



Discrimination against ethnic minority applicants – challenging unconscious bias

By **Ben Smith** - 27 February 2019

New research into the levels of discrimination faced by ethnic minority applicants published last month revealed some startling figures, indicating that, despite significant advances in discrimination legislation, levels of discrimination remain unchanged since the 1960s. The research found, for instance, that applicants who were black or of South Asian origin needed to send 80% more applications compared to white applicants to get a positive response from employers. You can read the research in full [here](#).

Employers should be conscious that job applicants are protected from discrimination and victimisation under the Equality Act 2010. This includes not just discrimination in relation to choices of who to offer employment to, but in relation to the way that the recruitment process is formulated. However, as this research shows, legislation alone hasn't solved the issue. Employers who are concerned about a lack of diversity in their organisation – and don't forget, diversity has been shown time and again to be a clear positive for business performance – should think creatively about what they can do. One option employers increasingly turn to is the use of blind CVs or similar methods – which remove identifying attributes such as names from applications to ensure the effect of unconscious bias in recruitment is mitigated.

The government is currently exploring whether it should expand the gender pay gap reporting regime to include the collection of data on employers' ethnicity pay gaps. Ethnicity pay gap reporting was part of the Conservative Party's manifesto in the 2017 election and the government Business Energy and Industrial Strategy Committee (BEIS) recommended last year that ethnicity pay gap reporting be implemented. Government consultation on this closed in January and the government's response is pending. It seems likely, therefore that it will make its way into law in some form. However, as the government's response remains outstanding, we cannot say how extensive those reporting requirements will be, though it is likely that, as with gender pay gap reporting, only employers with 250 or more employees will be required publish data.