



Resource pack for reps and members

Black, Asian and minority ethnic



BAME resource pack for reps and members

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1. Why BAME equality matters

We know that inequality affects BAME people across our society and communities – from housing to health, education to employment and within the criminal justice system.

We need to acknowledge the scale of discrimination and unfair disadvantage that BAME workers have had to deal with for decades: our intervention aims to ensure that all members receive fair and equal treatment at work and that Prospect can deliver the services that BAME members require.

It is important to remember that the law covers freelance and other atypical workers. This resource pack will be relevant to all sectors of the union and all our different types of workers.

This is not about 'special treatment' – it is about levelling the playing field.

The facts

- 14% of the UK population is BAME; in London it is more than 40%. Yet in too many workplaces this demographic is not reflected: this has caused increased unemployment in BAME communities which impoverishes those communities.
- Only 6% of top management positions are held by BAME people. There is a 10% gap between white and BAME employment rates, and this figure itself does not reflect the type of jobs nor the failure to promote BAME workers who are employed.
- Two studies 10 years apart both showed that minority ethnic job applicants are racially discriminated against when applying for jobs. Both studies sent matched pairs of job applications in response to vacancies: one appeared to be from a white applicant, the other – with the same experience and qualifications – from an ethnic minority applicant.
- The 2009 study commissioned by the Department for Work and Pensions showed that BAME applicants had to make 74% more applications to get the same number of interviews as their white colleagues. Of the pairs that received an invitation to interview, 68% went to the white applicant and just 39% to the BAME applicant.
- Ten years on, an EU funded study published in 2018 showed that 24% of white applicants received a call to interview versus 15% of BAME applicants.
- Prospect's own survey of our BAME membership revealed:
 - 45% had seen racist behaviour in their workplace
 - 29% had themselves experienced physical or verbal abuse in their workplaces; 78% believed it was related to their race
 - asked whether there was anyone else they could report it to if they did not feel comfortable talking to their manager about it, only 29% said they would report it to their union or union rep, and another 34% said: "There isn't anyone I feel comfortable reporting it to"
- 51% had seen a white colleague promoted ahead of them despite the respondent having a similar level of experience or expertise.

These inequalities provide opportunities for some groups, particularly extremist groups, to exploit divisions and spread hatred.

In addition, there is evidence of a rise in hate crime, accompanied by a climate of xenophobia, following the referendum on leaving the European Union.

Trade unions, Prospect included, and many other community organisations, work towards harmony across our communities by facilitating dialogue, respect and equality.

Communities based on equality and respect will enable everyone to flourish in their own way. This is equally true for workplaces.

The business case for equality, diversity and inclusion

- Research by McKinsey found that companies in the top quartile for racial and ethnic diversity were 35 percent more likely to have financial returns above their respective national industry medians.
- 85% of chief executives surveyed by accountants PwC whose companies have a formal diversity and inclusiveness strategy said it had improved their bottom line.
- The government estimates that the potential benefit to the UK economy could be £24bn a year if employers get race equality right.
- Happy employees are productive employees.
- EDI increases the talent pool and brings new experiences, ideas and perspectives to organisations.
- EDI helps organisations keep talented staff.
- EDI enhances an organisation's image, both generally and for potential employees.

2. What the law says

The Equalities and Human Rights Commission says that the underlying principle of the Equality Act 2010 is that everyone should be treated fairly and have equal opportunities to fulfil their potential.

This means that selecting people for jobs and roles must be on merit, demonstrated through fair and transparent criteria and procedures and that those in work must not be treated less favourably, or harassed, on the grounds of race or other protected characteristic.

The Act prohibits discrimination based on nine 'protected characteristics':

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex, and
- sexual orientation.

Definition of race

There have been many legal arguments over exactly what constitutes ethnic or national origin and how to define an ethnic group.

The courts have set a list of factors to take into account. Two of the most important are that the group must have a long and shared history and a cultural tradition of its own.

A key factor in race discrimination cases will be defining the 'racial grounds' and the 'racial group'.

Racial 'grounds' means any of the following:

- colour
- race
- nationality
- ethnic or national origin.

Racial 'group' means a group of persons defined by reference to any of the above.

Religion is not a means of defining a racial group, although it may be a relevant factor in determining the group.

Freelancers and other atypical workers

The Equality Act can cover a very wide range of workers including those on freelance, casual, zero-hours, internships and other atypical contracts.

Whereas some statutory rights, such as unfair dismissal and redundancy, only cover employees, the protection against discrimination at work is much more extensive. It will only be the genuinely self-employed who are excluded from bringing a claim under the Equality Act.

Freelancers working through their own limited company may still be covered, but it will always depend on the individual circumstances.

Even as a short term freelance worker, you are likely to have rights not to be discriminated against on the grounds of race by an engager, employer, or co-worker. This will apply to any length of engagement, even if it is just a few days' work.

Determining employment status can be complex, so if in doubt contact your union full-time officer.

Direct discrimination

Direct discrimination is where a person is treated less favourably because of their race. A key question in determining whether there has been direct discrimination is whether the complainant would have received the same treatment but for their race.

For example, if an employer has a policy of not promoting black people, then this would be direct discrimination.

Indirect discrimination

Indirect discrimination is when there's a provision, criterion or practice which applies to everyone in the same way, but it puts, or would put, people of one protected characteristic at a particular disadvantage.

A good example of indirect discrimination was Prospect's successful case of indirect discrimination against the Home Office. In this case, the 'practice' being complained about was the Home Office's assessment test for promotion.

A disproportionate number of BAME workers compared to others were failing the test and thereby being put at a particular disadvantage.

We successfully argued that the use of the assessment test could not be justified. The tribunal found our member had been subjected to indirect discrimination.

You don't have to have a protected characteristic to be directly discriminated against for it. Two forms of discrimination deal with this: discrimination by association (or associative discrimination); and discrimination by perception (perceptive discrimination).

Discrimination by association

Associative discrimination comes about when someone is treated unfavourably on the basis of another person's protected characteristic.

For example, a candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements.

The withdrawal of the job offer could amount to discrimination because of her association with a disabled person (disability being a protected characteristic).

Discrimination by association doesn't apply to all protected characteristics. Marriage and civil partnership, and pregnancy and maternity are not covered by the legislation.

Nor does it apply to instances of indirect discrimination by association – it has to be direct harassment.

Discrimination by perception

When someone is treated unfavourably because others believe they have a protected characteristic, even though in reality they don't, it is perceptive discrimination.

A possible example of this is an employee who is rejected for promotion to a supermarket buying team that sources wines, because he has an Arabic name. The employer has assumed that he is a Muslim and won't want to deal with alcohol. This could be considered discrimination by perception, whether or not the employee is a Muslim.

As with associative discrimination, perceptive discrimination does not apply to marriage and civil partnership, nor pregnancy and maternity, and it must be direct discrimination or harassment.

Harassment

Racial harassment under the Equality Act is where there is unwanted conduct related to race, which has the purpose or effect of violating the worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The harassment provisions apply to the other protected characteristics such as religion, sex, and sexual orientation in a similar way.

Prospect has recently settled two tribunal cases of harassment where members were subjected to Islamophobia in the workplace.

Prospect has also run a number of sexual harassment cases, including cases for freelance workers subjected to harassment during an engagement.

Victimisation

Workers are also protected from being subjected to unfavourable treatment because they have brought proceedings, given evidence or information in a case, or made an allegation in good faith that someone has infringed the rights under the Equality Act.

This is important protection for workers who challenge a breach of the Act or support a colleague in making a complaint.

Positive action

People sharing particular protected characteristics, such as women, ethnic minorities or disabled people, who are under-represented on boards or in companies are often referred to as 'under-represented groups'.

If employers can demonstrate that there is under-representation in the workforce they may take positive action.

Positive action can mean working hard to ensure that the vacancy is seen by the under-represented groups and that they are encouraged to apply.

It can mean holding an event to encourage BAME talent to consider working in that company or industry.

The positive action is designed to encourage a diverse range of candidates to apply for a job who can be considered on their merits.

The appointment process must not treat one candidate less favourably than another, or unjustifiably put candidates who share a protected characteristic at a disadvantage.

Employers may decide to use the positive action 'tie-break provision' contained in the Equality Act 2010.

This allows them to treat a candidate from an under-represented group more favourably at any stage of the recruitment or promotion process, from longlisting to selection.

However, it can only be used if two or more candidates are equally qualified. It will be more difficult to satisfy themselves of this at the earlier stages of the recruitment process.

For further guidance see the EHRC's Code of Practice on Employment –

www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice

Time limits

Claims to a tribunal must usually be started within three months of the act of discrimination or harassment. These time limits are strictly enforced, so it is important that any case is referred to the union's full time officer as soon as possible.

Union advice

Legal advice and assistance is offered at the discretion of the union and is decided on the facts and merits of each case. For more information see our guide to legal advice at <https://library.prospect.org.uk/download/2015/01155>

3. Challenging the 'canteen culture'

Prospect representatives can play a key role in challenging racism and discrimination to ensure that workplace policies and practices are fair for everyone.

Workplace banter can become so entrenched that inappropriate use of language and behaviour become normalised.

It can be difficult to challenge racism and discrimination, particularly when it seems that everyone else in the workplace appears to be joining in.

So build support among other reps and members and build up activities gradually.

Here are some things you could do:

- start conversations with people, individually or in groups, about how they feel and how they would respond if they see or hear racist language or behaviour
- gather information to help you challenge stereotypical assumptions
- do not challenge people in a way that might humiliate them or make them feel vulnerable, eg when they are in a group; it may be better to speak to them individually
- help people's understanding by using facts rather than assumptions eg "migrants just scrounge off the state" when they actually contribute more in taxes than they claim in benefits
- be aware of and promote your employer's commitment to equality and diversity, including how to deal with harassment and bullying
- work with your employer to raise awareness of the importance of race equality at work; how to identify and challenge inappropriate behaviour and how to use harassment and bullying procedures
- organise activities and events to educate members on the importance of tackling racism and discrimination; invite speakers, eg Show Racism the Red Card, to which Prospect is affiliated
- distribute and display leaflets or posters that counter myths and media misinformation
- publicise successful race discrimination cases
- organise events during Black History Month in October
- co-opt BAME members onto your branch committee.

Good practice creates good workplaces

Policies

- a robust equality and diversity policy that explicitly includes zero tolerance of racism
- policies dealing with harassment and bullying should explicitly include racism and a statement that the organisation will support employees who raise concerns about racism
- policies should enable employees to easily report racism

- all workers, including freelance, contractors and other atypical workers, should be covered in the policy
- reassure employees that complaints of racism will not lead to victimisation
- demonstration of commitment to the policies from the top of the organisation
- equality and inclusion objectives in all performance appraisal systems, especially for line managers, supervisors and leaders at all levels
- equality impact assessments on all policies and procedures, not just within the public sector (which is a legal requirement) but across all sectors
- address workplace cultures to ensure employees feel confident about raising concerns of racism, that their complaints will be taken seriously and dealt with appropriately
- build equality measures into contract specifications.

Targets

- work with Prospect to establish the targets and develop positive action plans to address racial inequalities.

Data

- robust data is required to make positive change, including monitoring by ethnicity and gender, ethnicity and age, ethnicity and disability
- publish the data, set targets to improve diversity and measure progress against those targets annually, jointly with Prospect.

Monitoring

- monitoring is crucial to ensure equality; the organisation will not know, or be able to demonstrate, that their equality and inclusion policies are working unless monitoring is carried out
- monitoring is not a one-off exercise, it should be a continuous process to identify any inequalities, trends and actions needed.
- monitor BAME data across the whole employment process, including:
 - pay
 - by grade and position within grade
 - recruitment, selection and promotion
 - appraisal and performance management systems
 - training and development opportunities
 - length of time in post
 - selections for redundancy
 - dismissal and staff turnover in general.

Communications

- establish effective communications which encourage conversations to address race discrimination, stereotyping and the possibility of unfounded fears among colleagues
- positive communications about why the organisation is collecting ethnicity data and how it intends to use it, as well as assurances of confidentiality; members will be reassured if Prospect is involved in the monitoring process and the communications associated with it.

Recruitment

- name-blind recruitment processes and remove monitoring forms before shortlisting/selection
- consider recruitment channels, eg advertising vacancies in BAME specialist publications may help as a positive action measure
- ensure that diversity panels are diverse
- ensure that recruitment, selection and promotion decisions are made on objective criteria
- recognise comparable overseas qualifications
- provide clear feedback for unsuccessful candidates
- ensure the same provisions apply in respect of the engagement of all workers, including freelancers, contractors and other atypical workers.

Training and mentoring

- set up mentoring, including reverse mentoring, schemes. Mentoring schemes benefit all those involved: mentees gain by building their knowledge, expertise and confidence; mentors gain by revitalising their skills in listening and developing other's talents; the organisation benefits by identifying new talents, new ideas and retaining committed employees
- set up talent management programmes
- provide equality, and specifically race equality, training for all staff
- provide training on conscious and unconscious bias and discrimination for supervisors and line managers
- find staff who are willing to be race equality champions.
- establish outreach initiatives, for example links with schools, colleges, universities and community groups.

4. How reps can support members

Talk to members

- find out where BAME members are located within the workplace and the union
- talk to union members to find out about local issues and concerns.

Union meetings

- meet new BAME members before meetings and go with them so that they can find out what goes on
- ensure that meetings are held in venues and at times where all can attend
- encourage “buddying” by reps to support interested members to later become reps and/or committee members
- challenge stereotyping and racist comments.

Communications

- consider producing specific recruitment literature targeted at BAME employees
- ensure that branch newsletters are inclusive
- consider inviting speakers to your branch to talk about inclusion and anti-racism.

Training and development

- Prospect offers a course for BAME members to share experiences and learn key skills to help them develop within the union and within their career
- the TUC also has an extensive training and education programme, see www.tuceducation.org.uk

Personal cases

- listen to members and explore the possibility that the unfair treatment they are experiencing is based on their race – many members would not immediately think about this.

As with all personal cases, assure the member of confidentiality.

While not all unfair treatment is based on discrimination, representatives should seek advice from their full-time officer as soon as possible if they think this is the case (there are legal time limits).

If you think the unfair treatment is based on racial discrimination, consider the following questions:

- what is the issue, eg pay, failure to promote, harassment, dismissal?

- why do you think it was motivated by race?
- who made the decision?
- have other people been treated in this way and what race were they?
- when did the incident(s) occur?
- is there any other evidence of prejudice on grounds of race, either in respect of the member concerned, or other workers?
- has the issue been raised with management?
- how has the member been affected?
- are there any notes of meetings or any other relevant documents?

Explore the options of how to deal with the case, eg informally or through grievance procedures or by taking legal action – but speak to your full-time officer first.

If taking the case to a tribunal is a possibility, explain to the member that it can be stressful and time-consuming.

There are strict time limits to taking a tribunal claim – the time starts running from the date of the incident itself, not the outcome of any grievance procedures.

Consider the collective issues of the personal case. The member may not wish to take formal action, but it may be possible to raise an issue collectively, perhaps calling on the employer to introduce awareness raising and training on race equality, changing procedures or policies etc.

The law says people who make an allegation of discrimination should not be victimised for bringing a case.

Multiple discrimination

There may be a possibility of multiple discrimination, eg BAME women being more at risk of unfair treatment.

People from BAME backgrounds may also be subject to harassment and discrimination based on their disability, sexual orientation, gender identity, religion and age.

Multiple discrimination can be addressed by ensuring that the employer's monitoring statistics are disaggregated by ethnicity, gender, disability and age.

A good time to address this with employers is when they conduct equality and equal pay audits.

5. Bargaining for equality

Organisational change and growing work pressures mean that reps and negotiators need to be able to call on the widest range of arguments and evidence available to them.

Equality guidance or legislation can sometimes provide an effective route to address negotiating challenges.

Prospect has produced a briefing with ideas for tackling issues on bargaining agendas from an equalities perspective. You can download it from <https://library.prospect.org.uk/download/2015/01583>

The checklists from that briefing, amended to cover BAME equality, and additional points for your bargaining agendas, are set out below.

Pay

Despite equality legislation, research consistently shows that BAME workers are underpaid compared to their white counterparts. Union reps can be part of the solution by working with employers to:

- ensure that the pay system is regularly audited and covers: race, gender, disability and age, at a minimum.
- look at how recruitment, selection and promotion procedures affect pay and where people are placed in the pay structure when they are appointed; are BAME workers clustered in the lower grades or at the bottom of pay bands?
- ensure pay audits cover distribution by grade, full-time and part-time, pay, bonuses, and other allowances.
- ensure that length of service is taken into account in the audit.

Performance management/appraisal systems

Prospect has seen an increase in discriminatory practices in the operation of performance management/appraisal systems across the public and private sectors and BAME members have been targeted.

Reps should work with employers to:

- ensure that the performance management/appraisal system has been assessed to be fair and transparent, eg a forced distribution system (where managers are given quotas for performance markings) is much more likely to result in inequalities and discrimination
- look at how often assessments take place and the criteria for assessment
- ensure that the system is audited for equality: are BAME members more likely to receive lower markings/ratings?

Restructuring/relocation

Under-represented groups in the workplace have been disproportionately affected by restructuring and/or relocation measures, TUC research has shown.

- ensure processes are fair and transparent and communications are clear
- if there is a new pay and grading structure, check where BAME members have been placed – eg have they been allocated to lower grades?
- if there is a new location, does it disproportionately affect BAME members eg longer travelling times.

Search for ACAS guidance called Managing in difficult times.

Redundancies

- Is there a workplace policy on redundancy? Has it been equality proofed and can the criteria for redundancies be objectively justified?
- Could the criteria indirectly discriminate against BAME members? For example, are more people from a BAME background likely to be made redundant?
- Would the proposed outcome disproportionately affect BAME members?

See Prospect members' guide on redundancy.

Atypical workers

BAME workers are much more likely to work on temporary, short-term contracts or on an agency basis, evidence has shown.

It is therefore important to ensure there is a workplace agreement on the use of temporary, short-term and/or agency workers.

This will help ensure that these types of contract are not being used to exploit people and avoid employing permanent staff.

- Is there a policy on the criteria for using short-term, temporary or contract staff?
- Are staff on atypical contracts included in monitoring arrangements?
- What is the justification for not employing permanent staff?
- Do these contracts sometimes get renewed automatically?

See Prospect members' guides on atypical workers and on fixed term contracts.

Health and safety

Promoting health, safety and welfare at work is one of Prospect's key objectives, but some issues can disproportionately affect particular groups.

Workplaces which have equal outcomes for BAME staff, eg in pay and grading, promotion, performance management systems etc, generally have a positive effect on well being and mental health.

- Have managers received training on equality and discrimination and are they open to discussing employees' concerns around discrimination?
- Bullying and harassment may disproportionately affect BAME workers.
- Is there a policy on workplace mental health?
- Does your workplace have health and safety reps from a BAME background who may offer a different perspective?
- Do risk assessments take account of the possibility of cultural/racial differences in the workplace, eg could there be under-reporting of workplace accidents among workers from BAME backgrounds?
- Does personal protective equipment adequately take account of cultural/religious dress and cater for gender differences and disabled staff?

See *Prospect's health and safety webpages*.

Other issues

Workplace policies and practices can disproportionately affect our BAME members.

Therefore, it is imperative that there is a comprehensive monitoring system which is shared with Prospect reps.

Other workplace issues to think about could include:

- Is there any evidence that disciplinary procedures are disproportionately used against BAME members?
- Are these being concentrated in one particular area or department and if so, could the issue be poor management or bullying and harassment?
- Are exit interviews monitored by ethnicity and is this information shared with Prospect reps?
- If there is a dress code, ensure that it does not conflict with individuals' cultural or religious beliefs.
- Ensure that any qualifications required for particular posts recognise equivalent foreign qualifications and that advertisements for vacancies state that they will be accepted.
- Ensure that any catering arrangements cover particular dietary needs.

6. Closing ethnicity and disability pay gaps

Extending mandatory pay gap reporting to cover protected characteristics like ethnicity and disability could help to:

- increase awareness about pay discrimination,
- determine its prevalence and
- encourage firms to take meaningful action to increase diversity and reduce inequality.

But significant challenges need to be overcome – in particular determining exactly what and who to measure and which firms to include.

There is currently no requirement for employers in the UK to report ethnic or disability pay gaps.

The partial exception to this are the Public Sector Equality Duty regulations in Scotland and Wales.

In Scotland, there is a specific duty to report on occupational segregation by race, gender and disability, while in Wales, there is a requirement to have 'due regard' to pay differences between workers with protected characteristics and those without.

Regulations on equality pay gap reporting would need to combine flexibility with concrete action and meaningful enforcement.

Three specific proposals that Prospect believes could help meet this goal are:

Extend the Public Sector Equality Duty to the private sector

The PSED imposes general and specific duties on public sector bodies to act to reduce, and ultimately eliminate, discriminatory practices against people with protected characteristics.

However, it provides flexibility about what targets organisations set, what actions they take and what types of data they collect and publish.

It nevertheless imposes a requirement to make a transparent, public commitment to increasing equality and to regularly report on progress in achieving this.

Develop sectoral equality strategies

Companies operating in key sectors of the economy could be required to work together to develop strategies to tackle inequality and increase diversity in their specific sector.

For example, specific targets for increasing participation from people with protected characteristics or encouraging firms to collaborate on training and awareness-raising on equalities issues.

There is potentially a major role for trade unions to help employers in a sector to act together on equalities issues, as Prospect's Bectu sector has done in the theatre and broadcasting industries.

Following the union's development of the Theatre Diversity Action Plan, more than 130 theatre organisations signed up across England, Scotland and Wales, including nearly all West End theatres.

Restore EHRC funding and improve enforcement

The Equality and Human Rights Commission has been hit with heavy budget cuts over the past decade and is poorly placed to enforce equalities legislation.

Non-compliance is likely to be high and the regulations ineffective without robust monitoring and enforcement.

At a minimum, EHRC funding should be restored to its 2007 level and the Commission should be given greater powers to monitor and enforce good equalities outcomes.

Other solutions

Firms could be required to:

- Provide detailed breakdowns of pay gaps by pay grade and job role. This would help identify instances where disabled and non-disabled workers were not being paid equally for the same work or work of equal value.
- Publish concrete action plans for closing pay gaps and report on how those plans are progressing each year.
- Smaller firms could report on the composition of their workforce relative to the region of the country they operate in, while full pay gap reporting could be restricted to larger firms.

Advantages

One of the main advantages of extending mandatory equal pay reporting for disability and ethnicity pay gaps would be to focus attention on potential discrimination against BAME and disabled workers.

It would also be an opportunity to correct some of the problems with the gender pay gap regulations.

In particular, reporting requirements could be expanded to include a more comprehensive breakdown of data, for example by pay grade, job role and part time v full time staff.

For the ethnicity pay gap, reporting by work location (in cases where the employer has multiple offices/sites) would also be useful, since BAME workers are more likely to be based in London where pay is typically higher.

7. Appraisal and performance management systems

Appraisal and performance management systems affect our working lives and careers: performance markings may be linked to pay or performance bonuses, may determine access to training and development opportunities and recommendations for promotion or development.

But a wealth of evidence shows that there are equality issues around how appraisal and performance management systems operate.

Statistics show that in the civil service, those from minority ethnic backgrounds and disabled and older members were more likely to receive lower appraisal markings than white colleagues.

It is therefore crucial that employers and unions work together to avoid unfair treatment in how these systems operate – a fair system which is understood by everyone will benefit the organisation and our members.

The potential for discrimination towards members with protected characteristics is exacerbated by:

- unconscious bias during performance assessment processes
- systems which operate a forced distribution of markings, ie where managers are expected to meet a certain proportion of markings for each category
- failure to conduct, and then act on, equality impact assessments, or equality analysis, of the system.

The protected characteristics under the Equality Act are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race including ethnicity and nationality
- religion/belief
- sex and
- sexual orientation.

It is unlawful to discriminate on the basis of one of those protected characteristics or because of someone's working pattern, eg part-time workers.

A Prospect briefing on disability discrimination in appraisal and performance management systems includes good practice principles that will be applicable to all members – <https://library.prospect.org.uk/download/2013/01192>.

Good practice

Performance management should be an ongoing process for all staff. It should not come as a surprise to individuals at their review meetings that they will receive a lower box marking than they were expecting or that their performance needs to improve.

It is therefore good practice to have regular reviews which will give staff the opportunity to discuss any concerns.

There is a clear business case for employers to ensure that their people management systems operate fairly and effectively.

By supporting their employees, employers will retain expertise and skills, improve staff morale and enhance their public reputation. It is also likely that there will be a higher degree of loyalty towards the organisation.

The Equality and Human Rights Commission has drawn up a checklist on how to avoid discrimination when conducting appraisals:

- make sure that performance is measured by transparent, objective and justifiable criteria using procedures that are consistently applied
- check that, for all workers, all performance is assessed against standards that are relevant to their role
- ensure that line managers carrying out appraisals receive training and guidance on objective performance assessment and positive management styles, and
- monitor performance assessment results to ensure that any significant disparities in scores apparently linked to a protected characteristic are investigated, and steps taken to deal with possible causes.

Checklist for negotiators and reps

- Check if the appraisal and performance system itself may be discriminatory, ie are the factors/criteria under consideration likely to be biased or subjective?

For example, if 'behaviour' is one of the criteria being assessed, it would be appropriate to ask:

- what objective measurements are used to avoid subjective assessments, and
- how much weight is given to this particular factor in relation to the others?

- Check whether the targets and objectives are SMART, ie specific, measurable, achievable, realistic and timed, and whether they are appropriate to the role and realistic for the individual.
- Ensure that the employer provides line managers with appropriate equality training, particularly on unconscious bias.
- Unconscious bias training should be mandatory for line managers conducting appraisal and performance assessments. Ensure there is provision for refresher training.

- Guard against guided or forced distribution of markings in the system (Under the forced distribution system, which was introduced in 2012, managers were encouraged to rank 25% of staff as performing well and exceeding expectations, 65% as having met them, and 10% as performing poorly and told they must improve.) This is likely to put pressure on line managers to unfairly mark people down in their appraisals.
- Ensure that any absences due to maternity or family leave are not included in the criteria for assessment.
- Ensure that guidance for line managers includes the need to keep records of interviews, any goals and objectives agreed with individuals and the reasons for the performance markings given.
- Any moderation or validation processes should be transparent. Remind the employer that best practice would be to invite Prospect to observe validation/moderation panels and that individuals are informed if their marking has been changed.
- Gather evidence: Monitoring is crucial, both for the employer to be able to show that the appraisal and performance system is being applied fairly and consistently throughout the organisation, but also for Prospect reps to be able to ask questions where anomalies and inconsistencies appear.
- Make sure that the employer shares monitoring statistics with Prospect reps and negotiators. Gathering the statistics is not an end in itself, but the opportunity to ask questions and seek further information.
- Consider carrying out surveys of members.
- Challenge employers where the data shows there may be disproportionate impact on groups of employees who share certain protected characteristics.
- Organisations covered by the Public Sector Equality Duty must have due regard to the need to promote equality of opportunity, eliminate discrimination and harassment and foster good relations. This applies to their employment processes, including appraisal and performance management systems.

Using the law to challenge discriminatory performance systems

Six Prospect members successfully challenged their performance markings and pay by bringing tribunal claims.

In analysing the performance data, we could see that BAME, part-time, disabled and older workers were disproportionately receiving lower marks. We believed this was a case of indirect discrimination and presented tribunal claims.

After the tribunal claims were lodged, the members, supported by the union, won their internal appeals against their markings. They all received improved markings and performance pay.

The six tribunal claims were then considered at a Judicial Mediation hearing, which is offered by the tribunal service as a means of resolving claims. The members all received additional compensation for injury to feelings.

What reps can do

Branches should also raise awareness among members about the potential for unfairness and discrimination in how performance management systems operate.

Engage members by organising workplace meetings and giving them the confidence to challenge unfair practices.

Reps play a crucial role in supporting members who wish to raise grievances against their appraisal or performance markings.

Contact your full-time officer at the earliest opportunity if you feel there may be a potential claim for discrimination.

As stated above, monitoring information is crucial in order to demonstrate possible areas of inequality or discrimination.

Therefore, branches should encourage members to engage with this process by participating in employers' monitoring exercises.

Remind members, and potential members, that we are here to help them by:

- negotiating a fair and transparent performance and appraisal system
- keeping an eye on, and analysing, the operation of the system to ensure fairness
- supporting members through any appeals against unfair performance markings and subsequently any grievances raised, and
- ultimately, if necessary, using equality law to protect members.

Resources

Prospect can offer training for branches on good practice, including on how to use the monitoring statistics.

We can also facilitate discussions among groups of members with protected characteristics who think they may have been unfairly treated.

Contact your full-time officer for further information.

- <https://members.prospect.org.uk/our-industries/public-service/performance/>
- Quick guide for members in the civil service – <https://library.prospect.org.uk/download/2014/00257>
- Quick guide for managers in the civil service – <https://library.prospect.org.uk/download/2019/01288>
- Prospect members' guide to one-to-one interviews – <https://library.prospect.org.uk/download/2002/00002>
- Prospect members' guide to appealing against performance appraisal – <https://library.prospect.org.uk/download/2004/00004>

8. Theatre diversity action plan

Bectu's theatre diversity action plan is a practical guide to addressing diversity in theatre workplaces. It draws on existing good practice and shows you where you can find additional assistance if you need it. However, it can be adapted for other workplaces.

1. Set up a joint working group of the union and management.

Bectu and its partners want staff and managements to work together to take this forward.

It is important to be able to communicate with both staff and management about the need for changes to the way things 'have always been done', what is being done and why the working group is proposing such action. The most successful initiatives bring everyone with them.

One of the first things your working group can do is familiarise itself with the Equality and Human Rights Commission's guidance, titled Good equality practice for employers: equality policies, equality training and monitoring – <http://bit.ly/ehrc-good-practice>

This useful guidance explains how the law applies to your organisation and what good equality practice looks like. It focuses on three key areas: equality policies, equality training and monitoring. It gives examples and makes suggestions.

2. Check your equality policy.

It is good practice to have a written document that you can use to set out your theatre's commitment to tackle discrimination and promote equality and diversity. This is an equality policy. Having one shows your theatre's commitment to equality for its workers, audiences and others who use or work with the theatre.

The policy should not only set out what you would like to achieve, but also how you are going about achieving it – your action plan.

The working group should review your theatre's existing plan, if it has one. In the light of the group's work it might want to revise it. If you don't currently have one you can create one.

The EHRC guide (above) contains good advice on how to do this and what it should contain.

3. Achieve an accurate assessment of your theatre's workforce.

If your theatre has not carried out equality monitoring then your HR department will need to do so. The purpose of equality monitoring is to establish the real picture which will help you to work out whether there is an issue to be addressed.

It will help you assess if your theatre is recruiting employees from the whole community in the area in which your theatre is based or whether some appear to have been excluded.

It can reveal whether progress is being made towards the aims set out in your equality policy.

As the EHRC says, it can also help you identify where taking positive action can be appropriate, by highlighting parts of your workforce where people with certain 'protected characteristics' (eg minority ethnic workers, women, people with disabilities) are disproportionately under-represented.

There are several aspects of employment in which monitoring can be carried out but here we focus on staffing and recruitment.

Your HR department will need to tell your workforce why they are asking them for monitoring information and give them details of the process they have in place for collecting, storing and using the information.

In larger organisations, it would be useful to ensure that those completing the equality monitoring state which department they are in so that it can be identified whether some departments are leading, or falling behind, with regard to diversity.

With this information it is possible to produce a strategy that aims to address the specific department(s) in your theatre if you have identified a particular problem.

4. Study the results within the working group and compare the data with the ethnic demographic of your area and with the national figure of 14%.

Does your theatre's workforce reflect these demographics?

5. Arrive at a consensus within your group about a realistic target to achieve and a timeframe in which to achieve it.

The idea that every workplace should reflect the national demographic is not realistic because there are wide variations in diversity across the UK.

It is more appropriate to take into account the local population demographic as well, meaning that your target could be higher or lower than 14%.

For example, more than 40% of Londoners are from minority ethnic communities so a London-based venue should be aiming for a minority ethnic workforce greater than 14%. A venue in Exeter, with a minority ethnic population of 7%, would be aiming at a target below 14%.

6. If you have concluded that action needs to be taken, fill in a table.

You can download one from <https://bectu.org.uk/get-involved/campaign-theatre-diversity-action-plan/> – you can amend as appropriate to your theatre.

The point is to set out the basic requirements of the role and how your organisation usually recruits them.

Ask the person responsible for making the hiring decisions how people are usually recruited if your working group is unsure.

7. Establish through discussion with the hirer whether BAME candidates are applying but are not successful, or very few/no BAME candidates are applying.

While overt racism is no doubt still present in every industry, unconscious bias is an important issue that needs to be recognised and addressed.

Unconscious bias refers to a bias that we are unaware of, and which happens outside of our control.

It is a bias that happens automatically and is triggered by our brain making quick judgments and assessments of people and situations, influenced by our background, cultural environment and personal experiences.

The Department for Work and Pensions showed how much discrimination affects BAME job applicants in a study which concluded that while 4% of public sector employers discriminated against BAME job applicants, more than a third of private sector employers did.

If a lot of BAME applications are coming in but hardly any such applicants are offered the job, you may want to review your application and interview process (see point 10).

If hardly any BAME candidates are applying for posts, take a close look at how your organisation fills those posts and consider how likely it is that a potential BAME applicant would find out about the vacancy or be inclined to apply for it.

If some posts are being filled by word of mouth, or by friends of friends, without openly advertising the post more widely then this could potentially result in indirect discrimination.

When advertising the post consider how many BAME potential applicants are likely to see the notice of the vacancy.

For example, it may seem a fair and open way to attract applicants to a casual vacancy by putting a notice outside your building for people to see as they walk past.

But if your theatre is in a part of town with hardly any BAME residents or workers in the vicinity, it is highly unlikely that you will attract a diverse range of applications.

8. Attracting diverse applications

Bectu's consultations with theatre reps indicate that the key to improving diversity in many theatres is success in attracting diverse applications. So your working group's next step is to find sources of BAME talent appropriate to each job type.

Casual work should be included in this exercise. Many people enter the theatre industry through casual work and progress into staff roles and then progress into more senior positions so inclusion of casual vacancies is important for both the short and long term.

Fill in the right-hand column on the form that you can download from <https://bectu.org.uk/get-involved/campaign-theatre-diversity-action-plan/>, setting out the alternative sources of BAME talent with contact details. Some examples:

- If some casual work is often done by students then the working group could ask itself where it would find BAME students. The nearest university may have student societies run by and for different groups.

For specialist roles, the working group could identify BAME-focused companies and forge links with them (including BAME-led theatres and arts centres),

- Some roles can transfer in such as accountancy and marketing, so it may be possible to link in to BAME professional networks and find BAME-led companies or institutions that employ a higher proportion of BAME staff with transferable skills.
- Many higher education colleges offer qualifications in theatrical skills such as a Higher National Diploma in Production Arts, a media hair and makeup (theatre special effects) diploma level 3, technical theatre (lighting sound and stage) level 3 and theatrical costume, hair and makeup level 3.
- Find out what media is used by the BAME communities in your area, whether printed newspapers, radio or online media.

9. Make contact with your new sources, establish a good relationship and a method of alerting them to job vacancies as they arise.

10. Ensure a level playing field.

Ensure that your recruitment procedure follows good practice and does not inadvertently indirectly discriminate. Check that a standard application form is used for all recruitment.

Check that job descriptions and selection criteria are made clear to all potential applicants.

We particularly recommend that:

- you adopt a policy of 'name-blind applications', in which the applicant's name is detached before the application is considered; many organisations were surprised at the increase in BAME appointments after this small change was implemented
- more than one person sifts applications, conducts the interviews and makes the hiring decision.

The following section is an easy guide to the recruitment procedure provided by the conciliation service, Acas.

Have those who draw up the shortlist, conduct the interviews and make the hiring decisions undertaken equality training?

Acas, which exists to provide help and advice for employers and employees, has a wealth of resources that can be downloaded from <http://bit.ly/acas-application-forms>.

It includes a simple outline of a job description, a person specification, job application forms, job offer letters and pre-employment checks.

Acas has an equality and diversity advisory service. They have a network of specialist equality and diversity advisers around the country.

They will look at your current policies and practices with you, recommend improvements, help put them in place and provide training if you need it.

Their first visit is free of charge and usually takes no more than an hour. After that, it's up to you to decide if you need further help. You can find out more about these services by contacting your local Acas office which can be found by going to www.acas.org.uk/

11. Review your progress.

Once you have put your plan into action, continue reviewing the progress you're making at each stage to see whether you need to make changes or adopt a different approach.

12. Communicate.

With your union branch: it is important to discuss the diversity strategy with your branch and especially the case for doing it, so that everyone understands why this is happening.

With the union: if you are encountering problems please get in touch.

Please let us know if you are achieving success in making new links with BAME communities and professionals, securing more diverse job applications and achieving a more diverse workforce, so that we can celebrate your achievements and pass on to others your examples of how you achieved your success.

9. Recruiting staff – ACAS guidance

Step 1 – Hiring options

work out what is really needed – more staff, new skills, specific duties

make sure the employment terms and conditions on offer are attractive in the current labour market

don't forget the benefits of training and developing current staff.

Step 2 – Essential documents

consider factors, such as has the role changed or is it a completely new role, before preparing the six documents: job description; person specification; job application form; equality and diversity monitoring form; information about the employer; job offer letter template.

Step – 3 Advertise the job

- consider the range of media and advertise opportunities in at least two channels
- make important decisions, such as how the successful candidate will be picked, before compiling the job ad
- compile the ad, including asking applicants to say if they need any 'reasonable adjustments' for any part of the recruitment process

Step 4 – Sift and select

- check again if applicants need any 'reasonable adjustments'
- make 'reasonable adjustments' if the candidate is disabled
- at least two people should sift applications to select candidates for interviews etc
- prepare for the interview/ tests
- conduct the interview/ tests and score candidates
- select the best candidate for the job.

Step 5 – Complete final details

- offer the job and make necessary pre-employment checks
- resolve any queries over the contract of employment and the checks
- file documentation eg candidate's written acceptance of the job offer
- start to prepare for the new recruit's arrival.

Courtesy of ACAS.

10. Links and resources

Black History Month takes place every year throughout October to raise awareness and celebrate the contribution of black and minority ethnic communities within British society. www.blackhistorymonth.org.uk/

Business in the Community helps businesses and organisations create diverse and inclusive workplaces and produces reports, research and resources for change. www.bitc.org.uk/race/

Let's Talk About Race Pocket Guide – aims to help break down barriers between colleagues who might otherwise feel uncomfortable asking questions or starting conversations about ethnicity. www.bitc.org.uk/toolkit/lets-talk-about-race/

The United Nations' **International Day for the Elimination of Racial Discrimination** is observed on 21 March each year. www.timeanddate.com/holidays/un/world-day-eliminate-racial-discrimination

The **International Convention on the Elimination of All Forms of Racial Discrimination** is an international treaty adopted in 1965 by the United Nations General Assembly. www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/international-convention-elimination-all

The **Institute of Race Relations** produces research and analysis to inform the struggle for racial justice in Britain, Europe and internationally. www.irr.org.uk/

Our Migration Story: The Making of Britain presents the stories of the generations of migrants who came to, and shaped, the British Isles. www.ourmigrationstory.org.uk/

The Runnymede Trust is the UK's leading independent race equality think tank. It generates intelligence for a multi-ethnic Britain through research, network building, leading debate, and policy engagement. www.runnymedetrust.org/

Show Racism the Red Card is the UK's leading anti-racism educational charity and provides workshops, training sessions, multimedia packages and a host of other resources to tackle racism in society. www.theredcard.org/

The annual **BAME into Leadership** conference is the key event for those interested in enhancing the capabilities and leadership opportunities for BAME civil servants. www.bmeintoleadership.co.uk/about

Prospect

Videos

- Channel 4 news report on Prospect survey <https://vimeo.com/294369679>
- Prospect BAME workers at Rosyth Royal dockyard <https://vimeo.com/240170034>
- BAME workplace Q&As <https://vimeo.com/236103906>
- Why it's important we have BAME union reps <https://vimeo.com/234331904>
- What Black history month means to me <https://vimeo.com/183294235>

Guides

- Members' guide to harassment and bullying: <https://library.prospect.org.uk/download/2007/00549>
- Members' guide to equality at work: <https://library.prospect.org.uk/download/2008/00092>
- Members' guide to part-time and flexible working: <https://library.prospect.org.uk/download/2006/00706>

Equality briefings

- 042 What's on Your Bargaining Agenda? Will Equality Help Your Case? <https://library.prospect.org.uk/download/2015/01583>
- 041 Equality and Appraisal & Performance Management Systems <https://library.prospect.org.uk/download/2015/01561>
- Combating unconscious bias – a checklist for employers <https://library.prospect.org.uk/download/2018/00330>

TUC

Combating racist abuse in the workplace: A TUC guide to protecting migrant and black and minority ethnic workers from violence, harassment and abuse. www.tuc.org.uk/sites/default/files/CombatingracistabuseTUCguide.pdf

Tackling racism in the workplace: a negotiator's guide. www.tuc.org.uk/sites/default/files/tacklingracismguide.pdf

Is racism real? A report about the experiences of Black and minority ethnic workers. www.tuc.org.uk/sites/default/files/Is%20Racism%20Real.pdf

Insecure work and ethnicity: how the growth of insecure work has affected different ethnic groups. www.tuc.org.uk/sites/default/files/Insecure%20work%20and%20ethnicity_0.pdf

Ethnicity pay gap: TUC analysis shows BAME workers with degrees are two and half times more likely to be unemployed than white graduates. www.tuc.org.uk/news/bame-workers-degrees-two-and-half-times-more-likely-be-unemployed-finds-tuc

STUC

Inclusive Mentorship – a toolkit for inclusive, mentorship programmes. www.scottishunionlearning.com/toolkit/inclusive-mentorship-development_em.pdf

One Workplace Equal Rights: Bargaining for Equality, a guide for trade unions. www.scottishunionlearning.com/toolkit/bargaining-for-equality_un.pdf

Equality and Human Rights Commission

Healing a divided Britain: the need for a comprehensive race equality strategy. www.equalityhumanrights.com/sites/default/files/healing_a_divided_britain_-_the_need_for_a_comprehensive_race_equality_strategy_final.pdf

Race and ethnicity reading list: the EHRC's suggested reading list of key books and articles.
www.equalityhumanrights.com/en/our-research/reading-lists/race-reading-list

Standards in political discussion: a letter to all political parties: the EHRC wrote to all political parties offering advice and guidance on the equality and human rights commitments they could include in their manifestos. www.equalityhumanrights.com/en/our-work/news/standards-political-discussion-letter-all-political-parties

Government

Race in the workplace: The McGregor-Smith Review: considered the issues affecting black and minority ethnic groups in the workplace and set out recommendations for employers in the public and private sectors to improve diversity within their organisations.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf

The Government's response to the McGregor-Smith's review.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594365/race-in-workplace-mcgregor-smith-review-response.pdf

And a response from the EHRC

www.equalityhumanrights.com/en/our-work/news/mcgregor-smith-review-government-must-produce-comprehensive-race-strategy

Facts and figures: www.ethnicity-facts-figures.service.gov.uk/

11. Case studies

Learning engages workers at Rosyth

Satnam Ner, health physicist in the nuclear safety department at Rosyth dockyard in Scotland, says that the branch at Rosyth had tried to organise workers around traditional issues.

People joined the union but they were not particularly interested in becoming active.

The reps then tried to organise around specific issues, such as health and safety, but again with limited success.

But things changed when the Scottish Trade Union Congress black worker's committee got funding to develop courses for black workers to overcome barriers to gaining employment and to progress within employment.

There was quite a lot of take up from members at Babcock.

Subsequently, Prospect sponsored a union learning fund bid to deliver union-led learning at Babcock Rosyth, which was also open to non-members.

There was considerable interest in this initiative – both in terms of recruiting new members and developing new union learning reps.

At the time, Satnam was the only union learning rep (ULR), now there are six.

Four courses were held between January and March 2018 on:

- facilitation and leadership skills
- career aspirations and progression planning
- women moving forward – two courses were held as the first one was oversubscribed
- mental health first aid.

The new union learning reps, the majority of whom are BAME, formed a ULR committee which Satnam chaired.

The initiative has been really successful in terms of gaining new members and, importantly, new reps for Prospect.

The company was fully supportive and engaged from the outset and provided facilities, time off for employees to attend the courses and was invited to have some input to the content of the courses.

Prospect did not ask for any funding from Babcock because it had already secured funding from the union learning fund in Scotland.

Initiatives within Babcock

The company was also keen to have employee-led networks. A women's network and a BAME network, which includes Prospect's BAME network within the branch, have been set up.

The aim is for the networks to work with the company on equality, diversity and inclusion.

Babcock Marine has appointed a head of diversity and inclusion and appointed D&I managers at each of its four main sites – Satnam is the D&I manager for Rosyth.

A D&I leadership group, which includes the trade unions as key stakeholders, is responsible for rolling out the campaign.

Satnam is currently secretary to this committee, which is chaired by a member of the Board.

As well as senior level buy-in, there is considerable influence in ensuring BAME equality is not overlooked within the campaign.

Part of the D&I plan is for mentoring, and particularly reverse mentoring which is all about adapting the organisation to make best use of individuals' talents and skills, rather than making the individual change to fit the organisation.

The main focus of the D&I strategy is to consciously disrupt and interrupt the culture, behaviours and processes that propagate adverse outcomes for women, BAME, LGBT+ and other disadvantaged groups.

Networks similar to those already present within unions are key to this. So unions have an opportunity to be key stakeholders, organise members and influence the rate of progress.

Equalities rep spreads understanding

When Raj Basson, a Prospect equalities rep at Cavendish Nuclear, organised a "lunch and learn" on the basics of Sikhism he expected maybe a dozen or so colleagues to attend.

Instead, 65 people turned up and the positive feedback has inspired Raj to hold similar events in the future.

"April signifies an important milestone in the Sikh calendar in terms of Vaisakhi and it gave me a chance for me to put into practice my Prospect equalities role," says Raj on the inspiration behind the event.

"The lunch and learn gave people a better awareness about the Sikh faith. I brought some props with me, the 'Five Ks', which are the five physical symbols of faith worn by Sikhs.

"I changed into a traditional Indian outfit and brought in some samosas which went down very well."

The session at Cavendish Nuclear's Radar Road site in Leicester was well attended by senior managers, who have been fully supportive. It's hoped that similar events can be held at other Cavendish sites.

Next will be a session on Islam, the Hindu/Sikh festival of Diwali in November and the traditional Christian origins of Easter and Christmas.

The idea, says Raj, is to “focus on different faiths represented in the company and for all to have a better understanding of each other for improved work relationships”.

Raj has worked as a senior planning engineer at Cavendish Nuclear since May 1999. His job involves planning a job from the basic design concept stage through to manufacture, commissioning and installation.

He became interested in Prospect when the union got recognition at Cavendish in 2013 and has been heavily involved as a rep in various roles since.

“There is a big agenda in the company to promote diversity and inclusion and we have good dialogue with HR on issues like a prayer room for Muslim employees.”

“Unfortunately, discrimination still goes on generally and it’s a question of making people more aware of it.

“Things should be more transparent and we have to make sure there are no hidden agendas when it comes to recruitment, and also in a general behaviour within the company.”

Theatres reach out to expand talent pools

Step eight of Bectu’s action plan asks employers to attract diverse job applications by finding BAME talent appropriate to each job type.

The Young Vic and Sheffield Theatres have set examples of this strategy.

Young Vic opened access at entry level

The Young Vic’s associate artistic director, Sue Emmas, says: “We recognised, especially in terms of casual show staff, that you tend to use your existing contacts and that often leads to a monocultural workforce.

“Often jobs are entry level, it is a key access point to jobs in theatres, whether that be stage crew, dressers or wardrobe.”

Young Vic head of costume, Catherine Kodicek, recognised this and decided to expand the pool from which she drew people for wardrobe.

“To reach people who may not usually apply, we removed the customary “three years or more experience” barrier and committed to train some people,” she says.

“We circulated the details of the opportunities months before the shows we were employing for, through our Taking Part’s communities groups, ushers, several Facebook groups and Twitter and encouraged people to share with anyone they thought would be interested stressing the training that would be available.

“We met a huge number of people and as a result we had a more representative pool to draw from. This has resulted in having makers, dressers and maintenance people working on our most recent shows who are new to the Young Vic. It was time-consuming but we recognised the benefit to us,” says Emmas.

Positive action yields results at Sheffield theatres

Throughout 2017 and into 2018, Sheffield Theatres developed new recruitment initiatives to help increase the diversity of its staff.

Alongside recruiting seven new members of the Board of Trustees, they were accepted on the Arts Council's Change Maker programme which brought Javaad Alipoor, Theatre Maker and Director, onto the senior management team as an associate director for 18 months.

In 2017 Sheffield Theatres created three new trainee positions thanks to support from the Change Makers fund.

Positive Action traineeships were established as a specific way to address the lower levels of Black, Asian and Minority Ethnic diversity within the workforce. In order to reach a more diverse range of applicants, they expanded their recruitment channels.

This ranged from more active use of, and collaboration with relevant partners on social media within the recruitment process. Facebook and Twitter were particularly useful tools for reaching applicants directly 'where they live'.

They also utilised existing community networks as well as actively developing new links and partnerships with contacts at the university, other theatres and arts organisations and charities.

They successfully attracted a wider range of applicants and recruited three new roles in three areas of the organisation: technical theatre; events and theatre management; and producing and programming.

The roles have an 18-month term and the learning contracts are devised between the trainee and their line managers to offer a bespoke and beneficial experience to each of them.

Sheffield Theatres hope that the programme they've established will enable the trainees to move into assistant technician; producer; and event management roles once they have concluded their traineeships. In the meantime, they have seen enormous benefit from the skills and talents that the trainees have brought to the organisation.

They have expanded the 'Positive Action' approach to other trainee roles and recruited into the post of finance trainee on that basis.

The approach to diversifying the workforce has continued with further support from their Agent for Change who has a remit to focus on D/deaf and disabled engagement, involvement in Stage Sight which is designed to diversify the backstage workforce and work with Artistic Directors of the Future on a programme which will bring BAME artists into the Board environment at five Yorkshire Theatres over the course of 2019.

Tackling skills gap in hair and make-up for BAME performers

Bectu provided a solution where the creative industries had failed when black actors complained via their union Equity that hair and makeup artists were failing to provide the same quality of service as they did for their white counterparts.

Bectu invited the actors and the union's professional media hair and makeup branch committee members to meet to discuss this problem and how to resolve it. This constructive discussion in October 2016 produced a plan of action.

The main reason for the failure was that training institutions which produced hair and makeup artists hardly ever had black hair and makeup in the core curriculum: it was relegated to an optional extra.

Consequently, students could qualify and spend a career in the film, broadcasting or theatre industries without the knowledge required for BAME hair or makeup.

The impact of poor quality hair and makeup on an actor could be career-threatening. No matter how good their acting, if they look odd on stage (for example inappropriately light foundation making their complexion look ghostly) they may be less likely to be hired in future. It is also demoralising to be told to wear a wig or to keep finding that productions do not have appropriate products or skills.

The meeting proposed to lobby those who set the curriculum to put this right for future trainees, but also to set up specialist training schemes for professional hair and makeup artists to learn these skills. The BAME actors volunteered to be the models that they would work on during the training courses.

Bectu's training department wrote and set up the courses. This unique collaboration between the makeup artists' union and the actors' union resulted in something far greater than the sum of its parts.

During the training, the actors and makeup artists were able to begin a friendly and honest dialogue, and ask questions that in a working environment they would never have the time (or perhaps might have been too shy) to ask.

The course was so popular that it is being repeated. Some had previously argued in the industry for such courses but the industry's response had been that there was no demand.

Suddenly other course providers are offering it and there is now great demand. This has been a practical and successful way of addressing the professional issues raised by BAME actors.

The course

Working with make-up artist Kamanza Amihyia, who has worked across TV, film, theatre and fashion, Bectu delivered training to 20 hair and make-up branch members.

The course covered three areas with the aim of making the industry more inclusive by providing skills and techniques to professionals working in media hair and make-up:

- understanding afro hair
- barbering skin for afro hair, and
- media make-up for black and Asian skin

Thanks to Federation of Entertainment Unions funding, Bectu worked with Equity models, with the course also gaining recognition from ScreenSkills.

Kamanza Amihyia said: "The training course has been fantastic, there was an amazing set-up in the Bectu training room. It's incredible that Bectu has gone beyond this issue to offer something that tackles the problems in the industry by providing training for the afro hair type as well as black, east Asian and south Asian media make-up techniques.

"Each artist is now so confident and reassured in what they need to do. They see that there is a problem but for them to come in and do it, they've also opened the door to more jobs, it's targeted each of the needs of the make-up artists.

"It will also make a huge difference to actors who have been in the dressing room chair with a make-up artist who doesn't have the skills.

“The models and make-up artists involved in the course have been spreading the news that the union is running the courses and they have confidence too. It is no longer segregated but inclusive – as performers, they have previously had to ask ‘why am I having to do my own hair and make-up and other actors are getting their hair and make-up done?’

“We need more diversity among make-up artists too. It’s great that we are seeing more on stage but the other work I’m doing is training people to open more doors to hire more BAME make-up artists plus knowing there are make-up artists fully trained to do the job properly.

“The course has facilitated networks to create incredible opportunities for everyone which is fantastic. It’s nice when you’re in the industry – whether from a film, TV or theatre background, they all need different types of teaching and I enjoy meeting each individual’s needs.”

Amanda Gaffey, one of the course participants, is a Bectu member with three decades of experience in hair and make-up across TV and commercials. She said: “I hope the course can be replicated regionally as there is a massive market in the north-west, where I live, for make-up artists who’d love to do this course.

“Kamaza clarified a lot of things for me and I know a lot of techniques and principles that I can put in place, in terms of techniques for how to use colours. The training has been invaluable and it means I can do my job to a higher standard much faster which is great.

“What I constantly hear from some actors is the fact they feel frustrated as they know more about what make-up suits them than the make-up artist, with some instances of actors having to share their own foundation in the dressing room as the make-up artist is attempting something for the first time – and that has to change.

“It is refreshing for an actor to have confidence in the make-up artist – it’s all about confidence in this industry, and if we know that we’ve done our job properly and have the right skills, the performers are going to have that confidence to go out and do their job and smash it, so it’s a win win for everyone.”

The union is evaluating how it could offer this as an addition to the vocational training programme from 2020.



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