

RACE RELATIONS POLICIES IN BRITAIN:  
AGENDA FOR THE 1990S

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## Race Relations Policies in Britain: Agenda for the 1990s

### 1. Introduction

Over the centuries Britain received large numbers of people from other countries - Irish, Poles, Italians, Ukrainians and Jews, - and many Britons went abroad to the colonies as rulers, administrators, soldiers, business people, etc, to represent the Empire. But it is only in the last forty years that Britain has received in significant numbers from the former colonies workers whose colour differs from that of the white population. The main sources of this immigration were the New Commonwealth countries of the Indian sub-continent and the West Indies,<sup>1</sup> The estimated present day number of ethnic minorities is about 5.0 per cent of the total population, and of these almost 50 per cent are now British born and they have political rights. Thus half of the ethnic minority population is not 'immigrant' but native - born British.<sup>2</sup> Ethnic minorities in Britain form part of 16 million people of immigrant origin in Western Europe.<sup>3</sup>

Successive waves of ethnic minorities in Britain have mainly settled in industrial areas where there were job opportunities. This applies both to those who initially had freedom of movement and to those who came through government and employers' recruitment efforts.<sup>4</sup> It means that the ethnic minority population is not distributed throughout the country in the same way as the white population.

The 1981 census shows that the ethnic minority population in Great Britain was a little over 2.2 million (estimated 2.8 in 1990) out of the total population of 53 million.<sup>5</sup> By using the 1981 census as a base (the latest systematic figures available about the geographical distribution) we find that most of the ethnic minorities are to be found in the South East (56 per cent), especially in the Greater London area, the Midlands (23 per cent), the North and the North West (16 per cent) and the remainder (5 per cent) in the South West, Wales and Scotland (in the Central Clydeside, mainly in Glasgow, and also in Edinburgh and Dundee). The contrast between the concentration of ethnic minorities in London and the South East (56 per cent) compared with the general population (31 per cent) is particularly marked.

Overall it is estimated that there are about 100 parliamentary constituencies in England with an ethnic minority population of over 10 per cent (58 of these with more than 15 per cent). As far as the local election wards are concerned, there are now several hundred with more than 15 per cent ethnic minority population and several with almost 50 per cent.<sup>6</sup> There are 1,100 wards throughout the country with an estimated population of 4.5 per cent and above.

The 1981 census figures show that of the 2.2 million ethnic minority population, an estimated 1.2 million (55 per cent) are of Asian origin, about 0.55 million (25 per cent) are of Afro-Caribbean origin, and the remaining 20 per cent of ethnic minorities have their origin in South East Asia, the Mediterranean, and other parts of the New Commonwealth.

The ethnic minority population is much younger than the white population. It has far fewer older people aged 65 plus (less than 3 per cent compared with 12 per cent for the total population). More than half of the population of Asian and West Indian origin, compared with about 35 per cent of the general population, is under 25. Almost 40 per cent of Asians are under 16 years compared with 30 per cent West Indians and only 22 per cent of the general population.<sup>7</sup> These age differences have implications for education, employment, and services for ethnic minorities.

As most of the original ethnic minorities who came to Britain were economic immigrants, their position in the labour market is a fundamental aspect of their

position in British society. The type of work available to them not merely governs their incomes, it also helps to determine where they settle, where their children go to school, how they interact with the indigenous labour force and population generally, their access to services, their chances of participation in the civic life, and their overall status in society. If ethnic minorities are granted access only to a limited range of occupations, sometimes because of racial discrimination, there will be concentrations in certain industrial sectors and factories and consequently, depending on their locations, there will be concentrations in certain housing estates, towns, cities and regions.<sup>8</sup> However, their concentrations in declining manufacturing sector is sometimes vulnerable to greater unemployment such as in textiles.

In this paper, therefore, first the social position of ethnic minorities is briefly reviewed by looking at some evidence of racial disadvantage and discrimination faced by the main groups. Second, the race relations legislation and various policies of redressive action are examined. In particular, the role of the Commission for Racial Equality (CRE) in implementing the Race Relations Act 1976 is explored. Third, the role of voluntary sector, local and central government in this connection is considered. Finally, conclusions are drawn by pointing out what needs to be done in the 1990s to improve the situation of ethnic minorities as British and as European citizens.

## 2. Evidence of Racial Disadvantage and Discrimination

Several studies have highlighted the racial disadvantage and racial discrimination which ethnic minorities in Britain face in their daily life. Leon Brittan, as Home Secretary in 1983 said 'racial discrimination and racial disadvantage are a daily reality for far too many black and brown people in this country'.<sup>9</sup> A few latest research findings will help to gauge the extent of racial discrimination in Britain.

A national survey of ethnic minorities published in 1984 showed that serious inequalities to which racial discrimination contributed, persist in employment, housing, education and other services.<sup>10</sup> Several other surveys, including some by the Commission for Racial Equality (CRE), have confirmed that racial disadvantage and racial discrimination are widespread. In 1982 a survey showed that almost 60 per cent of Afro-Caribbean young people (16-20) were unemployed compared with 42 per cent of whites.<sup>11</sup> Another survey conducted over the period February 1984 to March 1985 by the Policy Studies Institute, in collaboration with the CRE, revealed that over one third of employers discriminated against ethnic minority job applicants.<sup>12</sup> This survey showed the extent of direct discrimination only. In addition there is indirect discrimination as the CRE's several formal investigations in employment have shown.<sup>13</sup>

The unemployment rate among ethnic minorities was 20.9 per cent in 1985, almost twice as high as the rate for whites. Youth unemployment among ethnic minorities, in particular, has reached unacceptable levels, as some relevant surveys have shown. For example, West Midlands County Council figures showed that, in 1984 in Birmingham, white school leavers were three times more likely than Afro-Caribbeans and two and a half times more likely than Asians to find jobs. In Bradford a survey showed that only 7.5 per cent of 16 year old ethnic minority job seekers found work compared with 32 per cent of whites of the same age group. In Sheffield, one survey found that only 13 per cent of young blacks were employed compared with 47 per cent of whites. Although the overall unemployment rate has recently fallen but it still remains high for ethnic minorities, 19 percent compared with 11 percent for whites as shown in the 1989 Labour Force Survey.<sup>14</sup> Generally ethnic minority youth unemployment is double the level of white youth unemployment. There is no doubt that racial discrimination is playing its part in this worsening situation of very high unemployment for young ethnic minority people.

This is happening in a period of rapid economic restructuring and demographic changes. For example, the number of young people aged 16-19 in the general population will have fallen by over one million between 1983-93 but as a proportion the number of ethnic minority young people is increasing. Moreover because of high concentrations in some inner-city areas like Birmingham and London the proportions of ethnic minority young people will be almost 25 per cent of the new entrants to the labour market. However, the continued high levels of unemployment among ethnic minorities is not consistent with these changes.

A study of career destinations of graduates discovered that those from ethnic minorities appear to experience greater difficulties than whites in obtaining employment. A greater proportion of ethnic minorities were unemployed twelve months after graduation and they themselves perceived greater difficulties in gaining employment than did their white counter-parts. Ethnic minority graduates continued to have to make more job applications than their white peers, they received fewer interviews, job offers and early promotions and there was evidence of channelling them to specific courses and employments.<sup>15</sup>

It appears that even some well respected professions are not free from some form of direct or indirect racial discrimination against ethnic minorities. For example, a survey of teachers in eight Local Education Authorities in England with large concentrations of ethnic minorities showed that out of 20,246 teachers, only 2 per cent were of ethnic minority origin. The ethnic minority teachers in the survey, were found disproportionately on the lowest scales, 78 per cent on scale 1 or 2 compared with 57 per cent of the white teachers. At more senior levels, only five per cent of ethnic minority teachers were head or deputy headteachers compared with 13 per cent of white teachers.<sup>16</sup> Also it was found that ethnic minority teachers were concentrated in teaching posts funded by S.11 funds.\*

A formal investigation by the CRE into the accountancy profession discovered that the success rate of white applicants for accountancy posts was nearly three times as high as that of ethnic minority applicants. In addition, for those reaching the interview stage, the white candidates' success rate was nearly twice that of ethnic minority applicants. The CRE also found through a formal investigation that St. George's Medical School had racially discriminated against certain applicants who were identified as 'non-caucasian' through the use of a computer programme which gave negative mathematical weighting to such applicants.<sup>17</sup> The implications of this investigation extend to other medical schools and generally to other institutions of higher education.

A study of doctors showed that in England and Wales nearly one third of the National Health Service doctors were born overseas but only one in six of the total number of Consultants and HMSO were from overseas and that they were concentrated in the unpopular specialities notably geriatrics and psychiatry. It also showed that overseas doctors wait longer for promotion and that they had to make more applications for posts than their white colleagues.<sup>18</sup>

Ethnic minorities are under represented in the Judiciary, (only two Judges are of ethnic minority origin), the Civil Service, the Armed Forces, the Police. For example, in the police throughout the U.K., out of a total force of 120,000 only 1,370 are of ethnic minority origin. In the Greater London area where ethnic minorities form over 15 per cent of the population their representation in the police force of 27,000 is 463 (less than 2 per cent) and there is hardly any ethnic minority police officer in a senior position.

Tens of thousands of acts of discrimination in employment take place, in the U.K., every year and most of the victims have no way of knowing. High unemployment is hitting ethnic minorities harder and several surveys mentioned above show that racial discrimination is contributing to this dismal situation.

It is clear from recent patterns that discrimination in employment has a magnifying effect on other key areas like education and housing. However, discrimination is not just confined to employment. The CRE's formal investigation into council housing in the London Borough of Hackney, and its research and a formal investigation into council housing allocations in Liverpool showed widespread discrimination against applicants and tenants.<sup>19</sup> These are just three examples among many. In private sector housing discrimination, though undeclared, is still taking place, and this includes estate agents, private landlords and building societies.<sup>20</sup> Housing segregation has clear implications for education and also bad housing will no doubt affect health and mental health.

There is also an increasing number of racial attacks which take place particularly on some local authority housing estates. This was recently confirmed by the Home Affairs Committee report on racial attacks and harassment which made appropriate recommendations to local authorities and to the police to take racial incidents seriously and asked them to tackle these as one of their priority tasks.<sup>21</sup> Many individuals are coming forward to complain about discrimination in housing. For example, during 1984 and 1985 the CRE received 152 applications for assistance from such complainants, however in 1988 only 18 applications for assistance were received (see below for Commission's powers in this connection).

Some of the racial disadvantage and racial discrimination which ethnic minorities face in education is summarised in the Government - appointed Swann Committee's Report, Education For All. This Committee undertook inquiries into the education of children from ethnic minority groups. Among its many subjects the Committee Report looks at individual and institutional racism in education and suggests that eliminating racism can no longer be seen as marginal to education. The Report has many recommendations to help remove the educational disadvantage which many ethnic minority children face and which leads to underachievement. While endorsing its main principles the CRE has pointed out the failure of the Report both to develop its recognition of the existence of institutional racism and to urge more effort to remove directly discriminatory practices from the education system.<sup>22</sup> For example, the Commission found that in Birmingham black pupils were four times more likely to be suspended than white pupils. They were also less likely to be re-admitted to schools.<sup>23</sup> Furthermore, recent research in education shows that racial discrimination and differential treatment of ethnic minority children begins as soon as they enter primary schools.<sup>24</sup> 81 applications for assistance from complainants about education were received by the CRE during 1984 and 1985. However, this number dropped to 29 in 1988.

Racial discrimination in the provision of public and private sector services is still widespread, although this happens discreetly and often the victim is not aware of it.<sup>25</sup> In immigration the CRE found that the procedures operated by the Immigration Service were to the disadvantage of people from the New Commonwealth countries and Pakistan who were entering the U.K. and it made several recommendations to improve them.<sup>26</sup> Discrimination in health and the caring services is usually indirect or sometimes unintended. However, the CRE during 1984 and 1985 received 569 and in 1988 it received 356 applications for assistance relating to complaints about goods, facilities and services. This number is, no doubt, the tip of the iceberg, as an overwhelming majority of the victims either never come to know that they have been discriminated against or do not have the courage to complain.

There is also the incidence of an increasing number of racial harassment and racial attacks, particularly against Asians. One Home Office study showed that in 1981 the rate of racial attacks against Asians was 50 times that for white people and the rate for Afro-Caribbeans was 36 times that for white people.

This was confirmed by the Select Committee Report published in 1986. Recently (1989) a report by the Home Office highlighted once again the phenomenon of racial attacks and harassment.<sup>27</sup> The most common form of racial attack was by whites against Asians, who comprised 70 per cent of the victims of recorded incidents in London. The victim was usually a woman or child, the attacker a white teenager, often part of a gang, and sometimes encouraged by parents. The recent figures from the Metropolitan Police show that the number of racial attacks recorded have increased in the recent past.<sup>28</sup>

### 3. Race Relations Legislation

It is twenty five years since the first Race Relations Act in Britain was passed in 1965. The Act was the first step towards eliminating racial discrimination. It set up the Race Relations Board (RRB) which coordinated the work of nine regional Conciliation Committees which were established to deal with complaints of racial discrimination. The Act dealt only with discrimination in places of public resort, although the majority of the complaints received were about employment, housing and the police and these were outside the scope of the Act. The second Race Relations Act, of 1968, made discrimination unlawful in employment, housing and the provision of goods, facilities and services including education. The RRB was given power to investigate complaints, and secure redress for the victims of racial discrimination. The 1968 Act also set up another organisation, the Community Relations Commission (CRC), in parallel with the RRB. The function of this organisation was to promote good community relations and to advise the Home Secretary on such matters. It also took the responsibility of dealing with the local Community Relations Councils. The law was consolidated and extended in the third Race Relations Act, of 1976. Under this Act the Commission for Racial Equality (CRE) was brought into being and the RRB and CRC were amalgamated in this new body. It started its work in June 1977. The scope of the legislation remained much the same but, in addition to direct discrimination, the concept of indirect discrimination was introduced for the first time.

It is relevant to look at the definition of discrimination as set out in the 1976 Race Relations Act, Section 1 (1) a:

(1) 'A person discriminates against another in any circumstances relevant for the purposes of any provision of this Act if -

(a) On racial grounds he treats that other less favourably than he treats or would treat other persons; or

(b) he applies to that other a requirement or condition which he applies or would apply equally to persons not of the same racial groups as that other but

(i) which is such that the proportion of persons of the same racial group as that other who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and

(ii) which he cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the persons to whom it is applied; and

(iii) which is to the detriment of that other because he cannot comply with it.

(2) It is hereby declared that, for the purposes of this Act, segregating a person from other persons on racial grounds is treating him less favourably than they are treated'<sup>29</sup>

Therefore, direct racial discrimination takes place where a person treats another less favourably on racial grounds. Indirect racial discrimination

occurs when all persons are apparently treated equally, but when a requirement or condition is applied with which a considerably smaller proportion of one racial group can comply as compared with another racial group, when a failure to comply is a detriment, and when the requirement or condition cannot be shown to be justifiable as quoted above from the Act.

The CRE's formal investigations, the Industrial Tribunal and Court cases have shown that the definition of discrimination, direct and indirect, needs clarification. The CRE recommended in 1985, in its Review of the Race Relations Act 1976: Proposals for Change, that the definition of discrimination should be improved. It suggested: 'Either by direct statement or by use of illustration as to what is meant by "on racial grounds," The Act (without the need for reference to case law) should make the position clear that direct discrimination does not necessarily involve a racial motive'.<sup>30</sup>

The CRE further recommended, on the basis of American experience, that the British legislation should exemplify the meaning of significant adverse impact, for example, by an illustration in which a 20 per cent difference in impact between racial groups is treated as significant. It should exemplify the test of what is necessary with illustrative formulations for each of the various fields in which the Act applies.

These proposals were submitted to the Home Secretary in 1985 and the Commission is still waiting for a formal reply. However, the Government had indicated informally to the Commission that some of its proposals for strengthening the Race Relations Act should be pursued by way of making amendments to existing new legislation. Therefore, the Commission tried this method within the Education Reform Act 1988, the Immigration Act 1989, the Local Government Act 1988, the Local Government Finance Act 1988, the Children Act 1989, the Employment Act 1989 and the Fair Employment (Northern Ireland) Act 1989. In some of these it had some success with others there has been great disappointment.<sup>31</sup>

#### 4. Commission for Racial Equality

It is relevant here to outline the duties of the CRE under the 1976 Race Relations Act, Section 43 (1) (c). The CRE is charged with three duties:

- (1) to work towards the elimination of discrimination,
- (2) to promote equality of opportunity, and good relations between persons of different racial groups; and
- (3) to keep under review the Race Relations Act and to recommend amendments when necessary.

It was in accordance with its duties under the Act and its experience of using the legislation for the last eight years that the Commission made recommendations for changes in the Act to the Home Secretary in 1985. It argued that 'the need for effective legislation to promote racial equality is, if anything, greater now than it was in 1976. The facts relating to racial disadvantage are known. The degree to which, in a variety of ways, the disadvantage is compounded by discrimination on racial grounds is increasingly well established'.<sup>32</sup>

As indicated above no formal response has been received by the Commission from the Home Secretary about its proposals. However, some of the Court decisions, in particular the Prestige judgement, (see below) have reduced the Commission's scope to use the Act effectively. As a result victims of discrimination are not getting that redress through the legislation which was intended by Parliament.

- (i) Law Enforcement
  - (a) Individual Complaints



Under Sections 54 and 57 of the Race Relations Act individuals who complain that they have been the subject of racial discrimination may institute proceedings. Employment cases are heard by Industrial Tribunals and non-employment cases by County Courts in England and Wales and by a Sheriff Court in Scotland. Legal aid is available in a county or Sheriff Court, but only for preparations and not for presentation of cases taken to Industrial Tribunals.

The Department of Employment figures show that between 1981 and 1984 1,296 applications were made to Industrial Tribunals alleging unlawful discrimination under the Act. Out of these only 97 (just over 7%) were successful. The compensation either received through conciliation or Tribunal awards was on average less than £500 while many awards were for less than £200.<sup>33</sup> Although the number of cases had recently increased (for example, between 1987-89 it was 1,548), these figures for the number of cases are surprising given as research has shown, referred to above, that tens of thousands of discriminatory acts in employment occur every year. The pattern for the County Court decisions in non-employment cases seems to be much worse. The main disincentives for individual complainants seem to be the expense, the long delays in the procedures, the low expectation of success, very poor compensation, and the publicity which they feel may hinder them when seeking employment, mortgages etc.

The CRE has power under section 66 of the Act to give assistance to individuals who wish to pursue complaints of discrimination either to the Industrial Tribunals or County Courts. Each year the Commission receives over 1,000 applications for assistance. For example, in 1984 it received 1202 applications: 765 in employment, 410 in non-employment and 27 out of scope of the Act. Out of 132 individual cases which the Commission pursued and were decided during 1984 only 23 were successful after hearing, 45 were settled on terms and, 64 were dismissed after hearing. In 1985 the Commission registered 1150 applications. Out of these 734 were in employment, 402 in non employment and 14 out of the scope of the Act. Out of the 176 cases the Commission pursued, 53 were successful after a hearing, 58 were settled on agreed terms, and 65 were dismissed after hearing. In 1989 the Commission registered 1307 applications for assistance and granted representation in 180 cases. Of the cases completed 115 were successful or successfully settled and 49 were lost. This shows a good progress compared with 1985. Also the levels of compensation have improved, the use of ethnic monitoring data to prove discrimination is established and the test of justifiability in cases of indirect discrimination is clarified.<sup>34</sup>

It is worth pointing out that the CRE is putting effort into making other relevant bodies, such as trade unions, to play their due role in implementing the law against racial discrimination. So far there is limited response to this effort. For example, training courses for shop stewards have taken place to help them to deal with racial discrimination cases and the impact of the TUC's Equal Rights Unit in this connection is still small but significant.

A Commission survey showed that applicants who were professionally aided in taking complaints of racial discrimination in employment to an industrial tribunal were 3 times more likely to succeed than those who had little or no help in promoting their cases.<sup>35</sup> The Commission itself was the main provider of such aid. There is no legal aid available for the presentation of such cases.

The survey found that only 45 per cent of applications were actually heard by the Tribunal, only one fifth were upheld and four fifths were dismissed and 80 per cent of the Tribunal awards were below £300. Applicants felt that this compensation was unsatisfactory. A further source of discontent was with the Tribunal's limited powers. Most applicants wanted re-instatement or promotion. While the Tribunal has the power to make these recommendations, it cannot enforce them.

In view of the importance of professional aid to get redress for individual complainants, the Commission recommended extending legal aid to racial discrimination cases. Also in view of the low success rate and wide dissatisfaction of individual complainants, the Commission questioned whether Industrial Tribunals were the best forum for dealing with complaints of racial discrimination in employment. It recommended that a discrimination division within the Industrial Tribunal system should be established to hear both employment and non-employment race and sex discrimination cases. As a result the County Court jurisdiction for non-employment cases should go. The proposed discrimination division should be able to call upon the services of High Court Judges for more complex cases and should have full remedial powers.<sup>36</sup> The Commission, on the basis of its research, also recommended that 'in accordance with the recommendations of the Royal Commission on Legal Services, legal aid should be extended to cover racial discrimination cases in tribunals.' The other relevant issues are: higher compensation by the Tribunals and County Courts, involvement of ethnic minorities on the Tribunals as members, improvement in the Advisory Conciliation and Arbitration Service's (ACAS) role in conciliation and a greater involvement of the trade unions in racial discrimination cases. All these steps will, no doubt, help to restore the complainants' confidence in the legal system and get proper redress for racial discrimination. If action on these is delayed further race relations legislation might be seen by many as ineffective.

(b) Pressure and Instructions to Discriminate

Section 30 and 31 of the Act make it unlawful to instruct, induce or attempt to induce another person to do an unlawful discriminatory act. Proceedings can be brought only by the CRE. The Commission dealt with 45 and 58 cases of alleged pressure to discriminate in 1985 and 1988 respectively. Employment cases are heard by Industrial Tribunals and non-employment by County Courts.<sup>37</sup> In most of the employment cases employers gave discriminatory inducement or instructions to their workers. The Commission decided to bring proceedings in 29 cases in 1988. Most of these were settled between the parties, often with respondents admitting liability and giving assurance in writing not to repeat the actions. These admissions by the respondents that unlawful discrimination had occurred and undertakings against future discrimination and some other appropriate steps to be taken to provide equality of opportunity are useful outcomes with little use of Commission's resources compared with formal investigations and some individual complaints. However, these cases receive very limited publicity and therefore are not a deterrent for others.

(c) Formal Investigations

Racial discrimination is always difficult to prove by the individual complainant as the low success rate of cases referred to above shows. Most complaints are of direct discrimination and very few cases of indirect discrimination or alleged victimisation come forward. However, the Commission was given the new power under S.48 of 1976 Race Relations Act to conduct formal investigations. It also has the power to issue non-discrimination notices requiring the 'respondent' not to commit any such discrimination as is found, and, where compliance with that requirement requires changes in any practices or other arrangements, to inform the CRE that he has effected those changes and what those changes are, and to take such steps as may reasonably be required for the purpose of communicating that information to other persons concerned.<sup>38</sup> The formal investigation was seen as the main instrument for the Commission's strategic role in tackling discrimination as it can look into the policies and practices of employers and other organisations to find out whether they have discriminated on racial grounds. These formal investigations, sometimes coupled with research exercises, give the Commission powers to look into what the individual complainant and victims cannot see.

The Commission's formal investigations can be divided into three categories: general investigations into a particular activity; investigations into a named person where an unlawful act was suspected; and investigations into a named person where no unlawful act was suspected. By the end of 1985, after nine years of the Act's operation the Commission had started 52 investigations. These included: 28 in employment, 12 in housing, eight in the provisions of goods, facilities and services, three in education and one into the immigration service. Nine were abandoned for legal reasons (see p.14). The Commission had published reports on 41 investigations by the end of 1989. Of the 14 where public reports had been published by the end of 1982 in 11 discrimination was found and non-discrimination notices were issued.<sup>39</sup> This is a very high success rate. But it must be emphasised here that the majority of these early completed investigations did not involve large organisations as the Commission's manpower and financial resources did not allow it to do so. Therefore, their deterrent effect is difficult to judge. However, the effect of subsequent large investigations, such as housing in Hackney, has been considerable. (see below). The Commission found discrimination in most of the 47 investigations completed so far.

In the last few years, however, the Commission has been having difficulties in mounting investigations into named persons because of the House of Lords' interpretation of S.49 (4) in an appeal by the Commission in a case against the Prestige Group PLC.<sup>40</sup> This judgement restricted the Commission's investigation powers and as a result seven other investigations of a similar type became invalid. To restore this power, the Commission has recommended that 'Subsection 49 (4) of the Act should be repealed. This would mean that the effect of the Prestige case would be reversed and the Commission's powers to conduct a formal investigation for any purpose connected with the carrying out of its duties (S.48) would thereby be clearly established.' Whether this recommendation will be accepted by the Government and Parliament remains to be seen. The Prestige decision has certainly affected the strategic powers and role of the Commission as it was highlighted in the Government's white paper, Racial Discrimination, (1975) <sup>41</sup> and the discussions which followed in the Committee stages of the Race Relations Bill. The Sub-Committee on Race Relations and Immigration of the Home Affairs Committee in its report on the Commission also confirmed the importance of the Commission's strategic powers. It said 'The persuasive power of promotional work is increased hundredfold when it is supported by experience gained from thorough and detailed examination.'<sup>42</sup>

One area of the legislation which has not so far been tested is what happens to those employers or providers of services who are persistently discriminating even after being found guilty. We know that some small and middle size employers take out insurance cover against legal costs on racial discrimination. In this way, except the awards, which are generally so low, there would not be any additional costs for the guilty employer and no deterrent effect. Furthermore, unlike the large employers who are generally concerned about 'bad publicity' the middle or small size employers probably do not worry too much about a finding of racial discrimination. Moreover, an individual complainant finds it difficult to prove evidence or proof of racial discrimination as he or she has not direct access to the employer's records, especially if the employer does not keep ethnic records.

The Commission's remedial powers are limited. They do not compensate for past discrimination but are more directed to attempting to change future behaviour. Where a 'respondent' decides not to comply with a requirement in a non-discrimination notice, the Commission may apply to a County Court for an order requiring him to comply with it. This is not an injunction and non-compliance with it carries a small fine as the only sanction.<sup>43</sup> It appears from the Commission's experience in dealing with investigations that there are considerable limitations in using the law and that the Act needs to be amended to include affirmative action programmes on respondents found guilty of racial

discrimination, and monetary and non-monetary compensation for individuals who are victims of discrimination.

(ii) Other Methods To Help Tackle Discrimination

There are other relevant methods for bringing about change and to tackle discrimination and to provide equality of opportunity under the Act. Four are worth mentioning.

(a) Research

The first method of effecting change is the effective use of research for policy. Under S.45 of the Act the Commission can carry out research itself or grant funds to other organisations and individuals. The Commission concentrates on those research projects which directly assist in its promotional, investigative and advisory work. Therefore, the research activity is integrated with the other aspects of the Commission's work to fulfil its duties as outlined in S.43 of the Act. Several research projects have been completed in the field of employment, housing, education, services, the media etc. Some of these have directly helped the Commission's formal investigations while others have highlighted the racial disadvantage and discrimination that ethnic minorities face in various walks of life, including the National Health Service, the teaching profession and the media. Furthermore, the links between the CRE's Research Section and other institutions undertaking research in this field and the use of ethnicity in several national (and the 1991 Census) and local surveys is helping policy in ethnic relations.

The Home Office's Research and Planning Unit also undertakes and funds research on race relations as do some other central government departments and local authorities. But this research is to meet their own research needs and is very limited. Over the years the Policy Studies Institute has also undertaken research in this field on behalf of the Home Office and some other Government departments. Furthermore, the Centre for Research in Ethnic Relations at the University of Warwick funded by the Economic and Social Research Council (ESRC), a national centre for the study of advanced teaching of issues concerning race relations, undertakes research on wide ranging topics which is relevant to policy.<sup>44</sup> Through its publications, conferences and seminars the Centre is disseminating its research findings to influence policy on a regular basis and also acting as a national coordinating centre in ethnic and race relations.

(b) Code of Practice

The second method is the Code of Practice which the Commission has issued under S.47 of the Act. This Code provides practical guidance for the elimination of discrimination and the promotion of equality of opportunity in employment. It came into force in April 1984 with Parliament's approval and is already proving a good tool for employers to follow good practice.

The Code's recommendations are also admissible in Industrial Tribunal cases. The cross examination of witnesses in tribunal hearings often shows that although many employers have equal opportunity policies, their line managers are not implementing the recommendations of the Commission's Code.

A national survey of employers conducted by the Commission looked at the detailed effectiveness of the Code. The survey showed that awareness of the Code was high among employers interviewed and two thirds of them had adopted written equal opportunity policies but only 25 per cent had a monitoring<sup>45</sup> system. But, where employers had implemented most of the recommendations of the Code they had achieved positive results. However, the Commission believes that its Code - making powers should not be restricted to the field of employment, but should be extended to include other areas such as housing, education and

services. As a result of the efforts of the Commission the Housing Act 1988 included an amendment to the Race Relations Act which gave it statutory authority to issue a Code of practice in the area of rented housing, both public and private sectors. This Code was approved by Parliament in November 1990 and will be published in February 1991. By an amendment to the Local Government and Housing Act 1989, the Commission's Code making powers are also extended to non-rented (owner-occupied) area of housing including estate agents; lending institutions and valuers and accordingly a consultation draft of the Code is published which has been circulated to relevant organizations for comments.<sup>46</sup>

In 1989 the Commission also published the Code of Practice for the Elimination of Racial Discrimination in Education. This Code does not carry statutory authority like other Codes of the Commission; however, it provides practical guidance and is endorsed by the Secretary of State for Education.<sup>47</sup>

(c) Ethnic Monitoring

It has been acknowledged widely that without ethnic record-keeping and regular monitoring it would be difficult to eliminate discrimination and to operate effective equal opportunity policies. The usefulness of ethnic record-keeping and monitoring has been mentioned in the Commission's Employment Code of Practice and other relevant documents. The experience of several employers, local authorities and to some extent of the Central Government in ethnic record-keeping and monitoring shows that these methods are essential to tackle racial discrimination and to provide equality of opportunity. For example, for any redressive action one needs to find out first the statistics to establish whether discrimination is occurring and if so at what levels in the system. It must be emphasised that ethnic record keeping and monitoring are not just relevant to the field of employment. It is equally relevant to housing allocations and transfer procedures of local authorities, students' admissions and performance in educational institutions, various aspects of health and social services, for example, children in care, the prison population, and so on. What the Commission said in 1983 about the importance of ethnic record-keeping with built-in monitoring is equally relevant in 1990: 'the point that the Commission has been trying to hammer home is that there is no substitute for finding out what is actually happening. That means getting at the facts and then doing something effective about them. In many hundreds of organisations equal opportunities policies are now developing. They need to be as efficiently audited as any profit or loss account. Otherwise, they may be no more than cosmetic.'<sup>48</sup> Because of the importance of ethnic record-keeping and monitoring in tackling racial discrimination and providing equal opportunity, the Commission is convinced that they should become mandatory, as in the United States, and the Commission should be given a power to require returns to be made where record-keeping has been prescribed. Now that an ethnic question is included in the next Census in 1991 it should provide comprehensive data about the comparative living and working conditions of ethnic minorities and whites.<sup>49</sup> It is also useful to note that some national surveys such as Labour Force Survey and General Household Survey, and other research include ethnic question on a regular basis and that this has generally been accepted by government departments and Local Education Authorities (LEAs).

One way to make this method work is to look at the obligations of Local Authorities, under the Act, both as large employers and as providers of several services. At present under S.71 of the Act there is a general duty on local authorities 'to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need: (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations, between persons of different racial groups'. However, this general statutory duty imposed on local authorities is not very effective, as experience has shown so far. It needs to be amended to conform to S.43 (1) (a) and with regard to each of the various functions of the local authorities. This

amended version of S.71 also needs to be extended to all bodies carrying on a service or undertaking of a public nature as defined in S.75 (5) of the Act. Furthermore, to make ethnic record-keeping, monitoring and their other policies effective, public bodies, including local authorities, should be required by law to publish, in their annual reports or separately, annual programmes and progress reports to enable the Commission and the public to evaluate their policies in the field of race relations. In particular any positive action they have taken to redress the situation and its effectiveness should be disseminated for the benefit of others.

However, for any monitoring it is important that the ethnic classification categories should be compatible with the categories of the ethnic question in the 1991 Census.<sup>50</sup> This way a comprehensive body of data will be available for analysis to find out the effectiveness of equal opportunity policies.

(d) Positive Action

The fourth method is 'positive action' which is provided for in the 1976 Race Relations Act under Sections 35, 37 and 38. It is a series of measures by which people from particular racial groups are either encouraged to apply for jobs in which they have been underrepresented or given training to help them develop their potential and so improve their chances in competing for those jobs. The elements of competition and standards remain important in the policies of positive action.

The Act does not provide for people to be taken on because they belong to a particular racial group, except in very limited circumstances where racial group is a genuine occupational qualification for the job.<sup>51</sup> What it does is to provide for fair competition. It needs to be pointed out that the concepts of 'reverse' and 'positive' discrimination as used in the United States are illegal according to the Act and these should not be confused with the term 'positive action' as used in Britain. Therefore, positive discrimination in selection for employment to achieve 'racial balance' is not permitted under Sections 37 and 38 of the Act. However, some sections of the media have confused positive discrimination with positive action and in some cases it appears quite deliberate.

Positive action should therefore be seen as a remedy for past disadvantage and discrimination and as a complement, rather than a substitute, for a general programme for ending racial discrimination. As far as informal recruitment methods in many industries are concerned, ethnic minorities are disadvantaged as they never come to know of vacancies because they have never worked in those industries. They are unable to pass on to their friends and children the information on vacancies. Therefore, such establishments will always remain all-white. The Commissions formal investigations have shown that 'informal recruitment' e.g. word of mouth recruitment is unlawful as it discriminates indirectly against particular racial groups. However, even when these methods of recruitment are corrected to remove their unlawful effect, it can take many years before an impact is made on opportunities for ethnic minority people. Therefore, some urgent positive action is needed to correct the effect of past discriminatory policies and practices of employers in this regard. There could be another situation where ethnic minorities may not apply for jobs because they do not see anybody from their racial group working there or because of the past direct or indirect discrimination which has occurred in a particular organisation and it is well known that that employer does not employ ethnic minorities at all or does not appoint them in particular posts. Here again just to remove discriminatory practices will not be enough. More needs to be done to win the confidence of ethnic minorities in that particular employer and to encourage and help them to apply. This help could be the encouragement and training as permitted in Sections 37 and 38 of the Act.

Section 38 permits an employer to provide training for employees from particular ethnic minority groups for jobs in which they are under-represented. Its main use in practice seems to be to help employees for promotion. As this provision does not extend to non-employees it cannot deal with situation mentioned above where there are hardly any ethnic minorities in the work force. For this reliance must be placed upon Section 37, which until recently allowed training by training bodies that had been designated by the Secretary of State for Employment. Forty organisations were designated by the Secretary of State to run courses under S.37 by 1989. However, as a result of an amendment to S.37 in 1989 now employers are permitted to provide training to non-employees of particular racial groups where there is under-representation in the work force.<sup>52</sup> But to correct the effect of past discrimination an employer should also be entitled, where there are no ethnic minorities in the work force or a particular racial group is under-represented, to carry out a policy of preferring a member of that group for employment in the narrowly confined

situation where competing applicants for employment are equally well qualified to carry out the job in question.<sup>53</sup>

As far as meeting the special needs of racial groups is concerned, Section 35 of the Act allows this: 'Nothing in Parts II to IV shall render unlawful any act done in affording persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to their education, training or welfare, or any ancillary benefits.'<sup>54</sup> Also under S.5 (2)(D) of the Act relevant persons to provide personal services for people from the same racial group could be appointed. Although recent experience has shown that some of the local authorities have misinterpreted this section of the Act and one has actually been taken to an industrial tribunal by the Commission. In 1989 the Commission received 88 complaints about alleged discriminatory advertisements in employment and a high proportion of these concerned section 5(2)(D). However, after making enquiries the Commission was satisfied that about half of these were justified and in many others application of the exception under the Act was misunderstood. Most of these were resolved through conciliation.

In relation to 'positive action' it is relevant here to look at the experience of the United States in dealing with racial discrimination, since its efforts to achieve equality have a longer history than those of Britain. The United States has passed through three phases in tackling discrimination.<sup>56</sup> These are:

(1) The 'colour blind' policy which started in 1954 and simply stated that no government official or private employment was allowed to discriminate on the basis of race. Even the keeping of race records was considered improper. However, the Civil Rights Act of 1964 and Voting Rights Act of 1965 changed all that.<sup>57</sup>

(2) The 'affirmative action' phase which started in 1965 and required employers with federal contracts to 'take affirmative action to ensure that employees are treated ... without regard to their race, colour, religion, or national origin.'<sup>58</sup> The affirmative action policies were later extended to include education, housing and other areas. The laws required employers and others to take positive steps such as advertising in newspapers and magazines read by blacks, collecting race/ethnic data, and recruiting blacks where they were under-represented but there was no requirement of quotas to be met.

(3) The 'quota' phase, which started in 1971 when the Department of Labour promulgated an interpretation of the Civil Rights Act 1964 and the Executive Order 11246 of 1965 that made racial quotas mandatory. This regulation is known as Revised Order No 4 and it outlines in detail the required contents of affirmative action plans to be developed and monitored by institutions that have contracts with the Federal Government. This applies to blacks, Hispanics, religious minorities, women, workers over 50, the handicapped and Vietnam War Veterans. The government now requires that statistical goals be set for minorities and the Department of Labour is responsible for administering Executive Order 11246 and revised order No 4 to the Office of Federal Contract Compliance Programs (OFCCP). This third phase, though still called 'affirmative action' no doubt, is asking employers to try harder to make affirmative action effective.

I would like to emphasise here that the American experience both in terms of achievements and mistakes about the redressive action policies becomes relevant to the debate on these issues in Britain. Furthermore it is important because generally race and sex discrimination legislation in Britain are based on the American model.

5. Voluntary Sector, Local and Central Government



In addition to anti-discrimination law enforcement in Britain the voluntary sector makes an important contribution to eliminating racial disadvantage and discrimination. In particular the role of 103 Community Relations Councils (CRCs), partly funded by the Commission under S.44 of the Act, is crucial at local level in the elimination of racial discrimination and the implementation of redressive action policies. Recently, as a result of new partnership between the Commission and the CRCs, most of them have been renamed as Race Equality Councils (RECs). The CRCs/RECs' work mainly includes: community service, public education, campaigning on relevant issues, community development and policy development in the field of race relations. However, as a consequence of the new partnership the work programmes of the CRCs/RECs will be agreed and monitored closely by the Commission.

Furthermore many local authorities have made good progress in tackling racial disadvantage and discrimination following their obligations under S.71 of the Act. For example, some authorities have set up race relations units to monitor their own employment policies and services. It must be pointed out that some of these policies are not without problems. However, a number of local authorities have yet to take appropriate action and others need to do more as employers and providers of various services.

In the light of their obligations under S.71 of the RRA, the Local Government Act 1988 (LGA) now enables local authorities to ensure that companies with which they have contracts for goods or services achieve minimum standards in their equal opportunity policies and practices. Under the LGA contractors may be required to give satisfactory answers to six questions, approved by the Secretary of State, and that local authorities may include clauses requiring contractors to take particular measures to ensure that they operate equal opportunity policies and practices.<sup>59</sup> However, local authorities must implement equal opportunity policies themselves and demonstrate good practices before expecting contractors to do this.

Before this legislation some local authorities including the now abolished Greater London Council (GLC) and the Inner London Education Authority (ILEA) had used contract compliance with contractors and suppliers and their experience showed that it works in the light of their obligations under S.71 of the RRA 1976. The working of the LGA 1988 on Contract Compliance needs close monitoring and an agency like the CRE should be given the responsibility to do this.

Central Government has two programmes which aim to tackle racial disadvantage: the Urban Programme and S.11 of the Local Government Act 1966. The Urban Programme is seen to help inner cities, where most of the ethnic minorities live, as the major source of finance for voluntary sector schemes. Section 11 is seen as the major vehicle of central government financial support for local authorities' programmes to tackle racial disadvantage. Section 11 empowers the Home Secretary to pay 75 per cent grants in respect of the employment of staff by local authorities to make special provision for ethnic minorities in their areas whose language and customs differ from those of the community at large. It is used for the appointment of staff in education, libraries, housing, social services and recreation. However, the effect of these programmes has been marginal and in some cases they have either not been taken up or not used effectively or have been misused, particularly the S.11 funds. It is also clear from statistical evidence that by the use of S.11 ethnic minority workers have been marginalised. A recent scrutiny of S.11 has been completed by the Home Office, and this resulted in new guidelines for the use of these funds.<sup>60</sup>

The Government has also started a limited monitoring of the Civil Service as part of its equal opportunity policy. The monitoring has shown under-representation of ethnic minorities in particular grades and areas. However, on 'contract compliance' no progress has been made although since 1969 there has been a clause in all government contracts requiring contractors to conform to

the employment provisions of the Race Relations Act. There is great potential through government contracts for getting employers to adopt and to monitor effective equal opportunity policies. But so far this power has not been used. However, in Northern Ireland under the Fair Employment Act 1989 the Government has included requirements of contract compliance, record keeping and special industrial tribunals to deal with religious discrimination. Similar obligations need to be placed on employers regarding racial discrimination. The Government's response so far is that different considerations apply to the Northern Ireland situation.<sup>61</sup>

## 6. Conclusions and Action Required

Recent trends show that some progress has been made to tackle racial discrimination. However, direct discrimination, has often become covert and difficult to detect. Therefore, a new definition of indirect discrimination is needed which should cover any policy, practice, and situation which is introduced, allowed or continued and which has a significant adverse impact on a particular ethnic or racial group and which can not be demonstrated to be necessary. It is still difficult to prove cases of discrimination and the remedies for individual complainants are so feeble. Many people do not feel that it is worthwhile to go through all the publicity, stress and costs. The number of individual complainants remains low although research shows that thousands of acts of discrimination take place every year. To use law as a deterrent, effective sanctions are needed in the 1990s as now exist for Northern Ireland (see below). Furthermore, it is important that in addition to employers, individual employees who discriminate against ethnic minorities should also be punished. It is ironic that while immigration legislation seems to be very effective, though sometimes unfair, race relations policies have not been that effective.

In Britain the purpose of racial discrimination legislation seems to be mainly remedial while in the United States it is preventive as well. The framework of the British legislation is broadly right. However, some of its ambiguities need to be removed and generally it requires strengthening. In particular, the Government's own activities should not be exempt from the Act. Furthermore, it is important that keeping of ethnic records is made mandatory and that both Central Government and local authorities implement 'contract compliance' and the CRE should be given the responsibility of monitoring this. Some of this is already being done in another part of the United Kingdom, Northern Ireland, where under the Fair Employment (Northern Ireland) Act 1989, all public and private sector employers, with more than 25 employees are required to monitor their work force.<sup>62</sup> This is similar to the American situation with one exception that the Presidential Executive Orders cover only Federal contractors. The Office of Federal Contract Compliance Programs monitors this and the American contractors who do not comply are penalised. In Northern Ireland the sanctions for non-compliance include straightforward financial penalties for both government contractors and other employers as well as non-renewal for the contracts.<sup>63</sup> It appears that there is 100 per cent registration of companies with the Fair Employment Commission as is almost 100 per cent response to employers monitoring exercise which clearly shows that sanctions do work.<sup>64</sup> Such sanctions do not exist under the Race Relations Act.

A close examination of the Fair Employment (Northern Ireland) Act shows that there is nothing in that legislation which cannot be implemented for racial minorities if the Race Relations Act 1976 is strengthened accordingly. It appears that the Government is following double standard within the same country. In one part i.e. Northern Ireland, religious groups are covered exclusively by the Fair Employment Act and racial minorities are excluded while in rest of the United Kingdom racial groups are covered by the Race Relations Act but religious groups are excluded. It is now well known that the former legislation was passed by pressures from the Irish lobby in the United States.<sup>65</sup>

However, ethnic minorities in Britain do not have similar political support abroad. But as citizens of this country they are entitled to equal treatment.

Central government and local authorities should also monitor their contracts in order to establishing how many of these go to ethnic minority contractors and suppliers. Because it is equally crucial to provide equal opportunity for ethnic minority businesses.

It is important that the Government should set a good example. So far this has not happened. It would be helpful if the Government made use of its contracts to achieve equal opportunity by offering advice where needed and applying sanctions only if this approach fails. As indicated above under the LGA 1988 the CRE could be given the job, with additional financial resources, of monitoring contract compliance for the Central Government as well.

The other issue for the 1990s is the free movement of people throughout the European Community (EC) under the Single European Act from January 1993. There are several aspects of the European Act which relate to ethnic minorities. For example, Britain has legislation to tackle racial discrimination which does not exist in a number of other member states. Furthermore, there is no such legislation at EC level. Therefore, while ethnic minorities from Britain are covered by the Race Relations Act, they would not have a similar protection in other European countries although citizens from other EC countries will have such protection in Britain.

The other issue is the restriction of movement of non-community citizens or 'third country nationals'. (there are 7.5 million non-community citizens in EC countries). There are other worries in Britain: that it would be made more difficult for relatives and friends of ethnic minorities to get visit visas, the right to appeal against refusal of a visit visa may be withdrawn, the question of controls at external borders and the issue of the rights of asylum seekers are not clear.

Two other concerns in the EC context are worth mentioning: the mutual recognition of qualifications and equal opportunity dimension for contract compliance. On the mutual recognition of qualifications the Directive on the Mutual Recognition of Diplomas<sup>66</sup> does not recognise non-EC qualifications. This clearly has implications for thousands of ethnic minorities who received their qualifications from New Commonwealth countries. As far as the Contract Compliance and equal opportunity considerations are concerned, the EC Directives on public procurement cover financial and commercial criteria only. However, under the Local Government Act referred to above local authorities in Britain are allowed to take a few equal opportunity considerations into account for their contracts. It is clear that all these anomalies need to be removed and make sure that new EC legislation is an improvement on the current legislation in Britain. Generally there is an urgent need for anti-discrimination legislation on European levels and accordingly relevant amendments to the Treaty of Rome.

Therefore, the agenda for action for the 1990s is quite clear to fight racial discrimination and inequality in Britain and at EC levels. The law should not just condemn racial discrimination, but help to eradicate it with good compensation and redress for victims. This will help to increase the confidence of ethnic minorities in the law itself and the systems which use and interpret it.

However, it is ironic that some of the professions which could help to eliminate racial discrimination are not free from it themselves. For example, the Race Relations Committee of Inns of Court and the Bar concluded that there was racial discrimination against ethnic minority barristers. It has recommended a code of

practice designed to reduce or eliminate racial discrimination in selecting pupils or tenants in chambers and in the distribution of chambers' work.<sup>67</sup>

It is argued by some that the criminal justice system itself is not free from racial discrimination. For example, the over-representation of black prisoners is seen by some as a result of this. A Home Office study published in 1986 found that 8 per cent of male inmates and 12 per cent female prisoners were of African and West Indian origin while these groups comprised just over 1 per cent of the total population. The National Association for the Care and Resettlement of Offenders (NACRO) argued that this disparity was partly due to racial discrimination and called for a 'determined programme to eliminate racism and discrimination from the criminal justice system.'<sup>68</sup> However, recent figures show that 15.1 per cent of the male prison population and 25.7 per cent of the female prison population are from ethnic minority groups.<sup>69</sup> This means that instead of any improvement the situation has deteriorated and therefore urgent action is required to correct this imbalance.

The evidence presented in this paper about past and present racial discrimination is such that radical approaches are needed to deal with it in the 1990s. In particular, it seems that racial discrimination is being transmitted to the British born second generation ethnic minorities. As a consequence the gap between ethnic minority and white young people is widening. Furthermore, there is enough evidence presented in various reports that ethnic minority young people are not prepared to tolerate any longer their disadvantaged position in society.<sup>70</sup> Their immigrant parents might have accepted racial discrimination as the price to pay for economic opportunities in Britain but ethnic minority young people will not.<sup>71</sup>

Therefore it is important that if the law against racial discrimination is to have an increased impact on the actual day-to-day extent of discrimination, then it must be through the deterrent effect of strategic investigations and detailed research exercises on a greater scale than at present. The legal action stemming from formal investigations and individual complaints, should have a deterrent effect and tackle past, present and any future discrimination.

A national effort, led by the Government and supported by all political parties, is crucial to the elimination of racial discrimination and equality of opportunity. 'Political will' is essential at both local and central Government levels and employers and trade unions need to work with everybody else to eliminate racial discrimination and provide equality of opportunity.

But more ethnic minorities need to participate in the structures of society to bring about change. They must become members of advisory committees, industrial tribunals, judges, school governing bodies, members of local councils and Parliament, officers of trade unions and political parties to influence the overall decision making process. Some progress has been made in this context but a lot more needs to be done in the 1990s to increase the participation of ethnic minorities in all aspects of British public life.

This is a challenge for us in the 1990s to be met with strong and effective legislation and with commitment from all concerned in Britain so that ethnic minorities achieve equality and get the opportunities to play their full part as equal citizens in its economic, social and political institutions and developments.

## 7. Notes and References

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2. The term ethnic minority is used throughout the paper for those people whose origin is mainly from the New Commonwealth countries. The two main groups of ethnic minorities in Britain are the Asians and the Afro-Caribbeans.
3. Muhammad Anwar (1990) 'The Context of Leadership: Migration, Settlement and Racial Discrimination' in M. Anwar (with P. Werbner) (eds) *Black and Ethnic Leaderships in Britain*, London: Routledge.
4. The freedom of movement was restricted after the Commonwealth Immigrants Act came into force in 1962. For details see Muhammad Anwar, *The Myth of Return*, op.cit.
5. The 1981 Census did not provide us with the complete picture of the ethnic minority population in Britain because an 'ethnic' question was not asked in the census. Because the information collected was based on birth place and was asked without a question on parents' birthplace, those U.K. born ethnic minorities who have established separate households from their overseas - born parents were not identified in the 1981 census. This means that, for areas like Cardiff, Bristol and Liverpool, with long established ethnic minority communities, the 1981 census information about ethnic minority groups is meaningless. Therefore, 1981 census information used in this paper should be treated as an under-estimate. Furthermore, we are already in 1990 and thus the size of the ethnic minority population has gone up since the 1981 census.
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