Let's talk about racism

An interim report about the experiences of Black and minority ethnic workers in the workplace

Contents

Section one

Executive Summary

Trade unions have a long history of opposing racism and discrimination in the workplace. In recent years, though, the debate has narrowed to focus only on access to work. This has obscured the daily reality of racism at work for many BME workers – and has reduced the focus on stopping it.

This report presents findings from a self-report survey of more than 5000 working people. It gives voice to the everyday experience of racism in the British workplace, and is part of an ongoing project to challenge racism at work. Further reports will be published later in 2017.

This report clearly shows that racial harassment still goes on in too many workplaces. The BME workers who completed our survey faced many forms of racial harassment in the workplace, including bullying, racist abuse and violence, hearing racist remarks or opinions, seeing racist material online and on posters, graffiti or leaflets. They told us that the perpetrator was most likely to be a work colleague, with a significant number saying that the perpetrator was their manager.

Our survey also showed that BME workers experience significant discrimination in the workplace, including excessive surveillance and scrutiny by colleagues, supervisors and managers. Respondents told us that they have been denied promotion, development or acting up opportunities and training and some have been unfairly disciplined because of their race.

It is clear that large numbers of BME workers are less likely to formally raise issues about racism at work with their employers. Most respondents prefer to speak to family members, friends or work colleagues - especially women respondents. The findings show that many BME workers do not have the confidence that their employer would deal with their complaint satisfactorily - and some worry that making a complaint risks them being identified as a trouble maker or forced out of their job.

Racism at work clearly has a huge impact on BME workers' wellbeing. The survey shows that experiencing racism at work significantly impacts on BME workers' mental health and causes stress. For many, the experiences had a negative impact on their work and some had to take time off sick.

This report explores the nature of racism at work and shines a light on an issue which is too often overlooked. And it sets out clear recommendations for action by government and employers.

Let's talk about racism

RECOMMENDATIONS
To tackle racist discrimination and harassment at work, employers should:

- Ensure they have a strong equality, diversity and dignity policy that explicitly includes zero tolerance for racism. They must make it clear that they will support all staff who raise concerns about racism and act to protect staff who are subject to racial abuse.

- 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. Make sure that all staff know that workers who raise concerns about racism will not be victimised for doing so.

- Publish data on BME pay, recruitment, promotion and dismissal; set aspirational targets for diversity at their organisation; and measure progress against those targets annually.

- Work with trade unions to establish targets and develop positive action measures to address racial inequalities in the workforce.

To tackle racist harassment and discrimination at work, government should:

- Develop a race equality strategy, focussed on the lived experiences of BME workers, which includes tough action to crack down on harassment and discrimination at work, online and in everyday life.

- Legislate to make employers responsible for protecting their workers against racism by third parties, such as clients, contractors and customers.

- Demonstrate that they take stopping racism at work seriously by abolishing fees for employment tribunals. These are a major barrier for BME workers facing discrimination at work.

- Make sure the Equalities and Human Rights Commission has enough funding to promote workplace anti-racist policies and practice, and take more legal cases to make sure the law reflects the nature of contemporary racism.

- Make private sector companies responsible for promoting equal treatment throughout their activities just as public sector organisations already are.

Section two

Introduction

The trade union movement has a long history of opposition to racism and xenophobia, and a proud history of organising and campaigning against the discrimination faced by Black and minority ethnic (BME) workers in the workplace and wider society.

In recent years, though, the debate on race discrimination in the labour market has narrowed to focus only on access to work - and as a result has failed to tackle the everyday experience of racism and discrimination that many BME workers face. And the voices and experiences of BME workers themselves have been absent from the debate. Whilst there is considerable statistical information available about levels of unemployment and disproportionately low levels of progression and access to training, it is rare to hear from BME workers themselves about how the experience of racism affects them in both their work life and outside work.

Racism at work can take many forms. Racial harassment and bullying by managers or colleagues still goes on. And trade unions still see institutional discrimination that results in BME workers being denied access to promotion opportunities and to training. This report deals with racist harassment and racial discrimination separately, but both contribute to a workplace which is hostile to BME workers and where they may not fulfil their potential.

The TUC has launched a major project to update the research and evidence in this area, and to ensure that the voices of BME workers are heard. This project is intended to serve as a compelling reminder of the need to tackle racism at work, and to propose concrete policy changes that would help end racism and discrimination for good. The project includes:

- A representative poll of more than 1000 British BME adults undertaken by ICM

- A self-complete survey of union members and other working people about their experiences of discrimination in the workplace in the last five years. More than 5000 workers responded. The TUC acknowledges the help of the Centre for Dynamics of Ethnicity at the University of Manchester in analysing this.

This interim report sets out the findings of the self-complete survey. Further reports will follow setting out the polling findings, a qualitative analysis of the responses given in the survey, a negotiators guide to support workplace organising, findings from other TUC projects and further recommendations.

Section three

Racial harassment at work

Racial harassment and bullying at work significantly disadvantages BME workers in the workplace. It undermines their confidence and can affect their performance in their job role.

In many circumstances, racist abuse and harassment can be criminal offences. The Crown Prosecution Service defines a hate incident as any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or because they are transgender. It says that "*racist and religious crime is particularly hurtful to victims as they are being targeted solely because of their personal identity, their actual or perceived racial or ethnic origin, belief or faith. These crimes can happen randomly or be part of a campaign of continued harassment and victimisation.*"

A racist incident does not need to be a crime to be abuse. It can be any discriminatory action or remark aimed at or about a person or group. And in the workplace, the perpetrators of abuse can be employers, line managers or colleagues, as well as clients, customers or members of the public.

The TUC's self-report survey showed that racial harassment is not uncommon in the workplace, with a small but still significant minority of BME respondents saying they had suffered or witnessed racial assault. And significant majorities of the Asian, Black and mixed race employees reported being harassed at work. This egregious behaviour would be recognised as unacceptable in most workplaces – and yet still goes on.

In addition to bullying, harassment, and verbal and physical abuse based on their ethnicity, BME workers also frequently have to experience racist comments, jokes and online material being shared within the workplace. This creates a hostile environment for BME workers, leads to isolation from work colleagues and undermines collaboration and team working in organisations. BME workers should be able to work in an environment where people are respected and treated with dignity - not one which is hostile because employers have tolerated racist material or views being shared and have not ensured the wellbeing of all their workers.

In the TUC's self-complete survey, nearly half of respondents of all ethnic backgrounds have heard racist remarks or opinions at work. The most common form of racial harassment was related to racist remarks such as verbal abuse, racist jokes, etc.

Describing their experience a respondent told us, "*it is subtle negative comments about things that predominantly relate to black culture such as dreadlocks, hip hop,*

afros etc. that are often made. For example, a colleague went on a work trip to Africa and referred to people in the area she visited as "crazy Africans".

A similar number of respondents had seen racist material online and around a quarter had seen racist graffiti, posters or leaflets at work.

Respondents identified that much of the harassment they were subjected to was from colleagues or managers. This suggests that employers are not effectively enforcing appropriate behaviour amongst their workforces.

A significant number of respondents also highlighted that they experienced racial abuse from customers, clients and contractors. Yet while employers have a legal duty to stop discrimination by colleagues and managers, they have no responsibility to protect their workers from abuse by third parties such as clients and customers. This is a particular issue for workers who are public-facing, such as retail staff, care workers, healthcare and transport workers. One survey respondent told us *"This usually happens when people are drunk or under the influence of drugs. I have experienced quite a few incidents mostly on the weekends and in the night. A few months ago a man was on the wrong train and he was drunk. I had to get involved as he was smoking on the train and refused to get off. He said to me 'What are you doing here? You are a black bastard.'*

Section four

Racial discrimination at work

Structural and institutional racism in the workplace results in BME workers being disproportionately concentrated in a small number of low-paying jobs and sectors. In a society where conscious or unconscious stereotypes still have force, the abilities and contribution of BME workers are often seen through the distorting lenses of race, gender and class prejudice.

BME workers are often regarded as poorly educated, inexperienced and aggressive if they speak up. The impact of employers' stereotypes on BME women's employment was documented in the 2006 'Move On Up' report by the Equal Opportunities Commission.[1] And a lack of understanding about the implications and experience of structural racism often leads to the workers themselves being blamed for their situation.

It Is clear from the experiences that have been shared with the TUC that BME workers are subject to considerable unfair treatment – with more than half of BME respondents raising this. There were significant levels of excessive surveillance and scrutiny by colleagues, supervisors and managers.

One worker commented. *"I have been targeted by individual managers and been put on performance monitoring that lasted 18 months when it was supposed to be completed in 3 months. I was made to complete time sheets when no one else in my team had to do it."*

Significant numbers reported being passed over for or denied promotion or denied development and acting up opportunities. One worker explained: *"recently a BME worker applied for a senior role and she was the best candidate for the job but it was given to someone else because they knew the manager and the manager wanted the person to work for her team."* Discrimination may be a barrier to those from BME backgrounds reaching the top level of organisations, with those in intermediate positions unable to progress further in their career.

The subjective nature of management views about the competence of black workers has been a long-standing issue of concern for BME trade unionists and was a feature of the responses received from the survey. Nearly one in five said that had been given unfair performance assessments and around a quarter stated that they felt they were treated as intellectually inferior by managers and colleagues.

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[1] http://www.swadhinata.org.uk/document/bme_gfi_early_findings_england.pdf

As one worker put it: *"I work twice as hard for the same recognition. I am told I am "not on the same level" as other colleagues despite doing the exact same work as them and getting results. I have to bend over backwards to get a scrap of recognition."*

Discrimination within performance management systems can be a factor in the lack of progression of BME workers in the workplace. This was recently highlighted by the PCS union, who found that over half the civil service members surveyed believe that performance management is used to bully and harass staff and provides scope for the operation of discriminatory practice.[2]

BME staff may also not receive the training, advice and guidance that would help them progress in the workplace. In the TUC's self-report survey, a significant minority reported that they had their request for training turned down. As one worker said: *"When I enquire about training I am treated as if I am a nuisance and told that I shouldn't ask questions and should figure it out for myself."*

A significant minority of respondents reported that they had been unfairly disciplined. One worker relating the experience of BME workers in their workplace stated *"If two members of staff - one white and one black - were being disciplined for the similar things, for the white worker, this would be seen as a learning approach. But for the black worker, this would be seen as a serious intent to do something wrong."*

Previous studies have demonstrated the longstanding concern that BME workers are disproportionately subject to disciplinary action. A study showed high levels of disciplinary action against BME staff in eight London boroughs, and highlighted the connection between poor management and the disciplinary action faced by BME workers.[3] It found that managers were either too reticent about dealing with work problems of BME staff for fear of being accused of discrimination or that they would discipline BME staff for every error they made.

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[2] http://www.pcs.org.uk/download.cfm?docid=EA1C58F1-6E3A-4591-9CC44D2754CB0938

[3] The Organisational and Managerial Implications of Devolved Personnel Assessment Process, GLEA, IES, Jan 2000

Section five

Raising racism at work

The responses to the TUC's self-report survey give real concern about the confidence of BME workers to raise issues of racism in the workplace.

A very small number - just over a quarter - of respondents who had experienced a racist incident at work reported it to their employers. But nearly half of those who raised it said that their complaint was either ignored or that they were instead deemed to be a troublemaker. Less than one in five of those who had experienced a racist incident at work and reported it to their employer agreed that their complaint was taken seriously by their employer. And overall, satisfaction with employer responses to racism was very low.

A complaint not being taken seriously - or worse, the complainant being victimised for raising an issue - compounds the effect of the original racist incident on the person who experienced it. It may leave them feeling isolated and insecure.

A worker who experience harassment at work told us: *"I was bullied by four colleagues because I spoke out. Two colleagues in senior positions stood up for me but it would have been dreadful if they hadn't - I don't know what would have happened. Other colleagues witnessed this series of incidents but didn't speak out."*

Another worker said: *"The first incident that stands out is being called a nigger. The perpetrator was defended and aided in spreading lies about me when I reported it."*

For some, the consequence of complaining was that they found themselves targeted for a counter-complaint. Alarmingly some respondents who had complained about racism said that they were disciplined themselves or forced out of their job as a result. It was noticeable that the rates were higher for those workers on insecure or temporary contracts compared to those with permanent contracts – and shows that those with the least security in the workplace are at most risk if they raise complaints about racism.

Many respondents indicated that it they had not taken any action after experiencing racism at work. Many more had just confided in their family or friends and not taken formal action. Notably, seeking support within personal social networks was the most common reaction among BME women who had experienced racism. Low levels of taking action may be, in some cases, because they did not think the incident was severe enough to warrant action – but it may be that some BME workers have little confidence that complaints will be taken seriously and dealt with satisfactorily.

Section six

The impact of racism at work

We know that racism profoundly affects the quality of life of BME workers, both at work and in the rest of their lives. It is likely to affect the health, wellbeing and life aspirations of any individual. [4] And it affects others in their family too – with a notable effect on children's health outcomes. [5]

The TUC's self-report survey found significant consequences followed experiencing racism at work. The most frequently mentioned consequences of racial harassment and racist treatment were negative consequences for mental health and increased levels of stress. Respondents reported that the impact on their wellbeing was not just confined to mental health and stress but affected other areas of their lives. Significant minorities of respondents reported negative impacts on their physical health or event going off sick because of the incident.

Nearly half of respondents said that their experiences of racism had resulted in a general negative impact on their work. One respondent explained*: "I felt awful and embarrassed. I felt as if I was under the spotlight. I became very tearful and physically sick. This had an impact on my work."* A minority of respondents felt they had no choice but to leave their job.

One of the most striking findings from the TUC's survey was that high numbers of BME women reported that their experience of racism at work had affected their mental health and levels of stress. Higher numbers of BME women than men reported taking sick leave or leaving their job because of discrimination. A respondent told us: *"The racism I experienced made me feel nervous and anxious. My mental health deteriorated and ended up being signed off work."*

The physical and psychological consequences for BME workers experiencing racism or working in a hostile environment are significant. Racism at work can undermine workers' careers, leave them feeling isolated from colleagues at work and have an effect on their relationships with families and friends.

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[4] http://www.sciencedirect.com/science/article/pii/S0277953615300770

[5] http://www.sciencedirect.com/science/article/pii/S0277953615300770

Section seven

Discussion and recommendations

The TUC started this project as we believed that in some workplaces racism had never effectively been tackled – and in others, that employers believed in error that it had gone away for good. This qualitative research has borne out our concerns. We set out to document the contemporary experience of racism at work – and now we seek to reinvigorate union, employer and government efforts to stamp it out.

This report gives a platform for the thousands of BME workers who have experienced racism at work over the last five years to have their experiences revealed and recognised. It exposes the ongoing everyday reality of racism faced by many BME workers – and it demands a response from government, employers and unions. It is clear that there must be a renewed urgency to actions to tackle racism at work.

Firstly, employers should take proper action to ensure that workers are protected from racist violence, abuse, harassment and bullying. All employees have a right to work in a safe environment without discrimination or the fear of harassment or abuse. They must urgently refresh their policies and procedures for dealing with racism at work, have been in place for some time and need to be reviewed. And they must give confidence to their BME staff that they can report racism to their employer, that it will be taken seriously, and it will be dealt with appropriately. Every company and workplace should have simple methods for reporting racial harassment or discrimination - and for making sure all reports are acted on.

It is right for this to be part of a wider dignity, diversity and equality agenda - not least to guard against the double discrimination faced by many BME women – but opposition to racism must form a core part of every such programme.

Every policy must include how that organisation will deal with abusive or threatening customers, clients, contractors or service users. Giving BME workers confidence that they will be supported by their employer if they experience racial discrimination and harassment from third parties is vital to stamp out racism at work. Such policies need active promotion to all workers, customers and service users. All staff should be trained and supported on how to deal with any abuse they witness or receive.

But a key change needed is one of mindset. Too often, racism is only seen as a problem when an individual incident is identified – such as when someone gets abused or treated differently because of their race. What is needed is instead a collective, pre-emptive response that promotes equality and dignity for everyone, gives confidence to all staff that they need not stand for discrimination or bullying, and makes dealing with racism at work everyone's responsibility.

Alongside this, government, employers and trade unions have an important role to play in combating institutional racism in the workplace – removing barriers to progression and making sure that opportunities are open to BME people. BME workers continue to suffer from the stereotyped assumptions of employers and managers. Employers should ensure that all managers are properly trained and that systems are in place to try to ensure that stereotypes do not blight the working lives of BME workers.This is particularly important for BME women, who are disproportionately engaged in lower-paid jobs that they are overqualified for, often as result of cultural stereotyping.

The government should revise its approach to dealing with racial discrimination in the labour market. The government has stated that "*it believes that it is a mistake to see inequalities only in terms of race and ethnic origin since socio-economic status and poverty affect people's chances in life. We have therefore made a deliberate shift away from interventions specifically on the basis of race and ethnicity.*"

This approach fails to recognise that race discrimination plays a significant role in determining the socio-economic status and poverty of BME people. It also ignores the institutional and systemic discrimination that exists in the UK labour market and wider society. Such an approach can increase racial inequalities through indirect discrimination, and fails to tackle institutional and structural discrimination.

The government must also take action to strengthen relevant legislation, such as introducing provisions on third party harassment, and remove barriers to justice for BME workers who have experienced racism at work. The introduction of employment tribunal fees means that BME workers face a significant financial barrier to getting legal redress if racist discrimination is not resolved in the workplace. In January 2017, the government's own review of the fees (which can be up to £1200) admitted that there has been "*a sharp, significant and sustained drop in the volume of tribunal claims following the introduction of fees*" with a 68 per cent fall in the number of cases taken overall, including a 55 per cent fall in cases of race discrimination.[6]

In summary, all BME workers must be able to pursue their working lives in an environment where they are treated with respect and dignity.

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[6] https://www.gov.uk/government/consultations/review-of-the-introduction-of-fees-in-the-employment-tribunals

RECOMMENDATIONS
To tackle racist discrimination and harassment at work, employers should:

- Ensure they have a strong equality, diversity and dignity policy that explicitly includes zero tolerance for racism. They must make it clear that they will support all staff who raise concerns about racism and act to protect staff who are subject to racial abuse.

- 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. Make sure that all staff know that workers who raise concerns about racism will not be victimised for doing so.

- Publish data on BME pay, recruitment, promotion and dismissal; set aspirational targets for diversity at their organisation; and measure progress against those targets annually.

- Work with trade unions to establish targets and develop positive action measures to address racial inequalities in the workforce.

To tackle racist harassment and discrimination at work, government should:

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- Demonstrate that they take stopping racism at work seriously by abolishing fees for employment tribunals. These are a major barrier for BME workers facing discrimination at work.

- Make sure the Equalities and Human Rights Commission has enough funding to promote workplace anti-racist policies and practice, and take more legal cases to make sure the law reflects the nature of contemporary racism.

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