

AN IER SUBMISSION

**Submission to Andy McDonald,
Shadow Minister for
Employment Rights and Protections,
for consideration by the
Doreen Lawrence Review Team**

By

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The Author:

Yvette Williams MBE has a strong track record of delivery and experience in all aspects of leadership at a senior level; specialising in cultural and organisational change, promoting equality and diversity and public and community engagement strategies, for over 30 years. She worked with the Mangrove Community Association and served tenure as a Trustee for the Tabernacle Community Centre and the Pepper Pot Club (for Caribbean elders) in Notting Hill where she lives. She was a founding member of Operation Black Vote. Yvette was head of Equality and Diversity for the Crown Prosecution Service in London for 14 years, developing hate crime prosecution policies and community engagement strategies. She was awarded an MBE in the New Year's Honours list in 2012. She is a co-founder of the Justice 4 Grenfell Campaign. The campaign has used a variety of media to ensure that Grenfell Tower disaster remains in the public eye. From the campaign's inception in June 2017, Yvette has been a key speaker at many events including the Women of the World festival, the Justice Lecture at the GMB union conference and TEDx London. In October 2019 the Justice 4 Grenfell team won the Significant contribution award as Woman of the Year; in April 2020 the Campaign won the Education Category at the New York Film festival for the film 'Grenfell and Social Murder' which was co-produced with the Open University and Hamlett Films. Yvette has written for and featured in a number of publications. In September 2020, Yvette featured on an iconic front fold out cover of British Vogue as one of 20 international activists and also on the UK Ethnicity Awards Top 100 list.

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Background

As the Covid 19 pandemic gripped Britain, official figures quickly revealed that over a third of patients on intensive care wards were from BAME backgrounds – almost triple the proportion of BAME people in the wider population. At April 2020, all doctors known to have died from the virus were from BAME backgrounds.

Introduction

Over the last two decades, there have been a number of legislative developments that should inform the recommendations from this review. The Race Relations (Amendment) Act 2000, significantly extended the scope of domestic anti-discrimination legislation, outlawing race discrimination by public authorities in carrying out their functions, and imposing a general duty upon public bodies to promote race equality. This was further amended by the Equality Act 2010.

The enactment of the Human Rights Act 1998 extended the law against discrimination, particularly through the incorporation of Article 14 of the European Convention on Human Rights. This raises a key question as to why available legislation was not acted on at the beginning of the Pandemic.

Any recommendation from this review must take into account the current accountability and sanction structure. Namely, who is the monitoring and accountable authority? Additionally, the recommendations must be seen to be based on a clear perception of long-standing structural inequality fuelled by racism, deep-rooted attitudes and stereotypes. Pre-existing racial and socioeconomic inequalities and environmental factors have not only been amplified by the coronavirus crisis: they are being made worse.

BAME workers seem to be disproportionately vulnerable to Covid 19, yet all workers are potentially vulnerable. Many of the recommendations suggested below would benefit all workers (a good thing) albeit they are proposed here because of the disproportionate benefit they would achieve for BAME workers.

BME communities are:

- Experiencing significant income loss during the coronavirus crisis, leading to a struggle with paying bills and paying for essentials during lockdown.
- BAME groups are also less likely to receive any form of sick pay.
- Are more likely to be in precarious employment.
- Are less likely to have the opportunity to work from home.
- Work in roles with a greater exposure to the virus.
- More likely to have pre-existing health conditions not conducive to fighting the Virus.
- More likely to access information set out in community languages.

Comments on the Draft recommendations

1. Targeted testing and support for the BAME community who are over-exposed to COVID 19

- A. The first action under this recommendation should be to prioritise and incorporate mandatory equality impact and risk assessments in all emergency responses (not solely limited to Pandemic responses). These assessments should form a standard response procedure, and not a bolt-on procedure or appendix. It is essential to have clearly established responsibility for the implementation of a centrally formulated policy in the public, private and third sectors.
- B. To enable effective targeting testing and support, employers must have accurate, up to date and comprehensively collected diversity data. In England, public bodies are required to produce annually published information to demonstrate how they are complying with the public sector duty. There is anecdotal evidence that BAME employees can have low confidence (based on workplace experiences) to participate in any drive to improve diversity declarations. New guidance for employers will need to be robust and the purpose of the collection of data widely and carefully communicated and understood. Staff networks and Trade Union representatives are well placed to support this. Targeted community engagement should also be implemented and consideration given to producing relevant literature in community languages.
- C. Issued guidance should include an action plan for employers, expressed plainly and clearly. There should be a central referral point to assist with queries.
- D. Risk assessments in relation to BAME employees, as well as other vulnerable groups, in order to reduce exposure to coronavirus, need to be included as priority criteria. Employers should ensure that all BAME key workers in public-facing roles have adequate Personal Protection Equipment as a matter of entitlement and necessity.
- E. Any protection arrangements need to include reduced-exposure working practices. Improved alternative workplace adjustments should be an immediate priority. If employees are unable to work from home, consideration should be given to subsidised provision of private transport to minimise exposure on public transport. In larger organisations, it should be mandatory to consider redeployment away from front line roles as an initial option, with training and development policies implemented thereafter to develop and advance skills.
- F. Additional alternative working practices should include staff access to emergency sick leave arrangements, the immediate provision of key services such as emergency childcare and accommodation that enables them to go to work without putting their families at further risk. There may also need to be access to alternative paid leave, e.g. annual or compassionate.
- G. The Department for Work and Pensions should embrace policy and procedures to protect all those in precarious employment. Risk assessments should include a range of 'poverty prevention' strategies that support workers not being forced to leave home to go to work through the fear of not having an income. Many

survive financially on a week-by-week basis and are only ever one week or less away from poverty.

- H. Current relief strategies should be assessed for their effectiveness. Access to basic food requirements should be expanded beyond the use of foodbanks (which increases further exposure). Priority food delivery similar to the current NHS 'Food boxes' for the 'clinically vulnerable' should include BAME communities in the critical list criteria. Food provision should contain culturally diverse ingredients and cuisines to prevent further marginalisation and alienation.
- I. Access to subsidised and/or free Wi-Fi would be of huge assistance to the well-being of workers and their families.
- J. Access to State benefits should be made available immediately by way of the provision of an emergency fund, as many cannot wait for weeks for state benefits claims to be assessed. Current relief strategies should be assessed for their effectiveness. The future should include access to paid leave, paid sick leave, and full wage replacement. The elimination of sub-minimum wage pay for 'tipped workers' should be further bolstered by equal pay enforcement. Relief responses should not be a route to further marginalise BAME communities; rather they should have dignity and respect as a core component and foundation. Improved and immediate access to banking and other financial services should be included where this is an issue.
- K. Vigorously enforced anti-discrimination policies and procedures are critical. In the context of a crisis, it may call for extensive absences from work. Workers must be able to take the time they need to care for themselves or their families without fear of retribution or negative effects on future job opportunities.

2. A national strategy to tackle Employment inequality

- A. Introducing ethnicity pay gap reporting is **crucial** to addressing pre-existing inequalities. As with gender pay gap reporting, this should be a mandatory requirement and built into the current statutory provisions. Gender pay gap reporting obligations currently apply to employers with 250 or more employees. Consideration should be given to reducing the required number of employees for employers to be included in the statutory reporting and publishing; in particular, for employers providing a public service and those who successfully win public sector contracts (for example, cleaning, security, and catering contracts). The litmus test and real driver of change will be how the data is used to identify the key concerns behind the statistics, and to develop clear and targeted action plans to address them. What central resources will be available to provide support and advice on this crucial catalyst for structural and cultural change? Addressing the ethnicity pay gap **must not** become a tick box exercise. Furthermore, real change must be measured not solely in monetary terms but also lived experience. Inequality analysis should address the main areas such as recruitment, retention and promotion, but also complaints. There is an assumption that few or no complaints portray a good workplace environment; this is not always correct as higher numbers of complaints can be an indicator of BAME employees' trust and confidence in complaints procedures being fairly handled.

- B. The **key** missing component in addressing the above is to decide and make clear what sanctions underpin non-compliance. Ineffective sanctions will only encourage employers to disregard their duty, and therefore make matters worse.
- C. Business inequality: As proposed above, improved access to banking and other financial services should be explored. Many BAME business and self-employed owners face discrimination in accessing these. The economic impact of Covid-19 will no doubt have a disproportionate and adverse impact on them. Race equality audit and impact assessments should form a part of all Government schemes that seek to address business interruption, as they are essential to addressing the underlying causative issues responsible for the disproportionate impact of Coronavirus on the BAME communities.

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