



Black Jobs Matter, Too

By **Natasha Adom** - 26 June 2020

In the wake of the harrowing events that have occurred in the US and the Black Lives Matter campaign, many businesses have expressed solidarity with the desire to strive for equality and a level playing field. But when the dust settles and the hashtags fade away what can employers do to try and redress inequality in the workplace and drive real change? Here are some key things for employers to consider.

1. Recruitment

Despite evidence showing that businesses are likely to perform significantly better financially if they are ethnically diverse (For example McKinsey’s report ‘[Delivering through Diversity](#)’), many businesses struggle to recruit black employees into certain roles. At the same time, qualified black candidates can often struggle to find employment. To try and bridge the gap employers may want to consider:

Where you’re looking: As well as your usual routes, consider using recruitment agencies that focus on sourcing candidates from diverse backgrounds. If you target universities do you target a broad spread including those with a high proportion of black candidates?

Who you’re looking for: Contextual recruitment can help locate talent from more diverse backgrounds. For example, is a candidate with 3 Bs from a local or inner city comprehensive less suitable than a candidate with 3 As from an elite school? Likewise, could you try to widen access to your business, for example by considering apprenticeships?

Name discrimination: Do you anonymise candidates’ names before assessing their applications? [Studies](#) have shown applications from candidates with ‘non-UK sounding’ names are typically far less successful than those from candidates with anglicized names even when the applications are otherwise identical.

Unconscious bias: Are your interviewers trained to be alert to unconscious bias? For example, if a candidate isn’t a ‘right fit’, why is that? It’s natural to try to replicate successful hires you’ve made in the past, but this can hinder you from making demographic change. Are you focusing on the qualities that really matter and not being distracted by superficial similarities between candidates

and existing staff?

2. Retention and Promotion

In many businesses black employees are under-represented at senior levels. If this is the case for your business, some things to consider are:

- Do black and ethnic minority employees have equal opportunities to meet the criteria needed to be promoted? For example, where networking is important to the role, if say golf is used as a regular networking event is this inclusive for those from diverse backgrounds – could other networking events also be considered?
- Often the skills employees need to be appointed to a role are different to those required to be promoted, so working harder and longer won't automatically result in promotion. Is your career progression ladder transparent? Could you offer mentoring or buddying to help with career progression?
- Do you guard against unconscious bias in pay and promotion decisions? An example might be where employee 'A', who is black, is seen as 'not quite ready' to be promoted or 'not quite' hitting what is needed for a pay-rise. Whereas for Employee B, who is a comparable non-black employee of equal performance, this is awarded as it is seen as 'a good opportunity to prove themselves' or to encourage future performance.

3. During employment

Often discrimination at work can be unintentional and can arise from unconscious bias. For example, the same behaviour that is seen as assertive in Employee B (our non-black employee) may be seen as aggressive in Employee A (who is black). Before taking action, a good approach is for employers to challenge themselves – would you feel the same way about the behaviour in question if Employee B had done the same thing?

It's also a good time to look at how robust your internal processes are for dealing with concerns or complaints about discrimination. Are they being followed in practice?

4. Training

Many employers have anti-discrimination training in place, but is it effective?

From a risk perspective, employers are often advised to have this in place as it can provide a defence to a discrimination claim, by showing the business took steps to prevent discrimination happening. However, beware of offering 'tick box' training: if you ever need to rely on this, you may well have to prove the content and quality of the training that was delivered was adequate and appropriate.

Aside from this, and crucially, for employers who genuinely want to drive real change in their business, it is important to invest in doing this well. Firstly, to show existing staff that you are truly committed (in spirit not just in letter) to redressing inequality at work. Secondly, from not just a legal but a human perspective, to help equip your staff with the tools to know how to avoid unintentionally discriminating against others.

5. What about positive discrimination/'affirmative action'?

UK law does not permit employers to simply hire black candidates (or any candidate) over another candidate simply because of their ethnicity rather than because they are the best candidate for the job. However, employers can:

- Take 'positive action': this means employers can take proportionate positive action in favour of under-represented groups where they suffer a disadvantage or have different needs from others. For example, this could include offering buddying or mentoring, as mentioned earlier.
- Recruit or promote a person from an under-represented group over another candidate provided they are as qualified as the other candidate: There must be no general policy of doing this and the employer must act proportionately. In the current climate employers may increasingly want to consider using this to increase diversity. As it is a complex area and such decisions could be open to challenge by unsuccessful candidates, employers should take advice before doing so.

There are very rare circumstances where employers can require candidates to be from certain ethnic groups but these are unlikely to



apply for most employers.

6. Monitoring

There is clear evidence that black and ethnic minority employees face significant pay gaps compared with comparable white workers (for example a [study by the Resolution Foundation](#) showed black male graduates earned 17% less than their white counterparts). However, unlike the obligations to report on gender pay differences, currently employers are not obliged to report on their ethnicity pay gaps.

In the absence of this being mandated by the UK government, employers may want to consider doing this voluntarily. Monitoring pay gaps based on ethnicity along with application and retention rates is essential to help understand where issues are arising and to work toward real change.

Employers should of course take advice to ensure any monitoring is done in accordance with data protection duties and in a way that minimises legal risk.

7. Leadership

Last but by no means least, it is vital to have someone senior in the business drive this work. As well as speaking volumes about your commitment to racial equality, it will give it momentum to ensure that it stays on the agenda even after BLM is no longer trending on social media.