

## SUBMISSION FROM THE EQUALITY & HUMAN RIGHTS COMMISSION.

### **Introduction.**

The Equality and Human Rights Commission (EHRC) is the National Equality Body (NEB) for Scotland, England and Wales, and works to eliminate discrimination and promote equality across the nine protected grounds in the Equality Act 2010: age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. We are an “A Status” National Human Rights Institution (NHRI) , and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

The EHRC welcomes the opportunity to submit evidence to the Economy, Energy and Tourism Committee’s inquiry into labour market conditions in Scotland. As space is restricted in this submission we will not attempt to describe all aspects of the labour market but confine ourselves to commenting on issues which are within the EHRC’s current workplan.

### **Equal Pay.**

Pay inequality is one of the persistent forms of inequality in Scotland. The most recent data suggests that the gender pay gap<sup>1</sup> in Scotland is 11.5% for men and women working full time. However this figure masks more serious inequalities amongst some professional groups – for example for manager and senior officials the pay gap is 19.8%, and for skilled trades it rises to 26.2%.

Equal Pay legislation was introduced in 1970 and whilst the pay gap has reduced over time it remains one of the most significant markers of continued inequality in the Scottish labour market. Equal pay is a priority for the EHRC and we are currently reassessing what progress has been made in recent years and the drivers of this progress – many commentators suggest that the reason for the pay gap lessening in recent years is because men’s pay has shrunk rather than women’s pay increased.

The Committee will be aware that the UK Government is currently consulting on whether or not to active Section 78 of the Equality Act 2010 which would require companies with more than 250 employees to conduct an annual review of gender pay gaps and publish the results. This would affect in the region of 2, 300 companies in Scotland.

The EHRC is also conducting exploratory work on the disability and ethnic pay gap with a view to publishing its findings in 2016.

### **Pregnancy & Maternity Discrimination.**

The EHRC published research in July which estimated that 54, 000 women across Great Britain lose their jobs due to pregnancy or maternity discrimination each year. Over and above this many women reported being passed over for promotion,

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<sup>1</sup> ASHE 2014, provisional figures.

or being replaced whilst on maternity leave; being unfairly selected for redundancy; and not being able to access bonus payments, training or development opportunities whilst on maternity leave.

The EHRC will publish further data in October including country data which will set out the scale of the problem in Scotland.

Particular professions and industries were identified as being particularly poor at managing pregnancy or maternity issues – these include the legal profession<sup>2</sup>, the third sector, leisure, retail, construction and manufacturing. The EHRC will be consulting with these sectors prior to issuing further guidance and supportive tools in the autumn.

### **Harassment at Work.**

Workplace harassment is unlawful – the Equality Act 2010 defines it as being “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment applies to all protected characteristics except for marriage and civil partnership.

The extent of harassment at work is hard to assess properly as it is dependant on people being willing to report it. Evidence of harassment can only be assessed via surveys as there is no official data on the issue.

In a recent report the Equality Network estimated that 24% of LGBT people in Scotland had experienced harassment at work.<sup>3</sup> 1:3 women aged between 18-34 report being sexually harassed at work, predominantly verbal harassment although just under half of women also report unwanted sexual advances. Harassment was reported most frequently in the food and retail sectors.<sup>4</sup>

### **A diverse workforce?**

Whilst workplaces in Scotland are becoming increasingly diverse there are trends in national data which suggest that some people with, or who share protected characteristics, experience exclusion from the labour market and others tend to be concentrated disproportionately in certain parts of the labour market.

- 46% of disabled people aged 16-64 were in employment compared to 72% of the general population<sup>5</sup>

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<sup>222</sup> See also the L society of Scotland’s May 2015 report on flexible working here

<sup>3</sup> <http://www.equality-network.org/resources/publications/policy/the-scottish-lgbt-equality-report/>

<sup>4</sup> [http://www.cosmopolitan.com/career/news/a36453/cosmopolitan-sexual-harassment-survey/?utm\\_source=huffingtonpost.com&utm\\_medium=referral&utm\\_campaign=pubexchange\\_article](http://www.cosmopolitan.com/career/news/a36453/cosmopolitan-sexual-harassment-survey/?utm_source=huffingtonpost.com&utm_medium=referral&utm_campaign=pubexchange_article)

<sup>5</sup> Annual population survey 2014

- 38% of Indians are employment in Wholesale / Retail industries (against a 15% national figure) and 32% of Chinese people are employed in the Accommodation and Food industries (6%).<sup>6</sup>
- Only 4% of women in employment in Scotland are Corporate Managers or Directors but 78.5% of employees within Administration and Secretarial occupational group are women<sup>7</sup>

### **Access to skills development.**

In 2013 the EHRC in Scotland published research into inequalities in the Modern Apprenticeship programme. Our research demonstrated that the Modern Apprenticeship programme continues to be highly gender segregated – 98% of construction apprentices are men, 84% of social care apprentices are women. It is noticeable that these inequalities reflect inequalities in the labour market and are also reflective of relative earnings, in general the apprenticeships that men choose are in better paid trades than those chosen by women and may only serve to reinforce the gender pay gap and occupational segregation.

The research also noted that people from ethnic minority communities were not proportionately accessing the Modern Apprenticeship programme despite there being higher levels of unemployment amongst the target age groups. Currently only 1% of Modern Apprentices are from ethnic minority communities against a 4% base population (although it should be noted that in some parts of Scotland the relevant ethnic minority population, by age, can be as high as 15%). Most noticeably disabled people were almost completely absent from the programme with only 0.3% of all apprentices declaring a disability. If the system were operating equally we would expect disabled people to comprise around 8% of the total Modern Apprenticeships.

Since publishing this research we have been working with the Scottish Government and its agencies to try to improve this situation.

### **EHRC activity**

Over the coming months the EHRC will be releasing a number of reports which the Committee may wish to refer to :

- Public Sector Duty Monitoring of employment outcomes in public bodies (publication due in September 2015)
- Fish & Food Processing – experience of migrant labour in NE and Central Scotland (November 2015)
- Discriminatory conduct by recruitment agencies – guidance due late Summer 2015
- Pregnancy & Maternity Discrimination – Scotland findings. (October 15)

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<sup>6</sup> 2011 Census, EHRC internal analysis

<sup>7</sup> Wise 2014

- Pay Gaps – an examination of the extent and causes of pay gaps for ethnic minority and disabled people (2016)
- Is ‘Britain Fairer?’ (October 2015) and ‘Is Scotland Fairer?’ (January 2016) a five year report on equality and human rights progress since 2010, .

## **Conclusion**

The EHRC would be happy to provide further written or oral evidence for the Committee should this be required.

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