile or offensive environment.

Unfortunately, discrimination is not the only issue.

More than a third of BAME workers surveyed by the TUC say that they have been bullied, abused or singled out at work.

One experience frequently described is excessive surveillance and scrutiny from managers or colleagues.

Harassment and abuse are also happening in our workplaces today- The most common perpetrator of harassment is a worker's manager, while verbal abuse is most likely to come from by a work colleague.

And, shockingly, 4% of BAME workers polled have experienced physical violence or assault. This includes from managers, customers and clients.

The effects of racist abuse can be severe, impacting a worker's sense of self-worth, wellbeing and mental health.

We know that BAME women face double discrimination- more than half of BAME women affected by harassment and bullying have suffered mental health problems at work.

And younger BAME workers are also more likely to have experienced racist abuse, usually because of the types of jobs they are working in.

The Far Right

In recent years, hate crime and far right activity has been on the rise. Far right groups such as the English Defence League or Britain First have been taking advantage of public worries about the impact of immigration and are using social media to spread messages of hate.

The number of hate crimes recorded by police in England and Wales was 103,379 in 2018/19 - this is an increase of 10% on 2017/18. The majority of these were race-related hate crimes.

“As a black person, I often have to prove myself twice as much as white workers. Doing the same role as a white worker you have to justify yourself or you can be called lazy.”

Anonymous BAME Community member



THE NUMBERS

7%
of BAME
workers have
been bullied, abused
or experienced racial
discrimination by their
employer

19%
of BAME
workers have
experienced
discrimination such as
being denied training
or promotion

1 in 13
BAME workers
are in insecure
employment compared
to 1 in 20 white
workers

43%
did not feel
able to report
their experience
of discrimination to
their employers

A
DWP study
in 2008 found that
23 % of black and 21%
of asian managers rated
their career progression as
disappointing compared
to only 13% of those
from white and mixed
backgrounds

What does the law say?

The Equality Act 2010 is a key piece of legislation which consolidated the previous laws on the topic of equalities and strengthened some of their provisions.

Under the Equality Act 2010 there are four forms of discrimination prohibited:

- **Direct discrimination**
- **Indirect discrimination**
- **Victimisation**
- **Harassment**

Discrimination is when someone is treated unfairly for any of these reasons:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage or civil partnership**
- **Pregnancy or maternity**
- **Race (including colour, nationality, ethnic and national origin)**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

These nine reasons are called 'protected characteristics'. Discrimination based on any of these protected characteristics is usually against the law.

There are some exceptions, for example, rules on age-restrictions, or where having a protected characteristic is an essential part of the role; for example, if you needed to recruit an actor to play Martin Luther King Jr. it would not be illegal to specify that the actor must be a black person.

Indirect Discrimination is when a provision, criterion or practice is generally applied but puts people who belong to a protected characteristic at a disadvantage.

Indirect discrimination is where there is a policy or criteria that is applied generally but has the result of putting a certain racial group at a disadvantage. For example, if your employer insists on language standards that aren't essential to the performance of your job, or states that English must be a worker's first language, that could indirectly discriminate against people from certain racial backgrounds.

Victimisation is where somebody is treated badly by an employer because they have made or supported a complaint or raised a grievance under the Equality Act.

Harassment is where someone is treated badly because of a protected characteristic. Racial harassment is conduct in the workplace related to race that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile or offensive environment for them.

If someone is being discriminated against in the workplace, in any of these ways it is against the law. Your employer should have a policy that sets out what should be done. You should usually raise it informally first. If you need to raise the issue formally, you can raise a grievance. If the situation needs to be taken further, you could take your case to an employment tribunal. Community can help you if you need advice.

What does racism and prejudice in the workplace look like?

Bullying

Often in the workplace, racist and prejudicial views can lead to the bullying of black and ethnic minority workers.

Bullying is offensive, intimidating, malicious or insulting behaviour that undermines, denigrates or injures a person. It is an abuse or misuse of power.

Bullying is not covered under the Equality Act. However, if someone is being bullied at work, your workplace should have a policy on bullying to deal with it.

Legally, employers have a duty of care to protect their employees, in the workplace, which includes dealing with bullying issues.

If an employee feels like they have to leave their job because of severe bullying, and the employer did nothing, or not enough, about it, they might be able to take the case to an employment tribunal. It could constitute constructive dismissal.

Institutional racism

Institutional racism is the most common form of discrimination that BAME people in the UK face according to TUC research.

It means that an organisation is failing to provide an appropriate and equal service to people because of their race.

This might be through the processes that an organisation puts in place or the attitudes and behaviours of its staff.

Taken together these can disadvantage BAME people and amount to discrimination.

Unconscious bias

Because of the world around us, we all have prejudices. These are attitudes that we use as “mental shortcuts” to help us make quick judgements about people or situations. We may not be aware of some of the prejudices that we have- some of them will be unconscious.

Unfortunately, some of these attitudes may lead us to judge others unfairly. For example, if we believe a stereotype about people from a certain racial group, without even realising we may be less likely to treat someone from that group fairly in the workplace, perhaps believing that they are less capable without a good reason for thinking that.

The best way to combat these unconscious biases is to make ourselves aware of them, and consciously try to stop them from unfairly affecting the way we treat others.

Predjudice is an attitude that predisposes a person to think, feel or perceive and act in a favourable or unfavourable way towards a group or its members.

We are all responsible for educating ourselves, and those around us to help us resolve any prejudices that we may have.

What can we do to persuade our employers that this matters?

The main argument for working to eliminate racism or discrimination from our workplaces, and from society as a whole is that it is moral- it's just the right thing to do.

However, it may help you to convince your employer to take this seriously and invest time and effort into putting in place the appropriate practices and procedures if you can show them the business case.

The advantages of promoting equality and diversity in your workplace and keeping discrimination out:

- Better retention of workers - reducing the cost of recruitment and training
- More attractive workplace - bringing a better talent pool of workers
- A more motivating environment - resulting in less absenteeism and higher productivity
- Meets the needs of a larger customer base- for example having a range of language skills allows workers to connect with customers who speak these languages
- Diversity of perspectives - leading to new ideas and innovations that may help your employer thrive
- Improves the employer's image and reputation

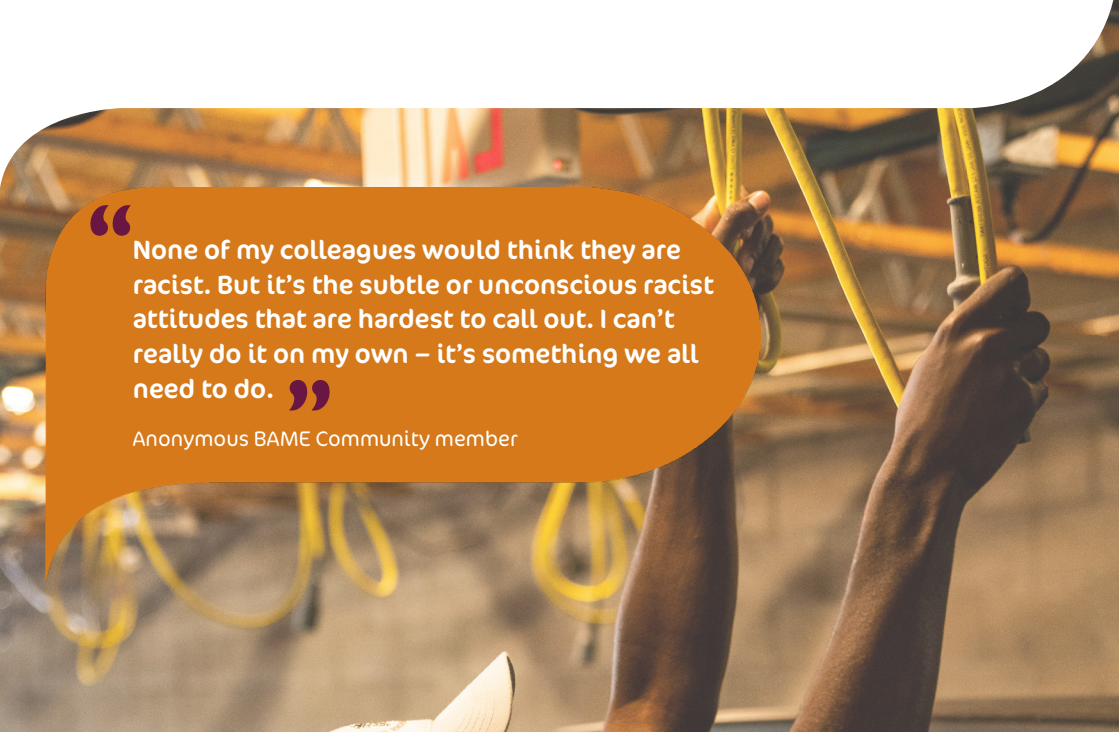
The costs of race discrimination in your workplace:

- Companies that discriminate will be cutting themselves off from an increasing proportion of the available workforce.
- Discrimination cases are expensive to fight
- There are heavy human and financial costs associated with long term sickness of workers suffering from race discrimination
- Not acting may harm the company's reputation
- As a commitment to race equality becomes more widespread in society, clients may ask about diversity records and company equality policies- if these are not good enough, your employer may lose business.

“

None of my colleagues would think they are racist. But it's the subtle or unconscious racist attitudes that are hardest to call out. I can't really do it on my own – it's something we all need to do. ”

Anonymous BAME Community member



What should employers be doing?



1

Employers should have and promote a strong Equality, Diversity and Dignity Policy. It should explicitly include zero tolerance for racism. It should be regularly reviewed and updated.



2

Employers should have a procedure for dealing with bullying and harassment at work. Staff should know that workers who raise concerns about racism will not be victimised for doing so.



3

Support current staff; anyone who experiences a race hate incident and is worried should be supported. That might include making links with local support groups or access to an Employee Assistance Programme. Offer support when instances escalate.



4

There should be robust reporting mechanisms. It should be simple to report racism at work and workers should feel confident that their complaints will be taken seriously, acted on and dealt with satisfactorily.



5

Employers should work jointly with unions. They should work together to create targets and action plans to address racial inequality in the workplace.



6

All staff should be trained on equality, diversity and discrimination. All staff should understand the policy, and the processes to follow if discrimination does happen. (Remember, employers could be held responsible for discrimination carried out by a worker).

A twelve step guide



7

Managers involved in recruitment and promotions should receive training specifically focussed on how to avoid discrimination.



8

Don't discriminate in recruitment and promotion. Make sure that advertising goes out to as wide a pool of people as possible. Adverts should not discriminate - only include requirements directly relevant to the job. Encourage under-represented groups to apply and offer flexible working.



9

Employers should collect/publish data broken down by race and ethnicity on pay, recruitment, promotion, disciplinary action, dismissal, and resignation (conduct exit interviews). Targets should be set, progress measured annually and discrepancies rectified.



10

Risk assessments should take an explicit consideration of violence or abuse and consider the steps that need to be taken to protect workers.



11

It is best practice to take positive action where possible, for example, offering additional training, mentoring schemes, and events, that allow everyone to compete on equal terms for roles.



12

Ensure that training opportunities are fairly offered to everyone. The equal opportunities policy should recognise that equal access to training is important.

What can I do to help?

Here are six things you and your colleagues can do to act now:

READ

Read your employer's equality, diversity and bullying policies and ask yourself:

Is the policy up to date?

Does the policy outline zero tolerance of racism and harassment?

Does the policy make clear that banter is no excuse, and that discriminatory/abusive remarks are not acceptable?

Does it set out simple methods for reporting harassment and abuse?

Is there a policy in place for dealing with customers or service users who are abusive or threatening?

Does your employer clearly state that they will support you if you want to report an incident to the police?

If the answer to any of these questions is no- speak to your employer and negotiate with them to update the policy.

CHECK

Check your workplace risk assessments:

Do they include the discussion of racist abuse and what steps are taken to reduce this?

If not- press your employer to better protect workers from this treatment.

GET ACTIVE

Get active in your workplace or at home:

Work to create a race equality or migrant workers group, in your workplace. Work with local support groups and anti-racist organisations, for example Show Racism the Red Card or Hope not Hate. You can also participate in the Stephen Lawrence Day campaign.

SURVEY

Survey your members :

This will help you to find out if people have experienced abuse and if people are aware of the existing policies. It may help to identify if there are areas of concern that you need to negotiate or campaign on.

SET

Set the right example:

If you're in a workplace with an organised Community branch, make sure that you're doing the right thing in your branch. If you don't have BAME members involved in your branch meetings, try to help new members to get involved- for example, through taking someone along to the first meeting and showing them how the union works. Make sure discriminatory comments by members are always challenged. Ensure that you're talking to BAME members about their concerns. Make sure that if you're negotiating agreements with your employer, you don't indirectly disadvantage BAME workers.



SIGN UP

Sign up as an equalities rep.

Equalities reps work with other branch reps to help the union recruit, organise and represent members of under-represented groups. Our equalities reps make sure that everyone is treated fairly in their workplace. Some of the issues equalities reps work on with members and employers include flexible working; discriminatory practices; equal pay; and equality impact assessments. All Community reps are supported with advice, networks and training.

Challenging racist/prejudicial views in the workplace

We all have a responsibility to speak up when we hear something that's not right.

If you hear someone else saying something offensive and don't answer them, then the person who did it may think that their behaviour is acceptable, or that everyone else thinks it's okay.

If you're reading this as non-BAME person, then it's particularly important that you stand up for your BAME colleagues. Research (Lindsay et al 2013), shows that where allies speak up it can have a big impact on preventing perpetrators from continuing with their discriminatory behaviour.

If you hear someone saying something at work interrupt early, if you can. You can try to draw attention to what's wrong about what's been said, for example, you could say "a lot of different people work here- and we all work hard. Does what you just said really respect all of us?" or point out "I think that what you just said could really upset people", or "I think what you just said is wrong".

If someone makes a racist joke or relies on offensive stereotypes you can demonstrate to them that it's inappropriate by asking questions like "why is that funny?" or "what do you mean by that?" - which can guide them to realise that what they've said is wrong.

And you should support others who step up and say something- this simple act will show the perpetrator that they aren't in the majority.

Stopping the Far Right

Talk to people who express far right opinions: When you talk to workers who may be expressing these views, you can counteract the stream of disinformation that gives them these ideas. Prepare in advance for a conversation by collecting credible facts or data. You can practice how you might counter the arguments the far right put out, encouraging open discussion (and avoiding party politics).

Get your employer on board: Ask them to ban far right activists from trying to recruit in the workplace. Advise your colleagues on who far right groups are and the campaigns they may use to access workers. And make sure your Equality Diversity and Dignity Policy and associated procedures declare zero tolerance for racism and allow a simple way to report incidents.

Campaign: Your campaign should have a clear objective and a plan to get there. Try to link your campaign directly to the things people in your workplace care about. And be clear about your call to action- what are you asking people to do? Work with local and national campaigns. For example, in your local elections you could form a coalition with local community groups and anti-racist organisations, or you could support other campaigns like Hope Not Hate; Show Racism the Red Card, or Searchlight.

If you discover a far right member of Community, the first thing you should do is raise this with a member of Community's staff.

Responding to false Far Right claims

The far right often spread emotive but untrue stories. For example, you might see a news article on Facebook suggesting that hundreds of asylum seekers are being relocated to your area and being housed or that a “mega-mosque” is being built. During Coronavirus we have seen stories online about how mosques are still open when churches aren’t - this is untrue.

The best way to respond to claims like this is to carefully break down the message into specific claims. You should then research the claims individually to see what the facts are and state the true facts behind each claim. If you can, find someone credible to speak out and call out the lies.

You can also create an information sheet with true facts and credible data that can be shared with local news outlets.

Thank you

Even just by taking the time to read this document and by learning how to challenge racism and discrimination, you’ve started your journey to be able to make a huge difference to the lives of BAME workers.

Want to get more involved? Email equalities@community-tu.org to sign up to our mailing list, sign up to be an equalities rep and encourage your friends and colleagues to read this document so you can challenge racism and prejudice together.

Useful resources

Stephen Lawrence Trust

www.stephenlawrence.org.uk

Is racism real? TUC research

www.tuc.org.uk/research-analysis/reports/racism-real

Tackling the far right: an interactive guide (TUC)

www.tuc.org.uk/TacklingFarRightResource

Challenging racism after the EU referendum: a TUC action plan

www.tuc.org.uk/sites/default/files/ChallengingracismaftertheEUreferendum2.pdf

ACAS guidance on bullying and harassment and race discrimination

www.acas.org.uk

A leaflet and letter to employers on race hate incidents

www.equalityhumanrights.com/en

Joint guidance on preventing workplace harassment and violence

www.hse.gov.uk/violence/preventingworkplace-harassment.pdf

Hope not hate: important work on anti-fascism

www.hopenothate.org.uk/

Show racism the red card: anti-racism resources

www.theredcard.org/resources-and-activities

Holocaust Educational Trust: educational resources

www.het.org.uk/podcasts

Community Security Trust: resources on antisemitism

cst.org.uk/publications

Thanks to the TUC whose research, work and advice has informed this guide. You can find their research at www.tuc.org.uk/research-analysis/equality/race

We are Community. The modern union for a changing world.
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