



Article for Frontline

March 2011

Racism at work in a recession

Anne McKernan, Director, Casework, Equality Commission for NI.

Recent research by both UNISON in 2009¹ and NICEM² earlier this year shows that racism appears to have heightened during the recession. UNISON, for example, found that 54% of their respondents had personally experienced racist attitudes among the general public, while 83% reported that they had encountered it in the workplace. The Equality Commission's own Equality Awareness Survey,³ last published 2009, shows an apparent rise in racial prejudice in Northern Ireland.

Over the past five years, the trend in numbers of calls to our legal staff about racial discrimination is up – in 2005-06, we took 328 and in 2009-10, we took 438.

There is clearly a continuing need to challenge racial discrimination, and the Commission is taking action on a number of fronts.

Challenge Discrimination

We are key partners in the Unite Against Hate campaign, supporting the campaign to create a more tolerant and peaceful Northern Ireland. Most recently we supported their campaign to address the under-reporting of hate crime and added a new 'Challenge Discrimination' button to the UAH homepage to make it easier for people to contact us for advice – discriminationadvice@equalityni.org

Seeking change to the law on race

One of our current priorities is to work towards changing the law here to keep pace with the Equality Act 2010, which came into effect in Britain on 1 October 2010, and ensure that people in Northern Ireland have the same protection from discrimination as people in Great Britain.

¹ Unison Northern Ireland, Migrant Workers, Racism and the Recession, Belfast, October 2009.

² Migrant Women's Focus Group held at NICEM, 24 January 2011

³ Equality Commission, Equality Awareness survey 2008, Belfast, June 2009.

We have identified six proposals for urgent legislative reform⁴, which include the harmonisation of the Race Relations (NI) Order 1997 so that colour and nationality has the same level of protection as other racial grounds. There was a commitment by OFMdfM to address this when they consulted on a Single Equality Bill for Northern Ireland in 2004 but it has not yet happened.

We met with OFMdfM Junior Ministers in 2009 to discuss our proposals for legislative reform and we have since then been raising awareness of our proposals for change with key stakeholders, including the Assembly All-Party Group on ethnic minority communities and the BME Forum.

We have also been raising concerns with OFMdfM about the need for domestic legislation to comply with EU Directives.

Reforming the law in this way is in keeping with the aims and objectives of the OFMDFM's Racial Equality Strategy for Northern Ireland 2005-2010.

Monitoring the workforce

The Commission would like to see a change in the law on monitoring workforce composition, to require registered employers to collect monitoring information on the nationality and ethnic origin of their employees and job applicants. They already monitor their community background and sex.

Legal work and enforcement

We have seen an increase in the overall number of enquiries from people who believe they have experienced racial discrimination, from just over 9% of our calls in 2005/6 to a current level of 12.2% of all calls.

Last year the Commission granted assistance in 38.5% of the race applications made to it. We are currently legally assisting 24 cases of race discrimination. That assistance covers all legal work in preparing the case, concluding a conciliated settlement or running the case in a court or tribunal. During the past year (2009-10), we achieved successful settlements in 5 cases taken on grounds of race (2 of which were on grounds of race and one other area of discrimination). Almost half (48%) of those enquiries are about employment or the workplace and around 30% of those involved racial harassment at work.

In 2009, we supported a Zimbabwean-born vet, Crispin Madavo, who had difficulties over a long period following initial complaints he made of racial discrimination at work. This resulted in disciplinary proceedings and penalties

⁴ ECNI proposals for legislative reform, 2009, available at http://www.equalityni.org/sections/default.asp?secid=5&cms=The+Law+Legislative+Reform&cmsid=4_285&id=285

being imposed on him which his employer subsequently acknowledged should not have occurred.

Pic Terence Lesslar

Another 2009 case involved a Malaysian man whose complaint to the Industrial Tribunal that he was subjected to race discrimination, harassment on grounds of race and unfair dismissal, was upheld. Both were compensated.

Our Strategic Enforcement Division also carried out a formal investigation into migrant workers and the role of recruitment agencies, which we published in June 2010. It examined the issues around equality of opportunity for newly-arrived job-seekers and also longer-established workers.

The investigation found that good practice exists in the recruitment sector and with employers, but also made specific recommendations on addressing language barriers, and on comparing equivalent qualifications, so that there is equal opportunity for migrant workers who wish to use their qualifications, skills and experience to obtain suitable work.

To conclude, we provide free advice and training on race and the workplace for employers to help them comply with the law. Good employment practice protects businesses against risks and helps them grow and develop. That is true in times of expansion and prosperity. It is true also in times of recession.

ENDS