
Case Studies of Good Practice for the Prevention of Racial Discrimination and Xenophobia and the Promotion of Equal Treatment in the Workplace

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**CASE STUDIES OF GOOD PRACTICE
FOR THE PREVENTION OF RACIAL DISCRIMINATION
AND XENOPHOBIA AND THE PROMOTION OF EQUAL
TREATMENT IN THE WORKPLACE**

UNITED KINGDOM STUDY

by

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CHAPTER 1

THE NATIONAL CONTEXT

1. Introduction

This chapter places the developments around preventing racism and promoting equal treatment at work in the context of the wider socio-legal framework concerning ethnic minorities in Britain. It discusses the historical and contemporary public policy responses to migrant labour with particular attention being paid to the legislative framework to tackle racial discrimination. The chapter ends with a brief analysis of the contemporary labour market position of the different ethnic groups in Britain.

2. The socio-legal and political context

During the period that followed the Second World War, the British economy underwent a period of great economic expansion characterised by full employment and rising real wages. Under such economic conditions, labour supply was increasingly scarce and many industries began to recruit labour from abroad. Initially, labour was recruited from the post-war refugee camps and Italy in the form of 'European Voluntary Workers' (Wrench 1996). However, by 1948, Britain began to recruit labour from its ex-colonies such as the West Indies, India and Pakistan (Castles and Kosack 1985). According to Fryer (1984: 373), 'In some industries the demand for labour was so great that...black workers were actively recruited in their home countries'. By 1958 and a decade of labour migration from the ex-colonies, it is estimated that there were 125,000 Caribbean and 55,000 Indian and Pakistani workers in Britain (Fryer 1984: 373).

The early period of post-war migration represented an era where there were few legal restrictions on migration from the Indian sub-continent or the Caribbean (Layton-Henry 1990). The vast majority of British subjects in the colonies and dominions retained a legal right to enter and settle in Britain. This legal right was confirmed by the British Nationality Act of 1948 which made a formal distinction between British subjects who were citizens of the United Kingdom and its colonies and those who were Commonwealth citizens, both categories of people having the right to enter, settle and work in Britain (Solomos 1993: 56; Wrench 1996).

However, by the late 1950s, there was growing concern (in part as a result of the attacks on people of Caribbean origin in Notting Hill, London and Nottingham in 1958) within Parliament, the media and political parties of the 'dangers of unrestricted immigration' from the Indian sub-continent and the Caribbean (Solomos 1993). This resulted in an important shift in public policy towards immigrants. In 1961, the Conservative government announced its plan to introduce a Commonwealth Immigrants Bill. The central argument around which the Bill was legitimised was the need for a halt to 'black' immigration because of the limited ability of the host community to assimilate 'coloured immigrants' (Solomos 1993: 63). In 1962, the Commonwealth Immigrants Act became law.

Equally importantly and accompanying such restrictive legislation was the recognition of the need for anti-discrimination legislation for those migrants already resident in Britain. The 1965 Race Relations Act was premised on the notion that the state should attempt to ban discrimination on the basis of 'race', colour, or ethnic origin through legal sanctions and public regulatory agencies charged with the task of promoting greater equality of opportunity. Specifically, the Act created a criminal offence, 'incitement to racial hatred'; prohibited discrimination in places such as hotels, restaurants and public transport and established the Race Relations Board whose responsibility it was to investigate and conciliate complaints of discrimination. These two aspects of government intervention in the 1960s were neatly encapsulated by Roy Hattersley (a former Home Office minister) in his famous formulation: 'Integration without control is impossible, but control without integration is indefensible' (cited in Solomos 1993: 84).

A study carried out in 1966-67 by the predecessor of the Policy Studies Institute, Political and Economic Planning (PEP) found that racial discrimination in the labour market was ranged from the 'massive to the substantial' (Daniel 1968). As a consequence, the government introduced a second Race Relations Act in 1968 which broadened the scope of the law in this area. Specifically, it outlawed discrimination in employment, housing, and the provision of goods, facilities, services and planning. Additionally, the Race Relations Board was given stronger enforcement powers and a new body, the Community Relations Commission (CRC) was created to promote 'harmonious community relations' (Wrench 1996: 24).

Despite the introduction of such legislation, research confirmed the continued existence of racial discrimination in the workplace (Smith 1977). Stronger legislation was introduced to tackle this problem in the form of the 1976 Race Relations Act. The Act replaced the two previous Race Relations Acts and extended the scope of the law further against discrimination in employment, training and education, housing and the provision of goods, facilities, services and planning. Additionally, it gave individual victims a right of direct access to the civil courts and industrial tribunals for legal remedies against unlawful discrimination (Home Office 1977).

One particularly important innovation was that the anti-discrimination legislation introduced not only covered 'intentional discrimination but racial disadvantage brought about by systematic racism'. This overcame the problem of proving the existence of institutional filter processes that were biased against ethnic minority individuals (Solomos 1993: 87). The Act defined two types of racial discrimination called direct racial discrimination and indirect racial discrimination. Direct racial discrimination arises where a person treats another person less favourably on racial grounds than he treats, or would treat, someone else; and indirect racial discrimination consists of treatment which may be described equal in a formal sense as between different racial groups but discriminatory in its effect on one particular racial group. An example of what could be defined as indirect racial discrimination is the application of conditions and requirements for jobs which may mean that:

- a. the proportion of persons of the victim's racial group who can comply with it is consistently smaller than the proportion of persons not of that group who can comply with it;
- b. it is to the detriment of the victim because they cannot comply with it;
- c. it cannot be shown by the discriminator to be justifiable irrespective of the colour, race, nationality, or ethnic or national origins of the person to whom it is applied (Home Office 1977: 4-5).

The second innovation was the creation of the Commission for Racial Equality (CRE). The duties of the CRE are:

- a. to work towards the elimination of discrimination;
- b. to promote equality of opportunity and good relations between persons of different racial groups generally; and
- c. to keep under review the working of the Act, and, when required by the Secretary of State or when it thinks necessary, to draw up and submit to the Secretary of State proposals for amending it (Home Office 1977: 46).

Under the first two headings the CRE was empowered to carry out formal investigations into organisations where it was believed unlawful discrimination was taking place, to help individual complainants in cases of discrimination and to issue codes of practice containing guidance about the elimination of discrimination in the field of employment or for the promotion of equality of opportunity (Solomos 1993: 88-89).

If a person is a victim of one of the types of discrimination mentioned above, then it does not matter whether that person was a member of the majority or minority racial group. Thus, it is unlawful to discriminate against a white person just as it is to discriminate against a black person (Wrench 1996: 25).

This legislation represented one of the first indications of a shift in British public policy towards ethnic minorities from a predominantly 'colour-blind' approach to one which explicitly recognised the existence of ethnic groups in Britain and allowed for the disadvantage faced by such groups to be addressed through positive action measures (Home Office 1977).

Relatedly, in the important field of education, growing emphasis was placed on multiculturalism entailing as one author contended 'the explicit recognition and valuing of cultural diversity' (Mason 1995: 70). This was most publicly represented in the Swann Committee Report of 1985 which recommended the development of a multicultural educational policy built on:

- a. ensuring that the variety of social, cultural and ethnic groups and the perspective of the world should be evident in visuals, stories, conversation and information, and
- b. people from social, cultural and ethnic groups should be presented as individuals with every human attribute (cited in Mason 1995: 74).

Another facet of these developments has been the growing recognition amongst some writers that 'ensuring the parity of esteem for disadvantaged groups who are defined by culture as well as colour cannot be achieved without developing a concept of cultural-racism' (Modood 1992: 65). Some have contended that a central component of such cultural-racism in Britain is religious discrimination born out of the growth of anti-Muslim sentiment (Runnymede Trust 1996). There is growing debate about whether legislation is required against religious discrimination and against incitement to religious hatred (Runnymede Bulletin 1995: 6). Indeed, the CRE have recently organised a national consultation meeting on religious discrimination to discuss whether the law needed to be changed and the issue has also been debated by the United Nations Committee on the Elimination of Racial Discrimination (CERD) (Runnymede Bulletin 1996: 6).

Despite these important recent developments in public policy, research, the results of CRE formal investigations and the rulings of industrial tribunals all continued to suggest that racial discrimination persisted into the 1980s (Brown 1984; Brown and Gay 1985). The continued existence of racial disadvantage in the labour market and the remedies required to tackle it effectively have been an issue of great debate amongst public policy makers. One issue of critical importance to this debate in the 1980s centred around the need for employers to keep systematic data on the ethnic origin of their applicants and employees so that the extent of disadvantage could be effectively assessed and thereby more systematically remedied through the adoption of positive action programmes. Apart from decennial surveys carried out by the PSI, there was little in the way of rigorous data available outlining the profile of ethnic minorities in the labour market. It was contended by many that it was therefore difficult to develop systematic race equality strategies at the national, but particularly local level (Leech 1989: 14-15). In one publication, the CRE stressed the urgency of collecting data by ethnic origin because it 'would enable policy makers and others to identify the extent to which important sectors of British society, such as ethnic minorities, are integrated into the fabric of our social and political life' (cited in Leech 1989: 15).

By the mid-1980s, data on the ethnic origin of respondents began to be collected through several large nationally representative data sets, the most important being the Labour Force Survey (LFS) which provided a detailed breakdown of the labour market position of ethnic minorities. A related development in the 1980s, was that employers, especially public sector employers such as the British Civil Service, Local Government and the National Health Service, encouraged by the government department responsible for Employment (see Department of Employment 1990) and the CRE (CRE 1984) introduced equal opportunity policies designed to encourage the recruitment and career development of ethnic minority workers. Therefore, racial equality is widely recognised to be an essential component of equal opportunity policies in Britain today.

3. The contemporary labour market position of Britain's ethnic minorities

It was against this changing legal, social and political background that Britain finally agreed in 1991 to collect information on the ethnic origin of each individual in the population through the national census. The ethnic composition of the British population is summarised in Table 1.1. Overall, it shows that ethnic minority groups constitute 5.5 per cent of the British population, comprising just over three million people. About half of all ethnic minorities in Britain are of South Asian origin (Indians, Pakistanis and Bangladeshis) while Black-Caribbeans constitute about one-fifth of the total minority population. It is important to note that debate in the UK no longer uses the word 'migrant' to refer to these groups. Common usage refers to these groups as ethnic minorities. Some British writers referred to in this study use the term black to describe both South Asian and Caribbean groups; however, the British Census does not adopt this usage of the term black, restricting it to people of Caribbean and African origin.

Table 1.1 The distribution of British population by ethnic group, 1991

Ethnic group	Persons (000s)	Percent of entire population
White	51,873.8	94.5
<i>Minority ethnic groups</i>	<i>3,015.1</i>	<i>5.5</i>
<i>Black</i>	<i>890.7</i>	<i>1.6</i>
Black-Caribbean	500.0	0.9
Black-African	212.4	0.4
Black-Other	178.4	0.3
<i>South Asian</i>	<i>1,479.6</i>	<i>2.7</i>
Indian	840.3	1.5
Pakistani	476.6	0.9
Bangladeshi	162.8	0.3
<i>Chinese and others</i>	<i>644.7</i>	<i>1.2</i>
Chinese	156.9	0.3
Other Asians	197.5	0.4
Other - Other	290.2	0.5
Entire population	54,888.8	100.0

Source: 1991 Census as cited by Wrench and Owen (1995)

Table 1.2 shows that nearly two thirds of all men and over half of all women in Britain lie within the economically active age range of 16-64 for men and 16-59 for women. Compared to the white population, the proportion of people of working age is greater amongst men and women of Black-Caribbean, Black-African, Indian and Chinese people. On the other hand, the proportion of economically active men and women of Black-other, Pakistani and Bangladeshi origin is less than that of the white population.

Table 1.2 The working age population of ethnic groups in Great Britain, 1991

	Males			Females		
	Population (000s)	aged 16-64 (000s)	aged 16-64 (%)	Population (000s)	aged 16-64 (000s)	aged 16-64 (%)
White	25066.4	16442.7	65.6	26807.4	15259.2	56.9
<i>Minority ethnic groups</i>	<i>1508.6</i>	<i>949.9</i>	<i>63.0</i>	<i>1506.5</i>	<i>937.7</i>	<i>62.2</i>
<i>Black</i>	433.8	282.8	65.2	456.9	299.2	65.5
Black-Caribbean	239.5	168.6	70.4	260.5	182.3	70.0
Black-African	106.8	73.5	68.8	105.6	72.5	68.7
Black-Other	87.5	40.7	6.6	90.9	44.5	49.0
<i>South Asian</i>	753.4	459.2	61.0	726.2	432.8	59.6
Indian	422.9	279.4	66.1	417.4	267.7	64.1
Pakistani	245.6	136.0	55.4	231.0	125.6	54.4
Bangladeshi	84.9	43.9	51.7	77.9	39.5	50.7
<i>Chinese and others</i>	321.4	207.9	64.7	323.3	205.7	63.6
Chinese	77.7	56.5	72.8	79.3	26.7	71.6
Other Asians	93.6	67.2	71.8	103.9	75.7	72.8
Other - Other	150.1	84.1	56.1	140.1	73.3	52.3
Entire population	26575.0	17392.6	65.4	28313.9	16196.9	57.2

Source: 1991 Census as cited by Wrench and Owen (1995)

Patterns of economic activity

Table 1.3 highlights patterns of economic activity within the working age population. Economic activity is calculated to include those in work plus the unemployed but excludes the economically inactive such as the permanently sick and full-time students.

Table 1.3 Population and economic activity by ethnic group in Great Britain, 1991

	Males				Females			
	Econ. activ. rate	% in work	% unemp-loyed	% in-active	Econ. activ. rate	% in work	% unemp-loyed	% in-active
White	87.0	77.5	9.4	13.9	68.3	63.8	4.5	31.7
Minority ethnic groups	79.6	63.4	16.2	20.4	56.6	47.7	8.8	43.4
<i>Black</i>	81.9	61.2	20.7	18.1	69.2	57.6	11.6	30.8
Black-Caribbean	86.4	65.7	20.7	13.6	73.3	63.2	10.1	26.7
Black-African	70.4	50.0	20.4	29.6	61.4	46.2	15.2	38.6
Black-Other	83.7	62.3	21.4	16.3	64.8	52.9	12.0	35.2
<i>South Asian</i>	78.3	64.3	15.3	20.4	47.6	39.8	7.8	52.4
Indian	82.3	71.2	11.0	17.7	60.4	52.8	7.6	39.6
Pakistani	71.3	54.1	21.6	24.3	28.3	19.9	8.3	71.7
Bangladeshi	74.3	51.4	22.9	25.7	22.2	14.5	7.7	77.8
<i>Chinese and others</i>	76.7	64.8	11.9	23.4	57.0	50.1	6.9	43.0
Chinese	72.4	64.8	7.6	27.6	56.7	52.1	4.7	43.3
Other Asians	78.2	67.1	11.1	22.1	56.2	49.2	6.9	43.8
Other - Other	78.5	63.0	15.5	21.5	58.2	49.5	8.7	41.8
Entire population	86.6	76.8	9.8	13.4	67.6	62.9	4.7	32.4

Source: 1991 Census as cited by Wrench and Owen (1995)

Overall, the extent of participation in the labour market by ethnic minority men and women is markedly lower than that of white men and white women. Specifically, nearly 80 per cent of ethnic minority men of economically active age were either working or seeking work compared to 87 per cent of white men. 57 per cent of ethnic minority women were working or seeking work compared to 64 per cent of white women. Unlike the economic activity rates for men which showed little difference across ethnic groups, the economic activity rates of women show that Black Caribbean women have a higher economic activity rate than white women, while Indian, Black-African and Black-others have similar rate as white women; and Pakistani, Bangladeshi and Chinese women have a far lower rate than white women.

Types of employment

There are marked differences in the types of work carried out by the different ethnic groups and by men and women. Table 1.4 looks at the people who are employed by others, distinguishing between those who are employed full-time (working 31 hours a week or more) from those working part-time. According to Wrench and Owen (1996: 6):

A dramatic feature of employment change in Britain during the last two decades has been the contraction of full-time employment (particularly for men) and the growth of part-time employment (particularly for women. Over the period 1971-92, male employment (mainly full-time) contracted by 2.15 million (26.1 per cent), while female part-time employment grew by 1.97 million (71.2 per cent). Since the overall number of employees only fell by 342 thousand over the same period, there was clearly a relative shift in the composition of the employed labour force, from men employed full-time to women employed part-time.

Overall, 81 per cent of white men are employees compared to 78 per cent of ethnic minority men. Of these, only 3.5 per cent of white men and 4.5 per cent were part-time. On the other hand, 92 per cent of white women were employees compared to 88 per cent of ethnic minority women. However, a far greater proportion of all women were part-time: 37 per cent of white women and 21 per cent of ethnic minority women were part-time employees.

Table 1.4 Types of work by ethnic group and gender in Great Britain

	Males				Females			
	In work (000s)	Employees (000s)	Full-time (%)	Part-time (%)	In work (000s)	Employees (000s)	Full-time (%)	Part-time (%)
White	13021.2	10566.8	77.7	3.4	10207.7	9420.6	55.6	36.7
Minority ethnic groups	607.5	471.2	73.1	4.5	455.8	403.5	67.5	21.0
<i>Black</i>	174.8	149.5	80.2	5.4	177.0	166.3	73.3	20.7
Black-Caribbean	112.3	97.6	83.0	3.9	119.4	113.9	75.2	20.3
Black-African	37.0	30.6	73.0	9.8	33.8	30.6	67.9	22.7
Black-Other	25.5	21.2	77.8	5.3	23.8	21.8	71.9	19.7
<i>South Asian</i>	297.1	216.7	69.2	3.7	173.9	146.4	63.9	20.3
Indian	200.5	146.9	70.2	3.1	142.9	121.9	65.2	20.1
Pakistani	73.9	52.3	65.7	5.0	25.3	19.8	57.3	21.2
Bangladeshi	22.6	17.4	71.9	5.2	5.8	4.6	58.6	21.7
<i>Chinese and others</i>	135.6	105.1	72.6	4.9	104.9	90.9	63.7	22.9
Chinese	36.9	24.4	61.7	4.5	30.0	23.4	56.0	22.2
Other Asians	45.3	38.4	80.6	4.4	37.9	34.1	67.8	22.2
Other - Other	53.5	42.2	73.4	5.5	37.1	33.3	65.7	24.2
Entire population	13628.7	11038.0	77.5	3.5	10663.5	9824.1	56.1	36.0

Source: 1991 Census as cited by Wrench and Owen (1995)

Occupational distribution of work

Tables 1.5 and 1.6 present the occupational distribution of employment by ethnic groups for females and men respectively. They show that there are clear differences in the types of occupations that men and women enter. On the one hand, the most common occupations for men are corporate managers, industrial plant and machine operators, skilled engineering trades and other skilled trades. On the other hand, women found themselves in clerical, personal and secretarial services. Analysing differences between ethnic groups reveals a great degree of diversity in the occupational distribution of different ethnic groups. These differences are discussed below in relation to the four main ethnic minority groups.

Black-Caribbeans: men are over-represented in skilled engineering and other skilled trades, semi- and unskilled industrial occupations, clerical occupations and personal service occupations. Women were over-represented in health associate professional occupations together with clerical, secretarial, personal service and semi- and unskilled industrial occupations.

Indians: men are over-represented as proprietors, in science and engineering, health and other occupations, in clerical occupations and in semi and unskilled industrial occupations. The largest occupations for women are clerical, industrial plant and machine operators, other skilled trades and managers and proprietors. They are also over-represented as health and other professionals.

Pakistanis: men are over-represented as proprietors, in health professions as industrial plant and machine operators and as drivers. Women are over-represented as managers and proprietors, health professionals, science and engineering associate professionals, in other skilled trades, in other sales occupations and as industrial plant and machine operators.

Bangladeshis: the largest occupation for men is personal service occupations (e.g. waiters), with managers and proprietors and health professionals also over-represented. Women are over-represented as science and engineering, teaching and other professionals, in other sales occupations and as industrial plant and machine operators.

Table 1.5 Percent of men employed in each occupation by ethnic group, 1991

	White	Black-Carri-bean	Black-African	Black-Other	Indian	Pakistani	Bangla-deshi	Chinese	Other-Asian	Other-Other	Entire Popula-tion	Minority ethnic groups
Corporate managers	12.4	4.9	8.0	8.7	8.2	4.9	3.0	5.9	14.2	9.9	12.2	7.5
Man/prop in agric & services	7.1	3.5	4.0	4.8	14.8	16.0	13.6	20.5	10.0	10.4	7.3	11.5
Science & eng professionals	3.8	1.5	3.6	1.7	4.2	2.0	0.5	7.3	6.4	6.3	3.8	3.7
Health professionals	0.7	0.2	4.5	0.0	5.4	2.1	3.5	4.0	5.1	3.0	0.8	3.4
Teaching professionals	2.5	0.8	3.3	1.7	0.9	1.1	0.9	2.3	1.5	4.5	2.5	1.5
Other professional	2.6	1.8	5.7	2.9	3.0	2.6	1.9	3.5	4.3	3.6	2.6	3.0
Sci & eng assoc prof	3.4	2.5	2.8	3.1	2.7	1.4	0.7	2.7	3.0	4.7	3.4	2.7
Health assoc prof	0.5	0.9	2.6	0.2	0.8	0.3	0.0	1.7	4.4	0.4	0.5	1.1
Other assoc prof	4.1	4.0	5.0	6.8	2.2	1.8	0.9	3.0	4.9	5.4	4.0	3.3
Clerical occs	6.4	8.7	13.4	10.0	9.3	6.3	3.5	5.6	9.2	11.1	6.5	8.8
Secretarial occs	0.2	0.2	0.5	0.5	0.3	0.5	0.2	0.2	0.4	0.5	0.2	0.3
Skilled construction trades	4.7	3.8	1.2	1.7	1.1	0.7	0.0	0.0	0.5	1.6	4.6	1.4
Skilled engineering trades	7.9	10.0	3.6	7.7	6.3	4.0	0.2	1.5	4.4	4.9	7.9	5.8
Other skilled trades	11.0	13.0	4.2	7.0	9.3	8.1	8.2	1.7	4.7	5.7	10.9	8.3
Protective service	3.3	2.8	4.5	12.3	0.7	0.8	0.2	0.5	1.3	3.6	3.3	2.0
Personal service occupations	2.4	4.6	5.2	2.9	1.5	3.1	48.7	33.3	6.4	5.7	2.6	7.0
Buyers, brokers & sales reps	2.5	1.0	1.4	2.7	2.4	1.7	0.5	1.4	3.0	2.0	2.5	1.9
Other sales occs	1.8	2.6	3.1	3.4	3.8	5.2	1.6	0.5	3.9	1.9	1.8	3.3
Ind plant & machine operators	7.7	12.3	5.0	8.0	11.7	17.1	4.9	0.6	4.0	4.6	7.8	9.8
Drivers & mobile machine ops	6.7	9.2	4.7	5.1	4.9	13.3	0.9	0.9	2.8	2.8	6.6	6.0
Other occs in agriculture	1.0	0.1	0.0	0.5	0.1	0.0	0.0	0.0	0.0	0.3	1.0	0.1
Other elementary occupations	7.1	11.7	13.5	8.2	6.4	7.1	5.9	2.9	5.5	6.8	7.1	7.6

Source: 1991 Census as cited by Wrench and Owen (1995)

Table 1.6 Percent of women employed in each occupation by ethnic group, 1991

	White	Black-Carri-bean	Black-African	Black-Other	Indian	Pakistani	Bangla-deshi	Chinese	Other-Asian	Other-Other	Entire Popula-tion	Minority ethnic groups
Corporate managers	6.6	4.6	5.3	5.3	4.4	3.4	4.1	4.2	3.8	7.3	6.5	4.7
Man/prop in agric & services	5.2	2.1	3.4	4.2	8.3	11.2	4.1	15.3	4.9	2.7	5.2	6.0
Science & eng professionals	0.5	0.4	0.8	0.5	0.8	0.5	1.4	0.9	0.8	1.0	0.5	0.7
Health professionals	0.5	0.2	0.2	0.5	2.5	1.7	0.0	0.9	3.7	1.2	0.5	1.5
Teaching professionals	5.2	1.9	1.3	2.3	2.6	3.2	8.2	2.1	3.2	7.0	5.1	2.8
Other professional	1.6	2.7	3.4	1.9	1.9	1.5	2.7	4.8	2.3	2.4	1.6	2.5
Sci & eng assoc prof	1.1	0.6	1.7	1.4	1.4	1.7	0.0	1.2	1.5	2.1	1.1	1.3
Health assoc prof	5.0	13.5	14.9	6.5	3.3	2.4	2.7	11.3	12.1	7.9	5.2	8.5
Other assoc prof	3.6	3.7	4.8	5.8	2.0	4.2	4.1	3.9	3.4	5.1	3.6	3.5
Clerical occs	18.3	19.6	14.9	22.6	18.5	13.7	15.1	9.7	16.5	17.9	18.3	17.7
Secretarial occs	10.3	11.2	7.4	12.1	7.6	6.1	5.5	4.8	5.4	12.9	10.3	8.7
Skilled construction trades	0.1	0.1	0.2	0.5	0.0	0.0	0.0	0.0	0.1	0.3	0.1	0.1
Skilled engineering trades	0.3	0.5	0.0	0.5	0.3	0.0	0.0	0.0	0.3	0.3	0.0	0.3
Other skilled trades	3.1	1.7	3.2	3.5	11.1	12.5	19.2	1.4	3.0	1.9	3.2	5.7
Protective service	0.6	0.4	0.6	1.6	0.1	0.0	0.0	0.0	0.0	0.9	0.6	0.3
Personal service occupations	12.4	16.2	9.8	13.0	4.6	9.5	9.6	21.5	15.6	10.7	12.3	11.3
Buyers, brokers & sales reps	1.0	0.3	0.4	0.9	1.0	0.7	1.4	0.5	0.4	1.8	1.0	0.7
Other sales occs	9.2	3.6	5.9	5.3	7.4	12.5	9.6	7.7	8.0	6.3	9.1	6.4
Ind plant & machine operators	4.6	5.5	3.2	5.1	14.9	11.0	5.5	1.6	4.4	3.7	4.7	8.1
Drivers & mobile machine ops	0.4	0.4	0.8	0.5	0.1	0.2	0.0	0.2	0.0	0.0	0.4	0.2
Other occs in agriculture	0.4	0.0	0.0	0.0	0.1	0.2	0.0	0.0	0.0	0.0	0.4	0.0
Other elementary occupations	0.9	10.8	17.9	6.0	7.1	3.7	6.8	8.1	10.6	6.7	9.9	8.9

Source: 1991 Census as cited by Wrench and Owen (1995)

Self-employment

A recent study found strong evidence that both cultural and economic factors affected the entry into self-employment of different South Asian groups (Metcalf, Modood and Virdee 1996). Overall, the census data suggests that ethnic minorities are over-represented in self-employment compared to the white population (15.1 and 12.8 per cent respectively). However, this figure masks important differences in the rates of self-employment amongst different ethnic groups. Table 1.7 shows that the Chinese and Pakistanis are almost twice as likely to be self-employed as the white population. Similarly, Indians and Bangladeshis are one and a half times more likely to be self employed than the white population. On the other hand, all the 'Black' groups are significantly under-represented in self-employment compared to the white population with Black-Caribbeans in particular only half as likely to enter business as whites.

Table 1.7 Rates of self-employment by ethnic group

Ethnic group	Percent all in work
White	12.8
<i>Minority ethnic groups</i>	<i>15.1</i>
<i>Black</i>	
Black-Caribbean	6.0
Black-African	8.1
Black-Other	8.2
<i>South Asian</i>	
Indian	20.0
Pakistani	23.9
Bangladeshi	18.6
<i>Chinese and others</i>	
Chinese	27.2
Other Asians	9.8
Other - Other	13.8
Total population	12.9

Source: 1991 Census as cited by Wrench and Owen (1995)

Unemployment

Overall, Table 1.8 shows that men from ethnic minority groups have a rate of unemployment that is almost twice that of the white population (10.9 and 20.3 per cent respectively). Again, such an overall figure masks important differences in rates of unemployment between different groups. On the one hand, Pakistanis, Bangladeshis and Black-Africans and black-Caribbeans have rates of unemployment that are between two and half and three times that of the white population. On the other hand, Indians and Chinese have rates of unemployment that are the same or slightly higher than the white population.

Table 1.8 Rates of unemployment by ethnic group

Ethnic group	Male	Female
White	10.9	6.5
<i>Minority ethnic groups</i>	20.3	15.6
<i>Black</i>		
Black-Caribbean	24.0	13.8
Black-African	28.9	24.8
Black-Other	25.5	18.4
<i>South Asian</i>		
Indian	13.4	12.6
Pakistani	28.5	29.5
Bangladeshi	30.8	34.5
<i>Chinese and others</i>		
Chinese	10.5	8.2
Other Asians	14.2	12.3
Other - Other	19.7	14.9
Total population	11.3	7.0

Source: 1991 Census as cited by Wrench and Owen (1995)

Like men, women from ethnic minority groups have significantly higher rates of unemployment than white women. In particular, Pakistani, Bangladeshi and Black-African women have rates of unemployment that are between four and five times that of white women. Black-Caribbean and Indian women have rates of unemployment that are double that of white women. Only Chinese women have rates of unemployment that are comparable to that of white women.

THE CASE STUDIES

This chapter has two main aims. First, it provides detailed background information on the two case studies selected: Virgin Our Price of the WH Smith Group and the Trade Union Congress (TUC). Specifically, it describes what types of organisation they are including their relative sizes in terms of employees (Virgin Our Price) or membership (TUC); and what their main activities and responsibilities are. Second, it provides a description of the methodology used to undertake the study.

1. Virgin Our Price of the WH Smith Group

Virgin Our Price is one of four major subsidiary companies owned by the WH Smith Group. The other companies include WH Smith Retail, Waterstones and WH Smith News. Table 2.1 below shows the relative size of these companies in terms of the number of stores, total number of workers employed and the main activity of each company.

The largest of the subsidiary companies is WH Smith Retail. This comprises a total of 549 shops throughout the country employing 18,500 people. The main activity of these shops is the retailing of books, newspapers and magazines. After Virgin Our Price (discussed in detail below) comes the Waterstones shops selling a large range of quality books. There are over 100 shops throughout the country employing 2,218 people. Finally, the smallest and oldest of the WH Smith companies is WH Smith News. Unlike the other three companies which are involved in private retail, WH Smith News' main activity lies within the distribution business, specifically the distribution of newspapers and magazines. There are a total of 59 warehouses employing 5,190 people. Overall, the WH Smith Group employs over 30,000 people.

Table 2.1 The main subsidiary companies of the WH Smith Group

	Number of stores	Total number of employees	Main services sold
WH Smith Retail	549	18,500	Retailing, books, newspapers and magazines
Virgin Our Price	300	4,300	Retailing music, videos and games
Waterstones	100	2,218	Retailing books
WH Smith News	59	5,190	Distributing newspapers and magazines

(Source: The Human Resource Director of the WH Smith Group)

We now turn to the subsidiary company selected for the study - Virgin Our Price. This company arose out of a merger that took place in 1994 between the Virgin record stores owned by Virgin and Richard Branson and Our Price owned by the WH Smith Group. Although a joint venture company, it is actually three-quarter owned by the WH Smith Group and only one-quarter owned by Virgin. Hence, as the Human Resource Director of the WH Smith Group reported, the WH Smith Group controls most of the day-to-day running of the company.

The merger brought together two quite different types of companies operating in the private retail industry. On the one hand, there was the highly successful Virgin stores selling a very wide range of goods including music ranging from contemporary pop to classical and opera; a huge back catalogue of music; videos, games, books, T-shirts and other such accessories. The Human Resource Director of Virgin Our Price described the Virgin stores as highly dynamic and a 'very, very strong brand on any High Street'. On the other hand, Our Price had a relatively smaller trading base founded upon the provision of mainly chart music at affordable prices.

Since the merger there has been a growing recognition amongst senior management that if Virgin Our Price are to achieve a larger share of the market, they have to open more Virgin stores and possibly reduce the number of Our Price stores. The HR Director explained the thinking behind such plans:

What we've identified are those catchments where you could have a larger trading operation and thereby take more of the market share...We've decided to use the Virgin brand to go into those.

However, accompanying such a trend was the explicit recognition that Our Price also retained a distinct customer base and that it was therefore important to close only a small number of Our Price stores. Hence, there has been a gradual but important shift in the number of Virgin stores compared to Our Price stores in the country. At the time of the merger, there were 35 Virgin stores and 270 Our Price stores. However, by early 1997, the number of Virgin stores had doubled to 70 while the number of Our price stores had declined by 40 to 230. Such a shift

is likely to continue into the near future. Currently, these stores employ a total of 4,300 staff and have an annual turnover of half-a-billion pounds (Interview with the Human Resource Director of Virgin Our Price).

2. *The Trade Union Congress (TUC)*

The second of the two case studies participating in the research are the Trade Union Congress (TUC). The TUC is one of Britain's oldest voluntary organisations having been established in 1868. It is the only trade union confederation in Britain and it represents all the major trade unions. The basic unit of the TUC is the affiliated union; collectively they provide the TUC with its representative authority and its organisational finance with each union paying an annual affiliation fee based on its total membership.

Due to a combination of economic and social factors common to many European countries, the TUC has experienced a significant decline in its membership during the last two decades. Table 2.2 shows that between 1979 and 1996, TUC membership fell from 12,128,078 to 6,799,619, a fall of 44 per cent. Similarly, the number of trade unions affiliated to the TUC has declined from 112 in 1979 to 74 in 1996 although this was mostly as a result of mergers between different unions (TUC 1997: 2).

Table 2.2 Changing TUC membership

Year	Membership
1979	12,128,078
1996	6,799,619

(Source: adapted from Farnham and Pimlott 1986: 164 and TUC 1997: 2).

Table 2.3 Trade Unions with over 100,000 members

Name of trade union	Size of membership
UNISON	1,353,313
TGWU	896,550
GMB	740,319
AEEU	725,743
MSF	446,000
USDAW	283,255
CWU	275,055
GPM	216,991
NUT	175,127
NASUWT	157,146
PSTCU	151,175
BIFU	123,540
CPSA	121,749
UCATT	106,558

(Table adapted from (TUC 1997: 36)).

Table 2.3 shows the main trade unions affiliated to the TUC in 1996. Overall, there are 14 trade unions with over 100,000 members, of whom four have over 500,000 members. The largest trade union is UNISON with over 1 million members recruited mainly from the local government and health service sector.

The policy-making body of the TUC is its annual Congress which is presided over by the chairperson of its executive body, the General Council. Affiliated unions are entitled to send delegates to Congress on the basis of one for every 5,000 members. On the whole, these delegates are nominated by individual unions at branch or regional level. The annual Congress has three main functions which are:

- a. to consider the work done by the General Council during the previous year;
- b. to discuss and take decisions on motions forwarded by affiliated unions, and
- c. to appoint the General Council for the forthcoming year (Farnham and Pimlott 1986: 163-164).

Between annual Congresses, it is the General Council that assumes the leadership role of the British trade union movement and in effect becomes 'a custodian of Congress decisions' (Farnham and Pimlott 1986: 165).

3. The selection of the case studies

Unlike in some EU countries, racial equality is widely recognised to be an essential component of equal opportunity policies; most large companies' policies address the issue of racial equality and considerable expertise in this matter has been developed in Britain. As a result of the substantial number of policy developments, it was decided that it would be possible to carry out two case studies looking at measures designed for the prevention of racial discrimination and xenophobia and the promotion of equal treatment in the workplace.

The first case study, Virgin Our Price of the WH Smith Group was selected for the following reasons. First, a large proportion of work on equal opportunity in the workplace in Britain has focused on public sector employers such as the Civil Service, National Health Service and local government. As a result, little attention has been devoted to the work undertaken by private sector organisations in promoting racial equality in the workplace. The WH Smith Group represents an excellent example of a large private sector retail chain that has adopted a positive stance towards the promotion of equal opportunity in the workplace.

Trade unions have an important role to play in the promotion of equal opportunity in the workplace. The TUC, by virtue of it being the sole trade union confederation in Britain has a particularly important leadership role to play in laying down policy statements and encouraging member unions to undertake such actions as they can to promote equality of opportunity in the workplace.

A total of five interviews were carried out with key informants in both organisations and outside. As was described earlier, Virgin Our price is the second largest subsidiary company of the WH Smith Group. Two interviews were carried out in this organisation. First, in order to establish group-wide policies, practices and principles, the Human Resource Director of the WH Smith Group was interviewed. Second, to explore how such policies and practices were translated at the subsidiary company level, an interview with the Human Resource Director of Virgin Our Price was also undertaken. A third interview carried out in relation to this case study was with a senior representative of the CRE. Two interviews were carried out for the TUC case study. First, the policy officer responsible for race equality issues at the TUC was interviewed. Through this interview it was possible to establish precisely the nature of the policies and practices introduced by the TUC to promote equality of opportunity in the workplace. Secondly, to evaluate how TUC policy and practice was taken up by affiliated unions, the race equality officer of the largest trade union affiliated to the TUC, UNISON, was also interviewed.

The interviews were either carried out at the respondent's place of work or at the Policy Studies Institute (PSI). All five of the interviews were carried out in January and February 1997. The interviews lasted between 60 and 90 minutes. Three of the five interviews were tape-recorded and then transcribed; while detailed notes were taken during the course of the remaining two interviews.

THE POLICIES AND PRACTICES OF THE TWO CASE STUDIES

1. Introduction

This chapter describes in detail the policies and practices introduced by Virgin Our Price and the Trade Union Congress (TUC) to prevent racial discrimination and harassment in the workplace. It begins with a historical analysis of the origins of developments relating to equal opportunities in the Virgin Our Price parent company - WH Smith. The chapter then goes on to describe the ways in which Virgin Our Price took on board such recommendations and introduced more specific policies and practices to promote equality of opportunity in their own 300 retail outlets throughout the country.

The policies and practices introduced by the TUC to prevent racism in the workplace are discussed next. Specifically, the chapter discusses how an important shift in policy and practice took place in the mid-1970s which by 1981 had led to the development of a systematic strategy towards promoting equality of opportunity in the workplace. Four key aspects of TUC policy and practice are discussed: encouraging affiliate member trade unions to negotiate equal opportunities through collective agreements with employers; encouraging trade union representatives to defend black workers who are victims of racial discrimination and harassment; facilitating the participation and representation of ethnic minority workers in the TUC and affiliated trade unions and finally, analysing the role of the TUC as an equal opportunity employer.

2. *The historical background to equal opportunity policies in the WH Smith Group*

The catalyst for the development of a long-term strategy towards equal opportunities in the WH Smith Group and its subsidiary companies began in 1994 when the Group management decided 'to capitalise on the impending introduction of a new computerised personnel system and the need to check the accuracy of employment data' (CBI 1996: 9 and interview with the Human Resource Director of the WH Smith Group, February 1997). An important first step in the development of a strategy to promote equality of opportunity in the workplace was the need to have some statistical data on the composition of the workforce. This was to be achieved by carrying out an employee profile audit of the 30,000 workforce in the four main subsidiary companies of the Group. The Racial Equality Means Business Standard developed by the Commission for Racial Equality (1995) was used in planning the project. The Standard is designed to help employers develop and measure the impact of racial equality programmes. It covers both employment issues and those wider activities which employers undertake in their local communities. The Standard has five levels of development under six areas of activity: policy and planning; selection; developing and retaining staff, communication and corporate image, corporate citizenship and auditing.

It was hoped that the results of the audit report would subsequently equip the business with the information needed to manage the equal opportunities in exactly the same way as other aspects of business performance by identifying areas of poor performance for corrective action. As David Roberts, the Managing Director of the WH Smith Group made clear: 'We see the audit as a landmark stage in our equal opportunities strategy. After all, if you can't measure it, you can't manage it' (cited in CRE no date).

Personal information forms were issued to all employees including a request to self-nominate their ethnic origin. The audit was prefaced by articles in the Group's in-house magazine 'Newslink'; and was supplemented by team briefing and anticipated question and answer briefings for managers. The results of the audit provided a detailed picture of the diversity of the workforce with information on ethnic groups, gender, disability and part-time working broken down by business and by grade. A response rate of 84 per cent was achieved. Of these, the audit revealed that 95 per cent of all employees were white British; one per cent were white European; and, four per cent were from ethnic minorities. Although the proportion employed was broadly in line with the size of the ethnic minority population nationally (just over 5 per cent), the audit did reveal that ethnic minorities were under-represented in the Group in middle management and senior positions (CRE n.d). As the Managing Director of the Group argued (CRE n.d.: 3):

The information contained in the audit report enables our businesses to take steps which will yield a real improvement in all aspects of equal opportunities and enhance the diversity of our workforce.

3. Policy and practice on equal opportunities at group-level

A direct outcome of the results of the audit was the introduction of individual group statements promoting equality and diversity in relation to ethnic minorities, women, disabled employees and lesbians and gay men. The Group Statement on ethnic minorities made clear that its goal in the workplace:

...is to create and sustain a working environment that is free from racial discrimination and harassment. Through commitment, action and progress, we want all our employees to have the opportunity to benefit from employment, training and advancement appropriate to their abilities regardless of their colour, race, ethnic or national origin (WH Smith 1995: 1).

Four major factors were important in helping us to understand why the WH Smith Group introduced its policy. The Group Statement on racial equality and employment states that a business environment that values the diversity of people from different ethnic origins will:

- a. attract the best from the pool of skills and talent which is becoming increasingly multi-racial and use our people's potential to the full;
- b. ensure that we meet the needs of our current and potential customers effectively through a workforce that reflects the make up of the communities which we serve, and provide a competitive edge in reaching and attracting alternative new markets;
- c. avoid incurring the direct costs of racial discrimination; financial, reduced employee moral and commitment, and cost to the image of our organisation resulting from adverse publicity;

- d. Contribute to creating an inclusive and healthy multi-racial society with potential for strong economic and social growth (WH Smith 1995: 2).

In order to translate such policies into practice effectively, the Human Resource Directorates within each of the four main businesses, including Virgin Our Price, set up an organisational structure in the form of a Diversity Action Team. This Team, although very much a product of the Human Resource Directorate comprised representatives from all parts of the business.

We now turn to see how such policies were translated into action at an individual company level with reference to Virgin Our Price.

4. *Virgin Our Price*

The Virgin Our Price Diversity Action Team is presently headed by the company Finance Director and includes five other representatives including senior line managers and staff representatives (interview with Human Resource Director of Virgin Our Price, January 1997). As the personnel representative of Virgin Our Price explained 'I wanted [equal opportunities] to be an integral part of the business'.

The Virgin Our Price equal opportunities policy

To emphasise the importance they attach to the issue, the company equal opportunity policy comprises the first two pages of the 23-page contract of employment given to every employee when they start work (Virgin Our Price 1996a). This equal opportunity policy states:

We believe that all decisions about people at work should be based on the individual's abilities, skills, performance and behaviour, and our business requirements. Questions of an individual's race, colour, gender, marital status, age, religion, or sexual orientation are never relevant to our business. Issues of disability and HIV/AIDS status should only be considered against the particular requirements of the job. Our equal opportunity practices and policies must be strictly adhered to by all employees. Discrimination, abuse, or failure to observe Company policy and practice will result in disciplinary action being taken, including summary dismissal in serious cases (cited in Virgin Our Price 1996a: 1).

Furthermore, to give effect to the policy, Virgin Our Price have made an explicit commitment to redressing past disadvantage through the adoption of positive action measures. Hence, within the contract of employment it states:

Although we are and remain committed to equal opportunity, we also recognise that certain groups within the community may be under-represented in the business as a whole or in particular parts of it. We may therefore take steps to ensure that opportunities are made known to those groups, and where appropriate that training is provided to enable members of those groups to compete on equal terms for the opportunities available (Virgin Our Price 1996a: 2).

The Human Resource Director explained that positive action measures were currently being adopted in relation to the recruitment process and in relation to anti-harassment.

Recruitment

The first stage of any recruitment process is the mechanism of attracting suitable candidates. This is normally done through advertising the vacancy. The purpose of advertising a job vacancy is to bring it to the attention of the appropriate audience and to produce an adequate number of suitable candidates. The Human Resource Director of Virgin Our Price explained that as part of its equal opportunity strategy in relation to ethnic minorities, the company had decided to investigate the possibility of advertising all future vacancies in the ethnic minority press as well as through more established sources. This has now been accepted by the management of Virgin Our Price.

Accompanying this initiative has been the employment of an agency to undertake the monitoring of all future applicants by ethnic origin and gender in all three hundred retail outlets throughout the country in recognition of the fact that monitoring is essential to identifying patterns of disadvantage and developing local action plans in redressing them (Interview with Human Resource Director of Virgin Our Price, January 1997). The Human Resource Director also explained that all individuals who sat on recruitment and selection panels received anti-discriminatory training. The final measure to ensure that such panels upheld the company equal opportunity policy was through the presence of one personnel representative at all interviews.

Anti-harassment

Additionally, Virgin Our Price have also introduced a related but separate anti-harassment policy. This can be activated through the grievance procedure. Again, this is located at the front of each employee's contract of employment. It states that:

We want to provide an environment which respects the dignity of individuals at work. Harassment of individuals based on any of the issues listed in the Equal Opportunity Policy is neither permitted nor condoned by the company.

Harassment may involve unwanted/ unnecessary physical contact, words, writing, or pictures; or isolation or non co-operation, coercion or intrusion by pestering or spying. Any behaviour like this will always be viewed extremely seriously, and a single serious incident can result in summary dismissal for gross misconduct.

Virgin Our Price have a grievance procedure which can be utilised if:

...you believe that the Equal Opportunity Policy is not being followed in your case and that informal attempts to resolve the issue have failed or are inappropriate in the circumstances, you should raise the matter through the Grievance Procedure... (Virgin Our Price 1996a 2).

Certain types of behaviour are so serious that they will normally result in summary dismissal without any prior warning. One type of behaviour includes 'threatening or abusive behaviour (including abuse or harassment contrary to the equal opportunities policy)' (Virgin Our Price 1996a: 22).

Another important final initiative launched by Virgin Our Price to ensure the effective implementation of equal opportunities in the workplace has been the publication of a booklet for line managers called 'Managing the Contract of Employment'(1996b). The Human Resource Director outlined the purpose of this handbook:

We give the managers the handbook to help them implement the terms and conditions as laid down in the contract. They can act as facilitators to employees to ensure that equal opportunity policies as well as other important issues are important and why they need to be adhered to.

5. The historical background to equal opportunities in the TUC

When looking at the immediate post-war history of trade union responses to migrant workers, the evidence suggests that some trade unions actively colluded with employers to exclude migrant labour from key forms of employment, especially skilled work (Sivanandan 1982; Wrench 1987). According to Fryer (1984: 376), 'in many industries, white trade unionists resisted the employment of black workers, or insisted on a 'quota' system limiting them to...about 5 per cent'. There were also other racist exclusionary practices agreed between white trade unionists and employers which served to impact adversely on black workers: the principle of 'last in first out' was often not applied at a time of redundancy if it meant that white workers would lose their jobs before black workers (Wrench 1987).

One might have expected that an important source of opposition to such dis-unity in the organised labour movement would have been the Trade Union Congress (TUC) - the federation of British trade unions. However, according to Miles and Phizacklea (1977: 3) the TUC and its executive body

...the General Council failed to acknowledge that there existed considerable hostility towards black workers amongst white trade unionists and increasingly came to adopt the position that the problems arose from the immigrant's refusal to "integrate".

However, by the mid-1970s, the TUC began to change its position towards black workers. This shift in policy came about for three related factors. First, there was the growing organisation on the issue by black and white trade union activists. Second, there were a series of industrial disputes in the late 1960s and early 1970s which highlighted union racism towards striking black workers, and thirdly, there was the growth of the far-right National Front, who played on the divisions between black and white workers and gave open support to the white trade unionists in some of these disputes (Wrench and Owen 1996: 47).

As a result, the TUC began to introduce educational materials on equal opportunities for use in trade union education courses. In 1979, the TUC sent out a circular to all its affiliated trade unions recommending that they should adopt a policy on racist members (Virdee and Grint 1994).

6. *Preventing racism in the workplace*

Although the TUC had begun to introduce individual measures to address racism in the workplace by the mid-1970s, it was not until 1981 and the launch of the TUC publication, 'Black Workers: A TUC Charter for Equality of Opportunity' (1981), that a systematic approach to promoting equal opportunities in the workplace emerged. This Charter was highly influential because it represented a key programmatic statement by the TUC on what actions the trade unions must take to prevent racism in the workplace. As it stated at the outset: 'It is no good trade unions only talking about equal opportunities; talk has to be translated into action' (TUC 1981: 2). Specifically, the Charter recommended a four-pronged strategy to promote equality of opportunity in the workplace effectively. This encompassed:

- encouraging affiliate trade unions to negotiate equal opportunities through collective agreements with employers;
- encouraging trade union representatives to defend black workers who were victims of racial discrimination or harassment;
- facilitating the participation and representation of black workers in the TUC and affiliated trade unions;
- encouraging the TUC and its affiliate member unions to become equal opportunity employers.

Negotiating equal opportunities through collective agreements with employers

The TUC contended that an important first step in tackling the disadvantage faced by black workers in the workplace was the need for all trade union representatives to negotiate an equal opportunities clause in their collective agreements with employers. The TUC drew up a model clause which they recommended that all affiliated trade unions should adopt. This stated that:

The parties to this agreement are committed to the development of positive policies to promote equal opportunity in employment regardless of the workers' sex, marital status, sexual orientation, creed, colour, race, ethnic origins, or disability. This principle will apply in respect of all conditions of work including pay, hours of work, holiday entitlement, overtime and shiftwork, work allocation, guaranteed earnings, sick pay, pensions, recruitment, training, promotion, and redundancy (nothing in this clause is designed to undermine the protections for women workers in the Factories Act).

The management undertake to draw opportunities for training and promotion to the attention of all eligible employees, and to inform all employees, of this agreement on equal opportunity. The parties agree that they will revise from time to time, through their joint machinery, the operation of this equal opportunity policy. If any employee considers that he or she is suffering from unequal treatment on grounds of sex, marital status, sexual orientation, creed, colour, race, ethnic origins or disability, he or she may make a complaint through the agreed procedures for dealing with grievances (TUC 1981: 9).

More recently, the TUC have produced a set of more specific recommendations covering several important areas for union representatives to negotiate with employers to ensure equality of opportunity in the workplace (TUC 1996: 29-36). These include:

Recruitment

The union should seek to negotiate that:

- all vacancies are advertised in job centres and in newspapers, where appropriate;
- newspapers used should include those read by ethnic minorities;
- equal opportunities statements are included in all advertisements and information about jobs;
- tests and criteria which are not relevant to the job are avoided;
- interviewers are trained in race equality issues;

Training and promotion

The union should seek to negotiate that:

- all opportunities for training and promotion are advertised throughout the organisation;
- equal opportunities is included in training for all staff.

Conditions of service

The union should seek to secure agreement on areas of specific concern to ethnic minority workers including:

- extended leave agreements for workers who need to visit relatives abroad;
- religious holidays and observance for workers who wish to observe holy days of their faith;
- dress code which takes into account the cultural and religious practices of different ethnic groups.

Positive action

- In companies where black workers are under-represented, unions should seek to negotiate recruitment campaigns and recruitment training aimed at attracting black candidates.

Monitoring

Unions should seek to negotiate with employers:

- ethnic monitoring of the workforce and applicants, short lists and appointments in recruitment;
- ethnic monitoring of promotions and opportunities for training ethnic monitoring of shift working;
- incidents of racial harassment;
- policy implementation.

Encouraging trade union representatives to defend black workers who are victims of racial discrimination or harassment

In order to address the problem of racial discrimination and harassment in the workplace, the TUC have attempted to create a layer of black and white lay and full-time officials who are capable of representing the interests of victimised workers. Two important documents have been produced by the TUC which are used to train trade union representatives to take up cases of race discrimination and racial harassment, including, if necessary to industrial tribunals.

In 1990, the TUC (1990a) produced a guide to using the law and industrial tribunals to help trade unionists to tackle racial discrimination at work. This shows how trade unionists can demonstrate their commitment to members who have been victims of unlawful discrimination including information on what advice, guidance, support and practical help is needed in taking cases to industrial tribunals. The guide comprises three main sections. First, there is a detailed description of the 1976 Race Relation Act (discussed in chapter 1) and the kinds of discrimination which are covered by the Act. Second, the guide shows how, if the steward or individual feel they have been unlawfully discriminated against they can make an application to an industrial tribunal. Third, it shows how the individual and the steward supporting them have to prepare for the hearing.

An important dimension of racial discrimination in the workplace is racial harassment at work. A recent national survey carried out by the author showed that the workplace was the second most likely place where ethnic minority workers reported being subjected to racial harassment (Virdee 1997; see also Virdee 1995 for a wider discussion). Similarly, a major study commissioned by the Department of Health on the careers of nursing staff in the British National Health Service suggests that racial harassment from colleagues and patients was a major problem facing ethnic minority nurses. The study found that over a third of black and Asian nurses reported being racially harassed by colleagues in a period of one year while three fifths reported being racially harassed by patients (Beishon, Virdee and Hagell 1995: 213, Table 13.8).

To address this major problem at work, the TUC produced a guide on tackling racial harassment at work (1990b). The guide suggests that all member 'Unions should be prepared to take a high profile when it comes to representing members who have been racially harassed' including accompanying a victim of racial harassment to any meeting with management. This document has three sections comprising a definition of racial harassment; suggested policies and procedures to tackling racial harassment; and providing guidance to both union representatives and victims about how to tackle such victimisation at work. In addition to calling for the adoption of a model clause on what constitutes racial harassment in collective agreements (TUC 1990b: 9), the guide encourages union representatives to re-negotiate current grievance procedures so that special procedures exist for dealing with racial harassment. These procedures should ensure that the case is dealt with promptly; complaints can be made to senior management if the alleged harassment is carried out by supervisors or line managers; and that the person being harassed is represented by their union at all stages.

Facilitating the participation and representation of black workers in the TUC and affiliated trade unions

One of the most important initiatives in promoting equality of opportunity at work undertaken by the TUC has been the establishment of specific organisational structures to facilitate the participation and representation of black members. Between 1986 and 1990 there were a series of annual conferences organised on issues of specific concern to black members including racial harassment and measures to increase the involvement of black women in trade unions. By 1990, there was a growing recognition within the TUC that such structures had to be formalised. In 1991, the TUC annual Congress passed a resolution to ensure that the TUC Black Workers Conference was held annually. The Conference is advisory. Its decisions inform, as opposed to decide, TUC policy; policy making is the prerogative of the annual TUC Congress and the General Council.

Currently, affiliated trade unions can send delegations proportionate to the size of their union to the annual Black Workers Conference, with the largest unions being able to send a maximum of sixteen delegates (Interview with the race equality officer, January 1997). Additionally, each trade union is allowed to submit a maximum of two motions which are then debated and voted on by the Conference. According to the race equality officer

These can be on any issue that the [affiliated] union themselves see as a priority. For example, one of the campaigns that the TGWU is involved in is around domestic workers. So they took that as a priority and put it forward as a motion to the black workers conference last year.

If the motions are passed at conference, they are referred to the relevant TUC department or Committee for attention, action or reference. In 1996, there were 36 motions passed at the annual Black Workers Conference.

Although the conference is open to all ethnic groups including whites, the TUC explicitly encourages affiliated trade unions to send ethnic minority delegates (EOR 1995: 24). As the race equality officer of the TUC made clear:

... we advise trade unions to make the utmost effort to send black delegates. But it's not a hard and fast rule. Some unions do send white delegates.

Apart from encouraging the participation of black workers in the trade union movement, the annual Black Workers Conference's main responsibility is to elect a section of the Race Relations Committee of the TUC. This committee's remit is to promote the interests of black workers in the workplace, trade unions and society. The Committee meets six times a year to develop policy, give guidance to the race equality work of the Equal Rights Department, and oversee the annual Black Workers Conference (interview with the race equality officer, January 1997). It is comprised of 28 members; 18 of whom are elected at the annual Black Workers Conference, of which four must be black women; and ten members who are appointed by the General Council of the TUC.

Additionally, as a result of a decision taken by the 1994 annual TUC Congress, the General Council of the TUC agreed that there should be three additional seats on the General Council for black members and that one of these should be reserved for a black woman (EOR 1995: 24;

interview with the race equality officer, January 1997). According to the race equality officer of the TUC 'These structural changes allow ethnic minority workers to have access to and participate in the governing body of the organisation'.

Additionally, in 1991, the TUC carried out a research study looking at the involvement of black workers in trade unions (ref). This was followed up with seminars, checklists and work with individual unions aimed at increasing black involvement in trade union structures.

The TUC as an equal opportunity employer

In addition to promoting equality of opportunity in the workplace for members of trade unions, the TUC has, since 1989, adopted an equal opportunities policy in relation to its own employees (TUC n.d.: 3). This states that:

The TUC is an equal opportunities employer. Management and staff are committed to:

- valuing and making full use of the talents and resources of all employees;
- maintaining good and productive working relationships throughout the organisation;
- ensuring that no job applicant or employee receives less favourable treatment on the grounds of gender, sexual orientation, marital status, disability, age, creed, colour, nationality, race or ethnic origins, or is disadvantaged by conditions or requirements not relevant to performance; and
- working towards fair representation of women, black people and disabled people at all levels of the organisation.

This equal opportunities statement is backed up by a set of equal opportunities practices and procedures. Responsibility for overseeing the implementation of the equal opportunities policy rests with the deputy General Secretary and heads of Department, with day-to-day implementation the responsibility of the Personnel and Training Officer.

These equal opportunities policy statements, practices and procedures are currently being reviewed through joint negotiations between Management and the JNC. Management and the JNC have agreed to carry out an external equal opportunities audit. The remit of this audit will be subject to agreement between Management and the JNC. Management and staff will jointly review the implementation of this policy, immediately following, and with particular regard to the conclusions and recommendations of, this audit. Joint reviews will be carried out annually thereafter.

At present, there exist the following set of procedures to ensure the effective implementation of the policy. First, there is a commitment to monitor the position of black employees annually 'with the long-term objective of improving the position of under-represented groups' (TUC n.d.: 4). Second, there is an explicit acknowledgement that the grievance procedure is open to employees alleging racial harassment, with all due attention to the need for maximum confidentiality. In cases of alleged racial harassment, full account will be taken of the need to seek to resolve grievances within a time scale that leaves open the option of an application under the Race Relations Act of 1976. Third, the TUC allows for religious observance and the

recognition that this may involve special consideration (e.g. prayer times, dress). Unpaid leave will be granted for observance or religious holidays. Fourthly, the TUC has undertaken a number of commitments in relation to its recruitment and selection policy including making a commitment to attract under-represented groups through advertising in the minority media; ensuring that all staff involved in the recruitment and selection process, including interview panels, will receive training, including on equal opportunities principles; and that monitoring forms will be detached from application forms before shortlisting and statistical information will be compiled by the Personnel and Training Officer. Finally, the TUC stresses the importance of equal opportunities in relation to the allocation of training opportunities including ensuring that all staff receive appropriate training to enable them to perform their jobs effectively; that no individuals are discriminated against in the provision of training courses, and that all reasonable efforts will be made to remove any obstacles which prevent the individuals taking up training such as when English is not the first language.

A major achievement of the TUC in relation to promoting equality of opportunity in the workplace has been the creation of a specific policy officer responsible for race equality issues since 1988. This individual is located in the TUC Equal Rights Department which is one seven departments of the TUC (TUC 1997). The Equal Rights Department has a total of 6.5 personnel comprising the head of the department itself; a senior policy officer; 2.5 policy officers who take responsibility for a range of equality issues with regard to women, race equality, disability, and lesbian and gay issues; and two administrative staff.

The responsibilities of the race equality officer are three-fold. First, he or she is responsible for organising the annual TUC Black Workers Conference. Second, the race equality officer facilitates the work of the Race Relations Committee of the TUC. Thirdly, he is a source of information for affiliated trade union members and provides advice on developments in ethnic relations matters. The race equality officer explained how:

most recently this was in relation to the new Asylum and Immigration Act which requires employers to check the immigration status of all new job applicants. We campaigned against the whole Bill, in combination with a number of other external organisations. My role was to make sure that affiliated trade unions were aware of what was happening. I produced a series of briefings for affiliated trade unions on what they could and could not do under the provisions of the new Act.

7. *Summary*

This chapter has shown that both Virgin Our Price and the TUC have systematic approaches to promoting equality of opportunity at work. The development of a long term strategy towards preventing racism in the workplace in the WH Smith Group began in 1994 when the corporate management decided to carry out an audit of its workforce, including evaluating the ethnic composition of its workforce. Resulting from this audit emerged a strong group wide statement on racial equality and employment which stressed their commitment to promoting equality of opportunity at work.

To help translate such general policy commitments into effective practices at a company level, each of the Human Resource Directorates within the four subsidiary companies including Virgin Our Price established a Diversity Action Team with an explicit responsibility to ensure

equality of opportunity at work. In addition to introducing an equal opportunities policy comprising the first two pages of a 23-page contract of employment, Virgin Our Price have made an explicit commitment to redressing past disadvantage through the adoption of positive action measures including in relation to recruitment and anti-harassment. Finally, Virgin Our Price have introduced a handbook for line managers designed to ensure that every line manager in the 300 Virgin Our Price stores throughout the country is aware of their responsibility to ensure that the company equal opportunities policy is adhered to by every employee.

Since the mid-1970s, the TUC has shown increasing concern of the need to tackle racism at work. To further this aim, they have produced educational materials on equal opportunities for use in trade union courses and encouraged affiliated member unions to adopt a policy on racist members. However, it was not until 1981 and the launch of the TUC publication, 'Black Workers: A TUC Charter for Equality of Opportunity' (1981) that a systematic approach to promoting equality of opportunity in the workplace emerged. Since then, the TUC has taken action on four fronts to ensure the effective tackling of racism at work. These include negotiating equal opportunities through collective agreements with employers; encouraging trade union representatives to defend black workers who were victims of racial discrimination or harassment; facilitating the participation and representation of black workers in the TUC and affiliated trade unions and, encouraging the TUC and its affiliate member unions to become equal opportunity employers.

EVALUATING THE POLICIES AND PRACTICES OF THE CASE STUDIES

1. *Introduction*

This chapter evaluates how successful the policies and practices of Virgin Our Price and the Trade Union Congress (TUC) have been in preventing racism at work. Specifically, it analyses the benefits that have been derived from such policies and, some of the problems that they have experienced in ensuring their effective implementation. Finally, it discusses the additional measures that may have been taken to ensure equality of opportunity.

2. *Virgin Our Price*

An integral aspect of Virgin Our Price's systematic approach to promoting equality of opportunity at work is the recognition of the need to regularly evaluate the relative effectiveness of their policies and practices. This ensures that, if necessary, corrective action can be taken quickly. An evaluation of the equal opportunities policy took place in August 1996 as part of a general survey carried out to establish levels of employee satisfaction amongst the Virgin Our Price workforce. Overall, the survey showed that seven per cent of the Virgin Our Price workforce were of ethnic minority origin. This comprised four per cent who were of Asian origin; one per cent who were of African Caribbean origin and two per cent who were of other ethnic minority origin. Although this compares favourably with the representation of ethnic minorities in the national population, it should be borne in mind that the concentration of ethnic minorities in the urban areas where Virgin Our Price stores are based is greater (Wrench and Owen 1996).

The survey also collected data across a range of other issues including levels of general satisfaction with Virgin Our Price; job grades; and levels of discrimination and harassment. Importantly, the survey found that on the one hand, Asians and whites regularly reported similar levels of satisfaction with Virgin Our Price; were represented at all levels of the organisation and reported similar levels of discrimination or harassment. On the other hand, the survey also showed that African Caribbean employees reported consistently higher levels of dissatisfaction with Virgin Our Price; were not to be found in those job grades which entailed supervisory responsibilities and reported higher levels of discrimination and harassment than Asians or whites. These findings are discussed in detail next.

When employees were asked whether they were satisfied with Virgin Our Price as an employer, about two thirds of all employees said they were. However, a greater proportion of African Caribbean employees (38 per cent) reported being dissatisfied with the employer than either Asians (29 per cent) or whites (29 per cent).

The survey suggested that there were two possible explanations for such higher levels of dissatisfaction amongst African Caribbean employees. Table 4.1 shows the distribution of whites, Asians and African Caribbeans across the various job grades in Virgin Our Price.

Grades 1-3 are those jobs where there are little or no supervisory responsibilities; grades 4-5 are those jobs which entail some supervisory responsibilities and grades 6-7 are those jobs with considerable supervisory responsibilities.

Table 4.1 Job grades by ethnic group

Grades	White	Asian	African / Carribbean
1-3	96	3	1
4-5	96	4	0
6-7	97	3	0

The table shows that whilst Asians and whites were represented across all the different job grades including those with supervisory responsibilities, African Caribbeans were to be found mainly in those jobs with little or no supervisory responsibilities. Interestingly, this was despite African Caribbean employees being one and half times more likely than Asians or whites to have been with the company for more than five years (interview with the Human Resource Director, January 1997). However, due to the relatively small number of ethnic minorities as a proportion of Virgin Our Price's total workforce, this data should be treated with some caution.

A second possible explanation for higher levels of dissatisfaction amongst African Caribbean employees lay in the different levels of reported discrimination or harassment amongst whites, Asians and African Caribbeans. It is important to bear in mind that the Virgin Our Price survey question made no attempt to establish whether such discrimination or harassment was racially motivated. Nevertheless, it did show that African Caribbean employees were twice as likely to report being discriminated against or harassed (39 per cent) than Asians (20 per cent) or whites (18 per cent).

Additionally, despite the existence of a comprehensive anti-harassment policy, it was also found that only one in five of those who had reported some form of discrimination or harassment had actually reported it to management (interview with the Human Resource Director of Virgin Our Price, January 1997). The Human Resource Director expressed her concern at this finding:

You can think you're doing really well because you can say we've got this policy, every new store gets trained in it; every manager gets trained in it; it's a half hour session and every store has to use it...plus we're not getting any claims. And then, you kind of go beneath the surface and find that something's awry...I don't know what it is, but it is something.

Additional measures to ensure the prevention of racism at work

To ensure that those aspects of Virgin Our Price's equal opportunities strategy that were not working as effectively as they would have liked were improved, senior management have introduced additional measures to ensure racial equality at work.

Specifically, to tackle the 'glass ceiling' that has prevented African Caribbean employees from entering supervisory posts, the Human Resource Director of Virgin Our Price has undertaken the following initiatives. First, to ensure that African Caribbeans apply for supervisory posts, Virgin Our Price have decided to advertise all store manager posts in a weekly newspaper that has a predominantly African Caribbean readership. Second, Virgin Our Price have become a sponsor of the National Ethnic Minority Graduate Mentoring Consortium. There are currently 20 Caribbean and Asian mentors from Virgin Our Price. Third, in conjunction with the three other subsidiary companies of the WH Smith Group, Virgin Our Price have established an Ethnic Minority Managers' Focus Group comprising of ethnic minority managers. This group operates as a support network and makes practical suggestions on how the companies can increase the number of ethnic minority staff in middle and senior management positions. As the Human Resource Director of Virgin Our Price explained:

The purpose of this is to get the qualitative input from the people these policies affected. I think having a group of managers from the different businesses will be really beneficial because they can share their experiences and feed them into the policy process.

Similarly, Virgin Our Price have also undertaken a set of initiatives to ensure the more effective tackling of harassment in the workplace. First, senior management have made renewed calls to all line managers responsible for ensuring the effective implementation of the contract of employment to create a working environment that is free from harassment. As the Human Resource Director of Virgin Our Price explained: 'we talk to them particularly to ensure that they uphold the anti-harassment policy and that if it arises it is dealt with effectively'. Second and more specifically, through the data gathered via the employee survey, the Human Resource Directorate were able to identify precisely those Virgin Our Price stores that had reported relatively high levels of harassment or discrimination. As a result, they have organised a series of anti-harassment training programmes for these stores which communicated the company's intolerance of such behaviour and the need to ensure the effective implementation of the equal opportunities policy. Moreover, in order to establish precisely the nature of the harassment and its impact on the victims, the Human Resource Director of Virgin Our Price reported that she was intending to organise a series of focus group discussions with those ethnic minority employees who had reported being racially harassed or discriminated.

3. The Trade Union Congress (TUC)

In order to establish how effective the TUC has been in encouraging affiliated member unions to negotiate equal opportunities in collective agreements, it was decided to interview the National Black Members Officer of the largest affiliate trade union, UNISON. He revealed that UNISON had successfully promoted equality of opportunity in the workplace in two important ways. First, by training union representatives to take up issues of racial harassment faced by black members and secondly, through union negotiators securing equal opportunities through collective agreements.

The national Black Members Officer of Unison explained that they had received feedback from black members that:

UNISON advice on racial harassment at the local level was quite bad...some union representatives were failing to recognise racial harassment, failing to advise properly and basically failing to deal with the issue.

As a consequence, this officer explained that they addressed the issue by 'reaching agreement with our legal department on a set of guidelines on the legal services provided by the Union, and how they can be taken up by members'. Moreover, this officer explained that the union was intending to run a series of seminars on tackling race discrimination at work throughout Britain for their members. Finally, in 1995, the TUC had initiated a programme of regional race discrimination seminars designed to help full-time and lay officials to develop an understanding of law, identify cases of race discrimination and identify practical steps needed to support cases at industrial tribunals. Representatives from UNISON as well other affiliated trade unions attended these seminars. The race equality officer of the TUC explained that the best attended seminars were in London, Birmingham and York where 120, 76 and 40 people attended respectively (interview with race equality officer, January 1997).

This officer also explained that UNISON negotiators had successfully negotiated with employers for ethnic minority members to have extended leave arrangements in many workplaces including in local government and the health service. Secondly, UNISON has successfully encouraged its representatives to re-negotiate existing grievance and disciplinary procedure to ensure that there are specific procedures to tackle the racial harassment faced by many ethnic minority workers.

Facilitating the participation and representation of ethnic minority workers at all levels of the trade union movement has been an important feature of the TUC's work. A national survey carried out recently suggests that amongst both men and women, all minority groups except the Pakistanis and Bangladeshis had a higher rate of trade union membership than white people. Additionally, a similar proportion of South Asians men but fewer Caribbean men held elective posts in the union than white people, but there was no differences in the case of women (Modood et al 1997).

There are some perceived benefits that have been achieved as the race equality officer outlined when he talked about the creation of an annual TUC Black Workers Conference:

It has created a forum for black trade unionists to come together and raise issues that are common to all black members and to learn from each others experiences. And it has enabled black workers to have a direct input into the mainstream trade union movement.

Moreover, the right to elect three members to sit on the General Council of the TUC - the executive body of the TUC has as the race equality officer continued:

...placed issues to do with ethnic minorities at the centre of trade union organisation. This has to be positive. These structural changes have allowed ethnic minority workers to have access to and participate in the governing body of the organisation.

There is little doubt that the creation of these structures has indeed facilitated a greater participation and representation of black workers in trade unions. Attendance at the TUC annual black workers conference for the last four years has shown that between 170 and 190 delegates have attended from between 30 and 34 trade unions affiliated to the TUC. Additionally, black attendance at the TUC annual Congress has more than doubled from 3 per cent in 1993 to 7 per cent between 1994-1996. As the race equality officer concluded:

Overall, this represents a major advance for black trade unionists...although there's still room for improvement with some unions still not sending black delegates when they have black members.

Finally, we come to the TUC as an employer. It is difficult to evaluate at present the relative effectiveness of the equal opportunities policy in the TUC. According to the race equality officer, this is because the last 'monitoring exercise was done some time ago and we're due for the second one at the moment'. The race equality officer explained that this would take place as part of the review currently underway of the TUC's equal opportunities policy: 'part of that updating will be an assessment of how effective it has been'. As a result, it was difficult to establish how many ethnic minority workers were employed at the TUC. The race equality policy officer explained that 'in terms of policy officers, I don't know how many policy officers there are in total but there are two ethnic minority policy officers'. Nevertheless, he highlighted the importance of the TUC continuing to be an equal opportunities employer:

I think it is fundamental. If we advise affiliated trade union negotiators to negotiate with employers over equal opportunities...we can only keep demanding this if we do it ourselves.

The creation of the post of race equality officer by the TUC is clearly perceived to have been one of the most important successes of the TUC's work in promoting equality of opportunity at work. As the current occupant reported:

The creation of this post has been a positive development without a doubt. There is now an individual in the TUC with the explicit responsibility to forward issues of race equality in the trade union movement. And the way this post has developed, it's very important that the race equality work dovetails into the main campaigns of the TUC.

For example, he explained how he worked to ensure that the TUC campaign for a national minimum wage explained clearly how it would affect on black workers disproportionately because they were located in the low-paid sectors of work. The only difficulty the race equality officer identified in being able to carry out his duties effectively was

... that there's too much that I have to do and insufficient resources to meet the main demands of my post...Given the limited resources, you have to be very efficient in the way you organise and work. And you have to be very clear about your input.

4. Summary

The evidence that has been discussed suggests that Virgin Our Price and the TUC have both adopted a systematic approach to promoting equality of opportunity at work. This can be highlighted in several ways. First, in relation to Virgin Our Price, we have established that seven per cent of their employees are of ethnic minority origin; that at least one of the two main ethnic minority groups, Asians, are represented at all job grades of the organisation, including supervisory positions. However, Virgin Our Price have also recognised that the policies and practices that exist to date have not been completely effective in tackling the disadvantage faced by African Caribbean employees. Specifically, it has been found that they are not to be found in supervisory positions despite being more likely to serve longer with the company and they also reported higher levels of harassment and discrimination. To redress such disadvantage, Virgin Our Price have quickly undertaken a set of additional measures to ensure that all ethnic minority groups enjoy equal opportunities at work.

Similarly, the TUC have since the early 1980s, been successful in promoting equal opportunities at work. Affiliate trade union representatives are being trained to take up cases of race discrimination and harassment faced by ethnic minority members; union negotiators are securing equal opportunities through collective agreements and the TUC has successfully facilitated the participation and representation of ethnic minority workers at all levels of the trade union movement.

CONCLUSIONS

1. The importance of the socio-legal context in facilitating the prevention of racism at work

Any evaluation of the relative success of employers and trade unions in implementing a systematic strategy to prevent racism in the workplace must first attempt to assess the importance of external factors in facilitating the introduction of such policies and practices.

The legal status of Britain's migrant workers

There were a number of ways in which post-war migrants to Britain were different to the 'guestworkers' found in many other European countries. As a result of their former colonial status most of the UK migrants had the same political and legal rights as the indigenous population including the possession of voting rights in local and national elections. As a result, they relatively quickly ceased to be 'immigrants' and became settled ethnic minorities, preparing the ground for their spouses and children to join them at a later date.

Anti-discrimination legislation

Despite possessing such formal political rights, research evidence in the 1960s quickly established that racial discrimination in employment and in other spheres ranged from the 'massive to the substantial'. As a result, since the late 1960s, Britain, unlike many European countries, has had anti-discrimination legislation to counter the impact of discriminatory practices at work and in other arenas. In particular, since 1976, it has legislation which not only recognises direct racial discrimination but also indirect racial discrimination where the treatment of individuals may be described equal in a formal sense between different ethnic groups but discriminatory in its effect on one particular ethnic group. A particularly important aspect of this legislation with regard to employment have been the provisions which enable employers to take a range of measures to help people from ethnic minorities compete for jobs on a more equal footing with the others in the labour market.

The collection of ethnic origin data

However, research continues to show that anti-discrimination legislation is a necessary but not sufficient means of reducing racial discrimination in employment (Wrench and Owen 1996). The continued existence of racial disadvantage in the labour market and the measures required to address it have generated much heated debate. One important development arising out of these debates has been the gradual but increasingly widespread acceptance of the need for employers to collect ethnic origin data on their employees and applicants. It is hoped that this

will ensure the extent of disadvantage can be systematically assessed and thereby more effectively addressed through the adoption of positive action measures.

Voluntary equal opportunity policies

Since the early 1980s, employers, especially public sector employers such as the British Civil Service, local government and the National Health Service, encouraged by the government department responsible for employment (see Department of Employment 1990) and the CRE (CRE 1984) have increasingly introduced equal opportunity policies designed to encourage the recruitment and career development of ethnic minority workers. Hence, in many ways racial equality is widely recognised to be an essential component of equal opportunity policies in Britain today.

Against such a background, there are more specific factors that determine why employers and organisation such as Virgin Our Price and the TUC take initiatives to prevent racism at work. These are discussed next.

2. Translating policies into effective practice at an organisational level

Virgin Our Price

Central to our understanding of why Virgin Our Price introduced a systematic strategy towards the promotion of equality of opportunity at work lies in the belief held by their senior management that it makes business sense. Interviews with management and a detailed analysis of the relevant documentation revealed an explicit recognition that in a modern multi-ethnic society like Britain, promoting equality of opportunity at work was an essential pre-requisite to the success of the business. There was a belief that the employment of ethnic minorities at all levels of the organisation would help to ensure that the needs of current and potential customers would be met through a workforce that reflected the make up of the communities they served.

To translate such intentions into effective practice, Virgin Our Price have created an organisational structure comprising senior managers from all parts of the business to oversee the implementation of equal opportunities. Additionally, they have given every line manager in their 300 stores throughout the country the explicit responsibility of ensuring that the company equal opportunities policy is adhered to by every employee.

A particularly important factor in explaining the relative success of Virgin Our Price as an equal opportunities employer has been their recognition of the need to regularly monitor the effectiveness of their policies. This has ensured that any problems or difficulties in effectively implementing the policy have been identified and corrective action can follow quickly.

Trade Union Congress

Since the mid-1970s, the TUC has recognised the importance of specific measures to prevent racism in the workplace as well as amongst its members. This was motivated by a set of three inter-related factors: first, the growing organisation on the issue by black and white trade union activists; second, the series of industrial disputes in the late 1960s and early 1970s which highlighted union racism and inaction towards striking black workers; and, thirdly, by the growth of the far-right National Front, who played on the divisions between black and white workers and gave open support to white trade unionists in some of these disputes (Wrench and Owen 1996: 47).

The work in this area has encompassed four broad areas including:

- encouraging affiliate trade unions to negotiate equal opportunities through collective agreements with employers;
- encouraging trade union representatives to defend black workers who were victims of racial discrimination or harassment;
- facilitating the participation and representation of black workers in the TUC and affiliated trade unions;
- encouraging the TUC and its affiliate member unions to become equal opportunity employers.

The evidence gathered in the course of this study suggests that the TUC has been relatively successful in promoting equal opportunities at work. Affiliate trade union representatives are being trained to take up cases of race discrimination and harassment faced by ethnic minority workers; union negotiators are securing equal opportunities through collective agreements and the TUC has facilitated the participation and representation of growing numbers of ethnic minority workers at all levels of the British trade union movement.

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