



Challenging racism after the EU referendum

**An action plan for challenging racism and
xenophobia**

**WORKING PEOPLE
MUST NOT PAY THE
PRICE OF BREXIT**



The Trades Union Congress is the voice of Britain at work. We have 51 affiliated unions and work with them to support the six million union members across the UK.

The immediate aftermath of the referendum on the UK's membership of the European Union has seen a dramatic upsurge in reports of racist abuse and hate crime directed at EU and other migrants and British BME communities.

Racist violence, abuse and harassment are not new and did not suddenly appear during or after the referendum on EU membership. But it appears that the negative portrayal of migrants during the campaign has given confidence to some with racist attitudes to voice their view publicly, and has increased the visibility of the far right.

This paper sets out what government and employers can and should do now to tackle racism and xenophobia. Our key areas for recommendations are:

1. Swift government action on hate crime
2. A cross-government action plan to tackle racism and discrimination
3. Zero tolerance of racism and harassment at work
4. Strengthening anti-discrimination rights and protection
5. Increasing support and advice at work

The TUC and our member unions are determined to play a leading role in tackling racism and xenophobia. As well as making recommendations in this paper, we joined the EHRC, ACAS, the CBI and other employers' organisations immediately after the referendum to provide practical advice and guidance for employers¹. We have also produced a guide for union reps² to support them to tackle racist abuse and harassment in the workplace. This will go hand in hand with practical action to combat racism and division, including by working through our regions and the Wales TUC to reach communities around the country.

We have also published³ separate work specifically on the issue of migration, with practical proposals for action the government can take now.

Racism and xenophobia before the referendum

Xenophobia and racism did not appear when the referendum was announced in February. But it could be argued that the referendum campaign fanned the flames of a fire which was already established, and emboldened those with racist attitudes to voice their views publicly rather than in the privacy of their homes or far-right chat rooms and online forums.

The Islamophobia monitoring charity Tell MAMA reported a 326 per cent increase in Islamophobic incidents in 2015, nearly two thirds of which were directed at Muslim

¹ <https://www.equalityhumanrights.com/en/advice-and-guidance/reporting-race-hate-crime>

² www.tuc.org.uk/sites/default/files/CombatingracistabuseTUCguide.pdf

³ www.tuc.org.uk/sites/default/files/ManagingmigrationbetterforBritain.pdf

women.⁴The majority of these took place on public transport or in educational institutions. In particular Tell MAMA highlighted the ways in which Muslim women had their freedom to travel in public curtailed by fears of abuse and violence. In October 2015 the Home Office reported an 18 per cent rise in police reported hate crime for the year 2014/15 compared to the year before – almost ten thousand more reported incidents. According to Home Office figures 82 per cent of these were race hate crimes, and six per cent were faith based.⁵

A significant rise in anti-Semitic incidents has also been reported by monitoring bodies such as the Community Security Trust (CST) in recent years. The charity reported that there were 1,168 such incidents in 2014 compared to 535 in 2013, a 25 per cent increase on the previous record in 2009. CST reported events ranging from violent attacks, to abuse being shouted on the street and online harassment, including that of prominent politicians.

In 2014 the British Social Attitudes survey (BSA) reported that after years in which racist attitudes were reported to have been falling, the number of people who described themselves as being prejudiced towards those of other races had increased since 2001.⁶

The BSA found that racial prejudice fluctuated between 2001 when it was at an all-time low of 25 per cent. Notably it rose in response to the 9/11 attacks and dipped in 2012, probably as a result of the London Olympic Games. This would seem to indicate that while major events, campaigns and personalities may not fundamentally change attitudes, people's willingness to openly express racist attitudes are sensitive to these factors.

Racial tensions and the referendum

Immigration shaped much of the referendum campaign, repeatedly cited by the leave campaigns and often marked by highly divisive rhetoric and sensationalist appeals to racial and national sentiment. Immigration was repeatedly used by the campaigns to leave in a way that whipped up resentment of migrants and linked immigration to Islamic terrorism.

In polling conducted by the TUC following the referendum, one in three leave voters did not place immigration in their top three issues, and those polled were split 42:42 on the question of whether or not the Leave campaign was xenophobic and racist. In a 'forced choice' between two statements, just over half of respondents (51 per cent) said that they "want Britain to be a tolerant country where people of different faiths and cultures have equal rights". However, nearly two fifths felt that "Britain's efforts to accept other

⁴ The Guardian *Incidents of anti-Muslim abuse up by 326% in 2015, says Tell MAMA*, <https://www.theguardian.com/society/2016/jun/29/incidents-of-anti-muslim-abuse-up-by-326-in-2015-says-tell-mama>, 29/06/16

⁵ The Home Office *Hate crime, England and Wales 2014 to 2015*, <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2014-to-2015>

⁶ NatCen *British Social Attitudes Survey, 31*, http://www.bsa.natcen.ac.uk/media/38893/bsa31_full_report.pdf, 28/05/2014

cultures have gone too far and this is a chance to take our country back”. Notably 20 per cent of remain voters felt this way.

The apparent spike in racism during and after the referendum campaign has not been limited to European migrants, but has also been directed towards non-EU migrant groups and British-born BME people. Tell MAMA reported an increase in chatter from far right groups in the lead up to the referendum, culminating around the time that Jo Cox MP was murdered.⁷

Also significant was a widely criticised poster produced by the Leave.EU campaign which claimed the UK was at “Breaking Point” and depicted asylum seekers attempting to enter Slovakia as if they were migrants about to enter the UK.⁸ This poster was symptomatic of the tone of much of the rhetoric of the campaign which created a febrile atmosphere around race and community relations. For instance, the Vote Leave campaign repeatedly claimed that Turkey’s accession to the EU was imminent (accompanied by a leaflet that seemed to imply that Iraq and Syria would be next).⁹ Comments by Leave.EU linked the Cologne sexual assaults on New Year’s Eve to the UK’s membership of the European Union.¹⁰

In addition, the National Police Chiefs’ Council reported a 57 per cent increase in hate crime in the days following the referendum.¹¹ There were 85 reported incidents of hate crime between Thursday 23 June and Sunday 26 June compared to 54 during the same period four weeks previously. Reports of racially motivated abuse have been a frequent feature of social media since the referendum, including reports of cards, written in both English and Polish, being posted through letter boxes which referred to Poles as vermin, and racist graffiti being daubed on a Polish cultural centre in London. The spike in incidents slowed a little in July, with 3001 hate crimes and incidents reported in the first two weeks of the month. This was 6 per cent lower than in the previous fortnight but still a 20 per cent increase on the equivalent period in 2015.¹²

⁷ The Guardian *After a campaign scarred by bigotry it’s become OK to be racist in Britain*, <https://www.theguardian.com/commentisfree/2016/jun/28/campaign-bigotry-racist-britain-leave-brexite>, 28/06/16

⁸ The Guardian online *Nigel Farage’s anti-migrant poster reported to police*, <http://www.theguardian.com/politics/2016/jun/16/nigel-farage-defends-ukip-breaking-point-poster-queue-of-migrants>, 16/06/16

⁹ The Independent *EU referendum: Brexit campaign accused of ‘fanning flames of division’ with controversial map*, <http://www.independent.co.uk/news/uk/politics/eu-referendum-vote-leave-accused-of-fanning-the-flames-of-division-after-publishing-controversial-a7067701.html>, 06/06/16

¹⁰ The Sunday Telegraph *Nigel Farage: Migrants could pose sex attack threat to Britain*, <http://www.telegraph.co.uk/news/2016/06/04/nigel-farage-migrants-could-pose-sex-attack-threat-to-britain/>, 04/06/16

¹¹ The Independent *EU Referendum: reports of hate crime increases 57% following Brexit vote*, <http://www.independent.co.uk/news/uk/home-news/brexit-hate-crime-racism-reports-eu-referendum-latest-a7106116.html>, 27/06/16

¹² <http://news.npcc.police.uk/releases/hate-crime-incident-reported-to-police-have-reduced-following-a-spike-after-the-eu-referendum>

The wider policy context

While the referendum no doubt played a large part in creating a hostile and toxic atmosphere for migrant and BME communities, there is a wider context of government policy – and indeed, sometimes a problematic absence of policy – in relation to racism, immigration, asylum seekers, and counter-extremism which should not be ignored.

In terms of the world of work, the Government has recently established a number of reviews on the disadvantages faced by BME workers in the labour market that will be overseen by a cross-government ministerial working party. These include reviews on increasing BME representation on company boards and on the barriers to BME workers' progression in the workplace. These initiatives are a useful development, but they come in the context of a long-term lack of a coherent, overarching strategy to tackle racial discrimination and harassment in the labour market, despite statements from ministers and government commitments to international initiatives to combat racism.

Unions have consistently called for a meaningful overarching race equality strategy which includes positive action measures to ensure non-discrimination in accessing employment and work related training, progression in the workplace, occupational segregation, the double discrimination faced by BME women and the pay gap between BME and white workers.

More widely, unions and anti-racism campaign groups have highlighted the negative impact of recent government policy on public attitudes, race discrimination and racial harassment. Examples include measures piloted by the Home Office in 2013 targeting 'illegal immigrants'¹³, the much-criticised Prevent strategy¹⁴, and the Immigration Act 2014. Measures such as these have been criticised by unions and many others for creating a hostile environment and contributing to negative public attitudes towards migrants, which also affects British BME communities.

Unions challenging racism

Against this backdrop of hostile policies and an emboldened far right, the role of unions in challenging racism in the workplace and in the community is more important than ever. BME workers are well represented in the trade union movement¹⁵ and unions have a long history of fighting against racism and the far right. Many unions actively seek to organise and support particular national and ethnic minority groups and migrant workers as well as offering training and guidance on challenging racism in the

¹³ <http://www.telegraph.co.uk/news/uknews/immigration/10387658/Home-Office-go-home-texts-sent-to-people-with-right-to-remain.html>

¹⁴ <https://www.theguardian.com/education/2015/sep/22/school-questioned-muslim-pupil-about-isis-after-discussion-on-eco-activism>

¹⁵ Union density is highest for the Black/Black British ethnic group. Across all the BME groups, women are more likely to be trade union members than men. The biggest difference is between Asian women and men. In 2013, 26 per cent of Asian women were in a trade union compared to 15 per cent of Asian men.

workplace. Many unions also partner with anti-racism groups and community groups and engage in community organising.

Unions have a very practical role to play in tackling racist abuse, harassment and discrimination in the workplace. Alongside this paper, the TUC has published a new guide for union reps to support them in this work.

Recommendations for action

The government and employers must take immediate action to tackle racism and xenophobia in the world of work. This paper proposes five initial priority areas of focus.

1. Swift government action, including a commission on hate crime

The government must take swift and decisive action to tackle racist and anti-immigrant sentiments and incidents. While statements condemning hate crime are welcome, statements alone are not sufficient.

It is positive that the government has published a hate crime action plan a month after the referendum. The action plan builds on current government strategies, although the efficacy of these approaches has been questioned by the EHRC and the Law Commission, who recommended a complete review of hate crime legislation and strategy in 2013. For instance, current definitions of hate crime focus on race, religion, disability, sexual orientation and gender identity, but do not adequately reflect the intersectional nature of much hate crime – for instance, the fact that much anti-Muslim hate crime is targeted at women.

The action plan sets out steps for tackling hate crime in the night time economy, but we would also like to see a broader engagement by government with employers about tackling racial harassment and race hate crime in all kinds of workplace.

Delivering zero tolerance of hate crime will rest on adequate resourcing of the Crown Prosecution Service, the police, advice services, and ensuring access to justice.

Action on hate crime should go hand in hand with action to tackle far right extremism. This should include a renewed focus on online activity by the far right, which has targeted trade unionists and other anti-racist activists, publishing details of their home addresses and families.

The TUC would like to see a cross party commission on hate crime to build on the action plan and ensure that it is fully implemented and further developed. This should involve unions and businesses as well as politicians and relevant NGOs, and should consider hate crimes against disabled people and LGBT people as well as racist hate crime.

2. An action plan to tackle racism and discrimination

In January 2016, the Women and Equalities Select Committee wrote to the Department for Communities and Local Government to express concern about the lack of progress

in tackling the inequalities faced by BME people and called for the government to produce a public cross-departmental race equality strategy.¹⁶

As noted above, the government has set up a series of reviews on various aspects of race equality in employment, apprenticeships, higher education and criminal justice, to support a series of targets for 2020. But the TUC and unions have long called for the government to adopt a more coherent, properly resourced overall race equality strategy.

The strategy should include positive action measures to ensure non-discrimination in accessing employment and work related training, progression in the workplace and occupational segregation and it must address the pay gap between BME and white workers. It should also consider the impact of other areas of government policy, such as the introduction of fees for employment tribunals, which have led to a 70 per cent drop in claims, including significant decreases in discrimination claims. The TUC would like to see tribunal fees abolished, or at the very least suspended pending a genuine review of their impact.

3. Zero tolerance of discrimination and harassment at work

It is crucial that employers work with unions to ensure and promote a zero tolerance approach to race discrimination and racist harassment in the workplace. Given that many migrant and BME workers report that they experience racist harassment from clients, customers, pupils or patients, it is also important that employers take a firm stance on tackling third party harassment.

Employers should ensure that zero tolerance policies are well publicised. Transport for London is an example of good practice in this area. TfL has used poster campaigns to inform passengers that abuse of its employees will not be tolerated and will result in prosecution. This preventative approach also serves to remove the onus from the individual to take action when they face harassment or abuse. Instead the employer takes responsibility for challenging and prosecuting unacceptable behaviour.

The TUC has supported guidance for employers on dealing with race hate at work from the Equality and Human Rights Commission, along with the Confederation of British Industry, a number of other employers' organisations, and ACAS¹⁷

Wider employer initiatives to address institutional discrimination against BME and migrant workers could include a requirement for equality monitoring and reporting, using public procurement to require contractors to take action on race equality, and improving recruitment and promotion processes and practices.

4. Strengthen anti-discrimination rights and protections

Crucially the TUC believes that the government must not attempt to dilute existing equality legislation in any post-Brexit review of legislation. The Equality Act has already been diluted since its enactment in 2010 and the “Red Tape Challenge” sent a worrying

¹⁶ <https://www.parliament.uk/documents/commons-committees/women-and-equalities/Chair-to-Baroness-Williams-race-equality-strategy.pdf>

¹⁷ <https://www.equalityhumanrights.com/en/advice-and-guidance/reporting-race-hate-crime>

message that equality legislation could be dismissed as “red tape” or a “burden on business”. Given the high proportion of employees who report that they are racially harassed by clients, customers, or other third parties, there is a clear rationale for legislating against third party harassment¹⁸. Employers should be obliged to take action when workers are subject to harassment or abuse from customers, clients or patients.

Currently, equalities legislation sets a higher bar for employers in the public sector than those in the private sector. The Public Sector Equality Duty includes an active duty on public sector employers to eliminate unlawful discrimination and harassment and to foster good relations. If these duties were extended to the private sector, workers would be able to enjoy the same protections from discrimination, wherever they work.

5. Increase support and advice at work

Unions are already looking at how to improve support and advice for migrant and BME members at work. The TUC has published a new guide for union reps on tackling racist abuse and harassment at work, and will be working with all of our member unions, the Wales TUC and the TUC’s regions to tackle racism and xenophobia and provide practical advice and support at work.

But unions need a fair framework to allow them to do this vital work. Union reps need facility time to do their work. Although the original proposals were watered down somewhat by union campaigning, the government has tried to weaken this right through the Trade Union Act. Dedicated equality reps play an essential role in local bargaining and campaigning for equality and support for members. Giving these reps the same rights and protections as other union reps would support them to play this role and send an important signal about the government’s commitment to equality in the workplace.

Specialist community organisations are another important source of support and advice to those facing racism and discrimination. Many specialist organisations, run by BME and migrant groups for BME and migrant groups, have been hard hit by public spending cuts, particularly in local government, and by changes to commissioning and tendering processes. While websites offering advice and a means of reporting hate crime, such as the True Vision website are welcome, there is also an important role for small, specialist NGOs and community groups who are often best placed to advise, support and advocate for their communities.

¹⁸ Section 40 of the Equality Act 2010 placed a duty on employers to protect employees from third party harassment. In spite of overwhelming opposition, these provisions were repealed in 2013.

