

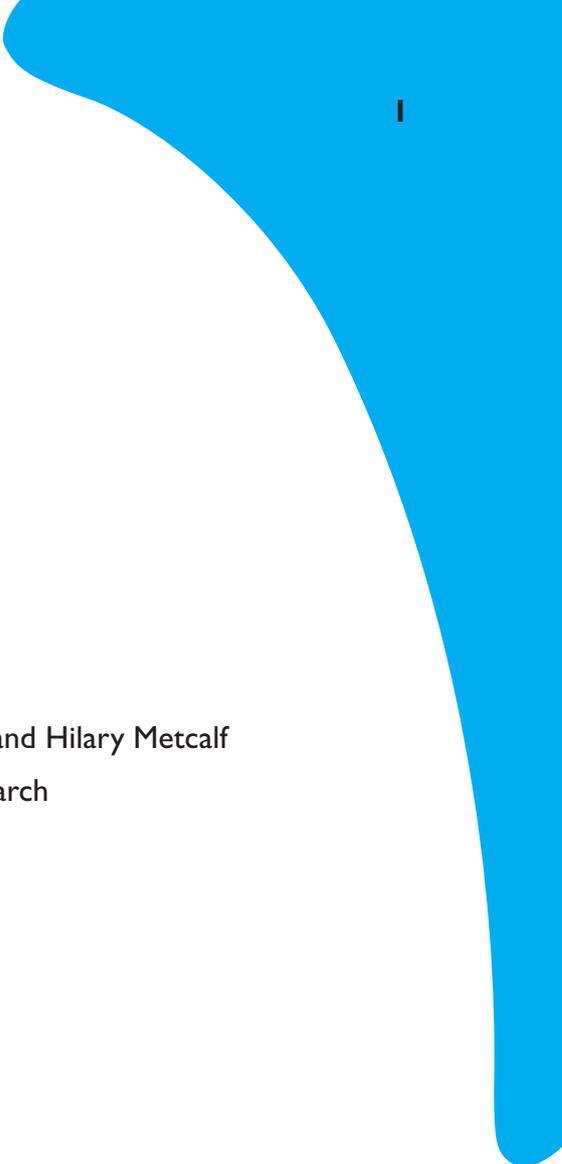


Government
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**Perceptions of
discrimination in
employment**

August 2009



Perceptions of discrimination in employment

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National Institute of Economic and Social Research
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Summary

The research

The aim of the study was to improve understanding of perceptions of discrimination in employment. The research focused on establishing what treatment, circumstances and behaviour are perceived as discriminatory and why. It aimed to examine how these perceptions arise, the evidence that individuals draw upon and how they react and respond.

The research covered discrimination across six equality strands: gender, race, age, faith or belief, disability and sexual orientation. It looked at perceived discrimination in recruitment, in promotion and also in treatment within employment. In addition the research included people who had experienced discrimination because of family circumstances or caring responsibilities, because these may have experienced indirect discrimination. Respondents formed a diverse group in terms of their characteristics and experiences

Methods

The research consisted of in-depth qualitative interviews with 84 respondents to the Citizenship Survey who said they had experienced discrimination in recruitment or promotion in relation to the equality strands of interest to the research.

Interviews covered four main areas of questioning and discussion: what happened; why they thought it was discrimination; who they talked to and whether they challenged it; and influences on their understanding of discrimination and equality issues.

Key Findings

The research confirms that perceived discrimination has real consequences for individuals, workplaces and employers. These include inactivity, withdrawal from the labour market, lowering of job expectations and job loss. Other reported consequences included loss of motivation, poor relationships at work and mental health problems.

Discrimination is perceived in both formal and informal processes. Although formal processes such as short-listing and interviewing are not seen as discriminatory, they are seen to be undermined by informal action, for example favouritism towards preferred candidates. Informal processes were reported as most important in cases of poor treatment.

Some formal practices which had the appearance of informality, for example pre-sifting through group interview, were seen as unfair. Limited feedback following rejection for a new job or promotion led some respondents to suspect an employer of discrimination.

The process by which perceptions of discrimination develop is complex. It appears to begin with feelings of unfairness. Available evidence is then used to interpret whether this unfairness is actually discrimination. Individuals appear to draw on factors including the characteristics of senior management, recruiters, the wider workforce and successful candidates. They also draw on evidence from statements, behaviour and actions.

Individuals gather and interpret evidence in very different ways to conclude whether or not they have experienced discrimination. Some individuals are unsure they have experienced discrimination in the face of blatant statements and actions, while others appear to have little firm evidence for their beliefs.

The organisational culture of a workplace appears to play an important role in perceived discrimination. A number of respondents felt that the 'male' or 'female' environment of their workplace put them at a disadvantage and BME respondents often commented on the absence of BME managers within their workplace.

A number of respondents believed they had experienced discrimination because of what they saw as positive discrimination towards women and BME applicants and employees. Some of these respondents understood the reasons for equality and diversity policies and practices, although still felt aggrieved. Others in this group clearly did not and had wider political agendas in opposition to equality measures.

Few respondents had taken formal action to challenge the discrimination they had experienced. The findings highlight the role of work colleagues, friends and family in providing support to individuals experiencing discrimination. Mixed experiences were reported of contact with managers, including Human Resources professionals, including 'text book' responses reiterating policies.

Barriers to taking action over discrimination included having sufficient evidence and proof, knowledge about procedures, fear of job loss and lack of time or energy. There was evidence that some respondents felt stigma associated with complaints of race discrimination.

Respondents cited a number of influences on their understanding of discrimination, equality and diversity. These included their experiences of discrimination in employment and outside and having children. Education and training were reported as having a positive influence on respondents' understanding of these issues.

Recommendations

The report makes a number of recommendations to address issues relating to perceptions of discrimination. These include the importance of perceptions of discrimination, of formal processes and organisational culture, leadership and communication and removing barriers to challenging discrimination. Key recommendations cover the following areas:

- The importance of perceptions of discrimination, in view of its consequences for individuals and the benefits of good equality practice for all employees
- The positive influence of education and training in increasing awareness and understanding of discrimination, equality and diversity
- The importance of formal and informal processes in ensuring that discrimination is not practiced and that formal processes are not seen to be undermined
- The role of key equality policies and practices in employee perceptions of fairness and equality: transparent processes, publishing equality data and clear communication about performance and expectations.
- The benefits of having a diverse workforce and a diverse senior management team in promoting an inclusive workplace culture and perceptions of equality.
- The need to address the concerns of individuals who feel they are disadvantaged by Government policies or employer actions intended to increase equality and diversity in the workplace, particularly where they are misinformed or do not understand the need for policy and practice in this area.
- The benefits of mentoring schemes and networks in compensating for the advantages experienced by majority groups and the effect of dominant workplace cultures.

- The need to reduce barriers to challenging discrimination, particularly those which prevent individuals from raising their concerns with employers. There is also a need for improved public knowledge and awareness of what constitutes discrimination and what action, formal or informal, an individual can take

The report also identifies a number of implications for the Citizenship Survey arising from the research findings.

I Introduction

I.1 Research aims

The aim of this study was to improve understanding of perceptions of discrimination in employment. The focus of the research was on establishing what treatment, circumstances and behaviour individuals identify as discriminatory and why. It aimed to establish how the experience of discrimination forms and develops and how individuals react and respond. To do this, the research carried out in-depth qualitative interviews with individuals who said they had experienced discrimination in employment. These individuals were respondents to the Citizenship Survey, carried out on behalf of the Department for Communities and Local Government.

The Citizenship Survey found that seven per cent of people felt they had experienced discrimination in relation to recruitment or promotion in the five years prior to interview. These divided roughly equally between recruitment and promotion, with one per cent of all respondents reporting discrimination in both. The most commonly reported employment discrimination was age, reported by 57 per cent of those experiencing employment discrimination. Twenty-six per cent reported race discrimination and 22 per cent discrimination by gender.

Whether an employee or job applicant identifies behaviour or actions as discriminatory depends on that individual. Much discrimination will go unnoticed, particularly where discrimination is indirect or covert, whilst some non-discriminatory behaviour may be perceived as discriminatory. Awareness of discrimination issues, political identity and general outlook on life may all affect whether discrimination is perceived, as may personal characteristics such as age, education, social class and gender.

Perceived discrimination, whether or not it reflects actual discrimination, is important. It is clearly important for the individual who perceives it. In addition, previous research has found it to affect individual and group behaviour in the workplace, including by reducing pro-social behaviour (Eisenberger *et al*, 1990; Barak *et al*, 1998; Ensher, *et al*, 2001). It has been found to lower organisational commitment and willingness to take initiative and to have a negative impact on job satisfaction (Shellenbarger, 1993; Sanchez and Brock, 1996). It has also been found to increase work tension and rates of job turnover (*ibid.*).

The research covered perceived discrimination in respect of the six equality strands covered by legislation in the UK: gender, age, race, faith or belief, disability and sexual orientation. The research looked at how people in these groups experience discrimination and at any specific issues for particular strands. For example, the basis of age discrimination appears to differ for women and men. It also explored how perceptions differed by personal characteristics and the interaction of these. Many individuals in British society have multiple identities, attaching importance to characteristics such as their ethnicity and gender. As we will show later, many of the research participants reported discrimination along multiple lines, lending strength to the concept of multiple identities (Ruwanpura, 2008).

The focus of the research was recruitment and promotion and the study had not intended to explore other types of in-work discrimination. This was because of the sampling method (see next section). However, in the interviews, other forms of work discrimination were identified, such as bullying and pay, and these are discussed. Because of the concentration on recruitment and promotion, the research mainly identifies the role of managers and supervisors rather than colleagues in discrimination.

The study did not involve measuring discrimination or making judgements about whether discrimination had nor had not occurred. Based on a short account from a single person, this would not have been possible. What was important were the perceptions of the individual respondent, their experiences, interpretations and actions, described in their own words. For this reason, in presenting the research findings we have included many quotations from respondents.

However, the perceived discrimination reported seemed to cover a range of possible experiences:

- discrimination, i.e. worse treatment due to a non-work related (i.e. irrelevant) characteristics; this might be unlawful discrimination if that irrelevant characteristic is race, gender, sexual orientation, age (below the age of 65), religion or disability or where the characteristic is disproportionately exhibited across these equality groups;
- bullying, i.e. 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'¹;

¹ ACAS (2009) Bullying and Harassment at work, London: ACAS. Available at www.acas.org.uk/index.aspx?articleid=797.

- harassment, i.e. ‘unwanted conduct affecting the dignity of men and women in the workplace. It may be...persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient’²;
- poor, worse or unfair treatment, but unrelated to personal characteristics;
- failure to gain promotion or to be offered a job where there were job-related reasons for failure.

The fact that some respondents reported rather weak grounds for perceiving discrimination should not be taken to mean that there is less discrimination than recorded in the Citizenship Survey. Some seemingly weak cases may reflect difficulties for respondents in identifying and describing why they felt there was discrimination. Moreover, other respondents to the Citizenship Survey will have experienced discrimination but not perceived it as such.

1.2 Research methods

The research consisted of in-depth, qualitative interviews with respondents to the Citizenship Survey who said they had experienced discrimination in recruitment or promotion in relation to the six equality strands covered by legislation³. In addition, the research included a further category of people who had experienced discrimination because of family circumstances or caring responsibilities, as this may have been indirect discrimination in relation to some of the strands covered by legislation.

² Ibid.

³ Areas of questioning for the Citizenship Survey are wide-ranging, and include two questions about employment discrimination:

- In the last five years have you been refused or turned down for a job in the UK?
If so, Do you think you were refused the job for any of the reasons on this card: your gender, your age, your race, your religion, your colour, where you live, other reason (please specify), don't know, none of the above
- In the last five years, do you think you have been discriminated against at work with regard to promotion to a better position?
If so, Do you think you were discriminated against because of any of the reasons on this card: your gender, your age, your race, your religion, your colour, where you live, other reason (please specify), don't know, none of the above

Eighty four respondents were interviewed between November 2008 and February 2009. The sample was drawn to ensure that it included people who had reported different strands of discrimination and combinations of strands and included individuals with different types of characteristics (personal, educational and occupational).

Interviews were conducted by telephone using a semi-structured discussion guide. Each interview focused on a single incident (e.g. a job rejection) or a pattern of treatment (failure to be promoted over several years) and collected details about that incident or pattern. Respondents were also asked whether they had other experience of discrimination in employment and interviews explored what informed their views of discrimination.

Interviews were recorded and transcribed verbatim. The data was analysed with the assistance of the qualitative analysis package NVivo.

1.3 Sample characteristics

The following describes the characteristics of the sample. As the sample was selected purposively to ensure the inclusion of certain types of characteristics, the incidence of characteristics in the sample should not be interpreted as indicating the pattern of perceived discrimination in the workforce as a whole.

1.3.1 Type of discrimination

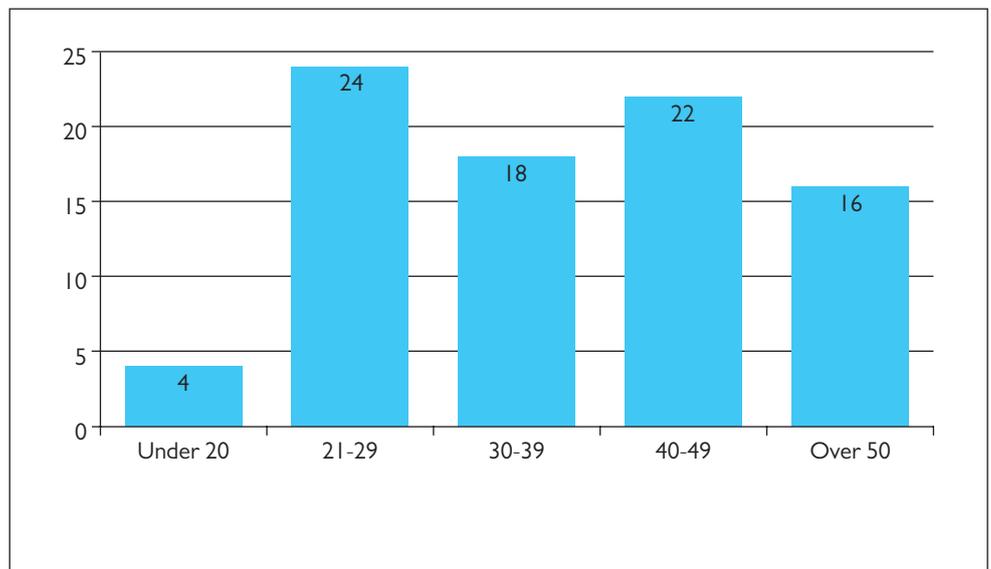
Of the 84 respondents, 24 had experienced discrimination in recruitment and 31 had experienced it in promotion. A further two had experienced discrimination in both recruitment and promotion, with different employers. Fourteen respondents said they had experienced discrimination in trying to keep a job and the remaining thirteen reported discrimination in relation to their experiences at work, for example pay or treatment by a manager or colleague. Therefore, the experiences of discrimination covered by the research were wider than originally anticipated.

1.3.2 Characteristics of respondents

The 84 people interviewed were selected to form a diverse group in terms of ethnicity, gender, age, religion and other personal and social characteristics. Thirty-nine were white and 45 from Black and Minority Ethnic (BME) groups, including Black Caribbean, Black African, Asian (of Indian, Pakistani or Bangladeshi origin), and people who classified themselves as mixed race or 'other'. Forty five interviewees were women

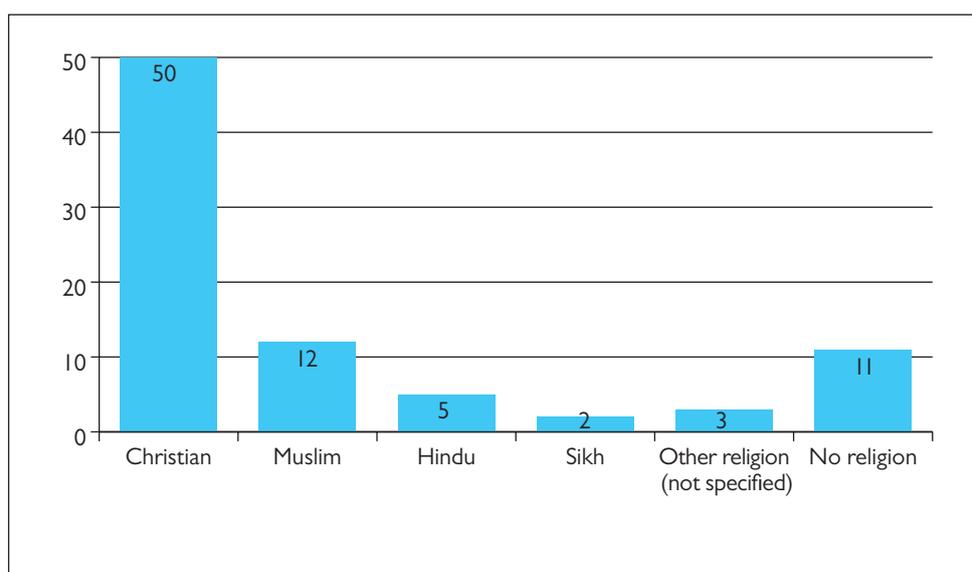
and 39 were men and most (59) were parents. At the time they were interviewed for the Citizenship Survey, respondents were aged between 17 and 64, so were 1-2 years older when interviewed for the qualitative study. The age groupings of interviewees, at the time of the Citizenship Survey in 2007-2008 are shown in Figure 1.1. As this shows, few were aged under 20, but otherwise interviewees were spread fairly evenly across the age range.

Figure 1.1 Age of interviewees



The Citizenship Survey asked about respondents' religion. Of the sample followed up for the perceptions study, the majority said they were Christian. Eleven said they had no religion. Among those who had a religion but were not Christian, the largest group were Muslim, followed by Hindus, Sikhs and a small number with another, unspecified religion (see Figure 1.2)

Figure 1.2 Religion of interviewees



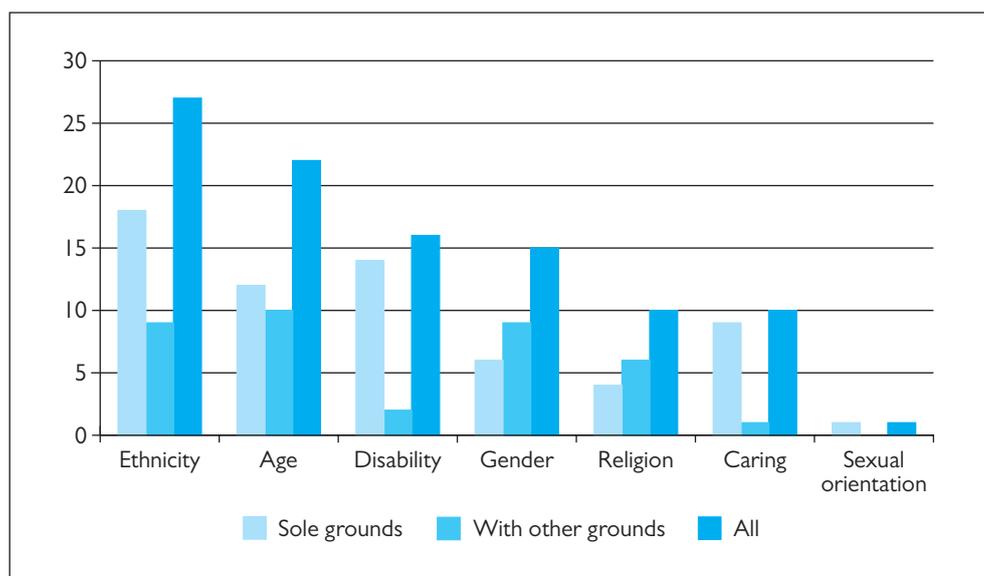
As explained above, the sample was designed to include individuals who had experienced discrimination on the six equality strands covered by legislation in the UK (gender, age, race, faith or belief, disability and sexual orientation) or caring or family circumstances.

Twenty-seven respondents reported discrimination on grounds of ethnicity, many in combination with other grounds such as gender and religion (Figure 1.3)⁴. Gender discrimination was reported by 15 respondents but only 6 of these reported it as sole grounds. Age and religion, reported by 22 and 10 respondents respectively was also experienced commonly in combination with other grounds while disability and caring were reported largely as sole grounds for discrimination. Only one interviewee reported discrimination on grounds of sexual orientation⁵.

⁴ The grounds reported in the qualitative interview and in the survey sometimes differed. The grounds reported here are those identified in the qualitative interviews.

⁵ The 2007-08 Citizenship Survey only had three respondents who had reported employment discrimination on the grounds of sexual orientation and who were willing to participate in further research. All three were included in the qualitative sample, but only one was successfully interviewed.

Figure 1.3 Grounds on which discrimination experienced



The sample included men reporting sex discrimination and white respondents reporting race discrimination. It also included a very small number whose grounds were unclear or not within the equality strands of interest to the research. One of these was on grounds of criminal record and another resulted from a perceived US/UK culture-clash.

A small number of cases could not accurately be described as employment discrimination, although they reported such in the Citizenship Survey. These included the case of a student who received a poor reference in support of her university application and a hotel receptionist accused of race discrimination by a guest. A small number of other respondents reported discrimination on grounds of their own discriminatory views. Among these were a Church of England minister who believed his career was blighted by his opposition to the ordination of women and a registrar of marriages who believed her prospects were affected by her refusal to officiate civil partnerships.

1.3.3 Job characteristics

Respondents were asked to describe the employer or industry in which they experienced discrimination. In some cases respondents referred to organisations by name, while in others they described the sector and nature of the organisation. They included public sector employers, including

schools and colleges, hospitals, police, army and emergency services, local authorities and government departments. Private sector employers included retailers, hotels and restaurants, manufacturing companies, energy suppliers, property services, finance companies and nursing homes. Some respondents who had experienced discrimination when applying for work reported discrimination from a number of sectors.

Interviewees were also asked about the size of the organisation where they had experienced discrimination. Those who experienced discrimination in recruitment did not generally have this information, but others' employers ranged from very small, family run businesses, through to medium-sized organisations and large multi-national corporations. Although the range was wide, there are more larger than small organisations in the sample.

Respondents were asked about the job they were doing when they experienced discrimination, a question which applied largely to individuals who reported discrimination in promotion, in keeping their job or in the treatment they experienced. Their responses show the sample to include employees at all levels, from senior management to junior posts in sales, administration and technical support, manual and white collar jobs and posts professions including nursing, engineering and teaching.

Interviewees reporting discrimination in recruitment were asked about the job(s) they had applied for. Unlike the sample as a whole, these were largely low-level posts including sales work in shops, clerical and administrative posts, driving and bar and restaurant work. In contrast, interviewees reporting discrimination in promotion often referred to supervisory or management posts.

Respondents were living and working in locations across England, with clusters in London, the Home Counties, the East and West Midlands and Lincolnshire.

1.4 Layout of the report

The research findings are presented in five chapters:

- Chapter 2 explores the circumstances in which employment discrimination is experienced, highlighting the relative importance of formal and informal processes.
- Chapter 3 examines how employment discrimination is perceived, looking at general circumstances and explanations and those which are more incident specific.
- Chapter 4 looks at how respondents talked about discrimination to colleagues, managers, family and friends, whether this included challenging it and the reasons for taking action or not doing so.
- Chapter 5 explores influences on respondents' understandings and awareness of discrimination, including personal experiences, family and friends and the media.
- Chapter 6 pulls together the main findings from the research. It describes some of the consequences of discrimination and draws conclusions in relation to key areas of the study. The chapter presents policy implications from the research, including views of some respondents about action to address discrimination.

The main findings of each chapter are briefly summarised at the end as key points.

What happened

2.1 Introduction

In this chapter we describe the circumstances in which discrimination was seen to have taken place: whether the recruitment or promotion practices were formal or informal and the stage at which discrimination was seen to occur. This included whether it was linked to a specific phase in recruitment, such as the interview, or was associated with a whole event. The chapter also looks at when respondents realised that discrimination had taken place: whether at the time or in retrospect.

2.2 Human Resources processes

Human Resource processes can affect whether discrimination occurs, the way it occurs and whether it is perceived to occur. Formal processes tend to increase access, either in recruitment or promotion, and to increase transparency of selection. They therefore tend to be thought to reduce discrimination, although formality, *per se*, need not present less discrimination than informal processes. Indeed, formal processes may not only allow discrimination, but they may also embed it. However, lack of some elements of formal processes, such as advertising vacancies, both allow and encourage the perception of unfairness and discrimination.

2.2.1 Recruitment processes

For recruitment, many of the respondents described recruitment as taking place through a written application, short-listing and interview. Some had had an initial telephone sift. Other formal processes used were appraisal and competency tests. The degree of formality of these procedures varied, although few described informal procedures alone.

2.2.2 Promotion processes

Processes for promotion were more varied. Some were formal, consisting of stages such as expressing an interest, submitting an application form, being short-listed, interviewed and selected. Some respondents described line managers' reports as playing an important role in a formal promotions process.

Others encountered less formal processes. For example, a manager in the NHS who felt she had been passed over for promotion because of her caring responsibilities described how

Directors are asked 'who would you like to nominate for this programme?' and then get put forward so there isn't an Application process. Sonia

Another respondent working as a Learning Support Assistant in a secondary school described how promotion to a more senior post was carried out through informal procedures:

Nobody sort of filled an application form in. We were already working there. Basically it was just sit down, chat, and then it was announced that somebody else had got the job. Alan

Some other respondents described a somewhat informal or non-transparent promotions process. For example, a Church of England minister who believed his career had been ended by his opposition to the ordination of women described the promotion process in the following way:

It's a thing called 'preferment', so promotion is by preferment, but carrying that word forward, they would prefer not to have people whose views are considered out of step. It's very difficult to prove it. Maurice

2.2.3 Other employment processes

As we explained earlier, some respondents experienced discrimination in other areas of employment, such as keeping their job and pay. The former included individuals appointed on a temporary basis, women returning from maternity leave and looking for reduced hours or greater flexibility and those who had been dismissed or selected for redundancy. These respondents described the use of formal procedures, such as interviews and letters, but often in combination with less formal communication. A Lithuanian agency worker for an NHS health trust described how she learned she had lost her job:

I went on holiday and when I came back just my name wasn't on the rota any more, and they told me that from the rota they kicked you out. Yes, she said 'you are agency and after holiday I have absolute the right to kick you out'. Raksha

Other respondents experienced inconsistent communication from employers which left them feeling unfairly treated. A young Blackman working for a toy store part-time and wishing to transfer to full-time work explained how,

One minute he's telling me I'm in the top ten for full time and then next minute he's saying no, I'm getting laid off. Vernon

In respect of pay, lack of information on colleagues pay and lack of transparency in criteria for setting pay levels appeared to contribute to the possibility of pay discrimination. It was when secrecy broke down that pay discrimination was perceived.

Some respondents reported discrimination in day to day treatment by employers. This included abuse and allocation of unpleasant tasks. This type of discrimination was largely experienced informally, within normal everyday work procedures and not within formal processes.

2.2.4 The role of equal opportunities policies

Respondents were asked whether an equal opportunities policy was in place within the organisation where they experienced discrimination. Not surprisingly, many respondents reporting discrimination in recruitment either did not know or were uncertain whether the employer had an equal opportunities policy. In contrast, almost all respondents reporting discrimination in promotion were aware that their employer did have a policy. The few respondents who said their employer did not have one worked for small organisations in sectors such as hotels and security. Similarly, most respondents reporting discrimination in keeping a job were aware that their employer did have an equal opportunities policy. Despite high levels of awareness of the existence of an equal opportunities policy, respondents appeared to know little about their content and did not talk about the role of such policies in talking about their experiences. Where they did discuss the role of policy, the view of the following respondent was typical:

A lot of organisations have adopted equal opps policies as frontage thing but in terms of actual application and practice that doesn't really exist really. Brian

Similarly, a woman working in a local authority childcare setting stated,

They do have an equal opportunities policy but I think it must be in a desk, because it's not used very often. Laura

Therefore respondents did not feel that equal opportunities policies had been relevant to their experiences.

For some, it was the existence of an Equal Opportunities policy itself which was seen as discriminatory, leading to positive discrimination in favour of groups other than those of which the respondent was a member.

2.3 At what stage was discrimination experienced?

We explored the stage at which discrimination was perceived to have occurred. This was an appropriate approach for some experiences, but not others. In some cases, a series of events led to the belief of discrimination and this might also be influenced by continuing factors, such as all managers being white or male.

2.3.1 Recruitment

In recruitment, stages at which discrimination was perceived to have occurred were often discernible. All stages were identified: the application form, the provision of a CV, initial sift either by telephone or through a brief initial individual or group interview, short-listing and the interview.

A number of respondents felt they were rejected on the grounds of personal information provided in the applications process. This included older workers who had not experienced such difficulties in their younger days. In relation to disability, a woman in her thirties with ME explained,

They all ask your medical history, any medical status. And as such I never get an interview because my condition is on-going. Gabrielle

Other examples include a man applying for a job in a bar work who found, on being rejected, that all the employees were women. Some respondents based their conclusions on quite thin evidence. For example a white applicant for a job in a toy store had accepted a friend's report that the company was recruiting BME employees in preference to white applicants 'to up their quota of foreign (sic) people' working there (Kieran).

A woman applying for driving jobs described how potential employers had tried to discourage her from applying when she made initial telephone enquiries.

The interview was another point at which respondents felt that discrimination had taken place. Respondents were given the impression that, once an employer was able to identify characteristics which had not been apparent on the written application, they were not what the recruiter was looking for, in terms of personal characteristics such as race, age or gender. Sometimes respondents were told that they were not suitable for the post. For example, a Sikh job-seeker sent by an agency to a central London hotel explained:

[The employer] told me 'sorry we can't take you in this company because the only vacancy we have is for the restaurant and we are sorry we can't take a man with a beard in this restaurant, in the hotel'. Manjinder

In Section 2.3.1 we described the experience of a black woman in her thirties who had applied for a job in a wine bar only to be told on arriving for interview that she didn't 'quite fit the look' the employer was looking for.

A few respondents who had been recruited via an agency were not certain whether the discrimination they experienced had originated from the employer or from the agency. For example, a mixed race man accepted the offer of a packing job only to be told on his first day that the vacancy had already been filled. A black man who had a job offer retracted following a reference from a previous employer was unsure where discrimination had occurred. In a further case, referred to earlier, of a Sikh man refused jobs in a hotel restaurant and as a traffic warden on grounds of his beard and turban, had no support from the agency which had arranged the interviews and was simply told to try for another job.

A number of respondents felt that the discrimination they experienced was pre-planned, so that the actual procedures and stages of the recruitment or promotion process were unimportant. These were cases where the individual believed they had been ruled out, or where another candidate had been lined up for the post. This is discussed further in Section 3.5.3.

2.3.2 Promotion and other in-work discrimination

For perceived promotion and other in-work discrimination, some respondents described a specific event and stage at which they felt they were discriminated and others described a whole event or series of events.

Those identifying specific stages included people seeking flexibility for childcare responsibilities and to accommodate disability. Specific stages were also identified where promotion processes were highly formalised. The stages identified were the same as in recruitment.

Others were not able to identify a particular point at which discrimination occurred, either because they did not know or because discrimination affected the employment relationship more generally. Therefore, while matters sometimes came to a head in an appraisal or following rejection for promotion, respondents described a whole scenario rather than highlighting specific incidents, events or occasions.

2.4 Realising that discrimination had taken place

Respondents were asked whether they realised they had been discriminated against at the time that it occurred or whether it was a gradual realisation at a later time.

2.4.1 Immediate realisation

Often those that realised that they had been discriminated against at the time of the occurrence were already working in their respective organisations and felt that the discrimination occurred when they attempted to get promoted. They therefore had had the opportunity to develop a picture of the existing working culture.

In some cases, respondents noted that they were not part of the group that appeared to succeed in their organisation, for example they were of a different gender or race. At other times, the promotion procedures were inadequate or not transparent, which suggested to them that discrimination had taken place.

The lady who got the job applied for the job after the cut-off date ... Once I'd found out exactly who had got the job and the fact that the people who had actually applied hadn't, that's when the penny dropped if you like.
Fouzia

Discrimination on the grounds of disability also seemed easily identified at the time by respondents, either because of: their cumulative experiences of discrimination; comparison to their treatment before they became disabled or due to the more overtly inflexible behaviour they encountered.

I have always been convinced from my past experiences. I was not too sure about applying for that job at first, but I just, I had to try. I was not surprised when I was not shortlisted. Davina

Another area where individuals appeared to encounter overtly inflexible treatment related to parental caring duties.

'when I put ideas towards them they were not flexible, they argued against everything that I wanted to do such as reducing my hours in the day or condensing down to four days a week or, everything that I sort of put forward to try and make it as good for them in terms of getting workload out of me, and good for me in terms of trying to get my child the best time as well, they were just not responsive' Kate

Within the recruitment process, some respondents had been subject to blatant discrimination leaving no room for doubt. This included the case described earlier of a black woman who was told that she did not have the 'look' the wine bar was after. Another blatant case, also described earlier, involved a Sikh who was told he could not work as a traffic warden unless he removed his turban.

2.4.2 Gradual realisation

As would be expected, some respondents did not immediately think that they had been discriminated against but instead thought of other possible reasons to explain the situation.

A number, at first, felt that any difficulties they experienced may have been due to differences in personality or values with their colleagues. In some of these cases, a definite incident in a sequence of events triggered the realisation of discrimination. For others it was the accumulation of differential treatment that drew them to that conclusion.

Some respondents realised that they had been discriminated against after discussing the events with other people, be they family members or colleagues.

Just talking to my mum about it, I think she was just telling, she, you know says to me that it seems like, the thing because you are a girl, you can't do the job as well as a guy who he knows and who he gets on with. You know, she's not planted it in my mind but she's made me think about it a little bit more. Emily

Greater experience also helped some respondents realise that discrimination had occurred. This was for some due to becoming older and more knowledgeable or in the more immediate timeframe, others had moved to a different employer where they were treated more equitably, thereby highlighting the discrimination they had previously experienced.

Some respondents when trying to understand why they had had difficulties in getting promoted or obtaining jobs could find no obvious reasons and therefore felt that discrimination was the only possible explanation.

I think I just came to that conclusion myself after a while. The only thing that I could think that was against me really was the fact that I'd had my time in hospital, and I was recovering. Anna

Therefore, respondents like Anna had concluded that discrimination had taken place having excluded any other possible reasons.

2.5 Key points

- Discrimination in recruitment was described as taking place within a formal process through procedures such as short-listing and interview. However, the formality of recruitment procedures varied, with some respondents experiencing initial sifting processes in which they were discouraged or rejected.
- Where formal promotion processes were used, some respondents reported similar perceived discrimination as taking place at the same stages as in recruitment. However, these might be combined with informal practices, for example recommending and preparing other candidates. Therefore formal processes were seen to be 'tweaked' and undercut by informal intervention.
- Where promotion was conducted less formally, as well as for some formal promotion, could not identify specific stages at which perceived discrimination had occurred. They talked of the whole event or situation, which may be explained by the impact that perceptions of discrimination have on the employment relationship as a whole.
- Respondents who experienced discrimination in recruitment could often identify the stage at which it occurred, principally short-listing using information from a CV or application form or the interview.
- Some respondents realised they had experienced discrimination at the time they were rejected for recruitment or promotion, using information from the process, for example what was said to them, and the outcome, including characteristics of successful applications. Others realised later, sometimes through accumulated experience.

3 What is perceived as employment discrimination

3.1 Introduction

The research aimed to establish what types of evidence, events and circumstances led individuals to perceive discrimination. It also aimed to establish why individuals perceived their experiences as a particular type of discrimination, for example race or gender, and whether differences existed in the evidence assembled between types of discrimination.

Respondents were asked why they thought they were being discriminated against and to relate details of the events they saw as discriminatory. Most respondents described several factors, in various combinations. It appeared as though some factors may have been spurs to perceiving discrimination, while others were then confirmatory of discrimination. However, spurs and confirmatory factors tended to vary between respondents.

Respondents described general circumstances, relating for example to organisational culture, workforce composition or practice and those which arose in specific incidents. While some appeared to only be influenced by general circumstances or specific incidents, others were influenced by both. Some provided strong evidence of discrimination, while others provided very little rationale for their belief.

There appeared to be differences in the events and circumstances leading to perceived discrimination between disability discrimination, childcare and parental discrimination and other strands of discrimination (race, religion, sexual orientation, age, gender), but little difference within these other strands. There also seemed to be differences depending on the employment issues (notably recruitment, promotion and other in-work discrimination), but not for disability and childcare and parental discrimination. Some of the differences between recruitment and in-work discrimination were due to those in work knowing more about the organisation: therefore organisational issues and previous patterns were more likely to be drawn on. However, some job applicants had greater insider knowledge and so might draw on these same issues.

Therefore the chapter is arranged as follows. First, we describe the general circumstances which contributed to feelings of discrimination. Second, the incidents which led to beliefs of disability discrimination are described, followed by incidents leading to beliefs of discrimination on the basis of childcare or parental responsibilities. Third, recruitment, promotion and then other in-work discrimination leading to perceived discrimination on the basis of other factors (race, religion, sexual orientation, age and gender) are described.

3.2 General circumstances and explanations

General circumstances, of the perceived composition of employment of the organisation, historical patterns and organisational culture led some people to believe they were being discriminated against. In some cases, this was combined with other incidents or with failure to be appointed or gain promotion alone.

3.2.1 Workforce characteristics

A number of respondents explained their experiences with reference to the characteristics of the organisation and, in particular, to the absence or limited presence of individuals like themselves. This was reported by respondents who were already employed and seeking promotion and respondents who had experienced discrimination in recruitment.

Recruitment

In terms of applying for jobs, respondents from across the equality strands expressed the view that some, or many, employers excluded people like them and that this was the main, or a contributory reason for their lack of success in finding employment in particular organisations or occupations.

Many respondents who felt they were excluded from types of employment or organisations used evidence from their observations of the composition of workplaces and occupations combined with the frequency of and weak grounds for rejection.

Both male and female respondents referred to gender segregated organisations which they felt did not welcome their application and rejected them, often without interview. Respondents reached this conclusion on the basis of the treatment they received and from their observations of the gender composition of the organisation. For example, a young woman had found it difficult to get shortlisted for an interview with a music store and when she did, after questioning their decision, felt she was not treated as a serious candidate. She observed that:

The work environment for [the store] anyway was very male. It was only about, I think there were only three girls in the whole entire work force. Emily

I think one of the reasons is that in some organisations they are predominately white in terms of staffing, some people from ethnic minority it's usually they are doing kind of very low skill posts in those organisations and very more kind of high status posts are occupied by white people. Alfred, applying for teaching and education administrative jobs

Where respondents had applied for jobs with a number of employers within a sector, they made these observations for the sector more widely.

Some respondents felt excluded on the grounds of multiple identities. For example a man in his 50s applying for office work had concluded that:

[Employers] would prefer to have in an office or a reception environment a 20 year old attractive female than a 50 odd-year old person, male. Carl

As part of explaining exclusion, some respondents described the prejudicial attitudes they believed these employers had held. Such attitudes seemed to be of two types: an expectation that the type of person would be less good at the job (i.e. a business rationale) and a prejudice against the group unrelated to business performance.

In terms of business reasons, for example, some disabled respondents felt that employers excluded people with mobility problems or long-term conditions on the grounds that they were thought to be unreliable and out of reluctance to make any adaptations. A woman who had often been rejected for chauffeuring jobs believed this had resulted from stereotyped notions about women's ability to carry heavy loads. Some respondents speculated on the reasons why they had been excluded, for example a man seeking bar work observed:

In bars typically they'll hire girls, maybe to attract more male customers. David

Other respondents had believed they had encountered prejudice unrelated to business reasons. Here, stereotyped associations of Islam with terrorism were thought to be particularly harmful to the employment prospects of Muslims across employment sectors. A young British Asian man who had applied for numerous jobs in offices and shops but without success concluded:

Well, you know the current news that's going on about all the terrorist attacks and the bombings etc. etc. Because some of them were Muslims and I happen to be a Muslim myself, and it tends to give a bad view about everyone else. Zahid

Another young Muslim felt that she had been rejected on the grounds of her religion by a major supermarket:

I think it was some sort of discrimination either against my race or probably the way I dress because I wear the headscarf so it's probably because they don't like people wearing the headscarf in their company or something. Gita

Some respondents felt that people like them might be short-listed or interviewed but that this was to make it seem as though the organisation was following good equality practice. As one respondent explained:

In terms of recruitment policies some organisations would like to be seen that they are inviting people from different backgrounds to apply for posts and they sometimes invite them for interview so that in terms of the data collection they can say that so many people from ethnic minorities were short-listed and all that but they were unsuccessful. Brian

Promotion

Respondents who were seeking promotion had a somewhat different perspective, based more strongly on their knowledge and understanding of the organisation, the employer, Human Resources processes and senior management decision-making. As with recruitment, respondents reported discrimination across the equality strands, including age, gender, race and faith.

The principal way in which respondents concluded that they were excluded or disfavoured from senior positions within their organisation was observation of the characteristics of senior post holders. This led them to conclude that they had little chance of achieving promotion. An Asian woman seeking promotion within the college where she worked remarked that,

In the whole of our college there is just one person in a management position that is Asian. Saffiya

An Asian man, who had experienced difficulties in promotion and with treatment pointed out that,

Out of 1,000 people employed, there is not even a non-Englishman who is a manager. And I mean a proper manager..... There are people who are more on the shop floor mainly, but nobody is in the management category, if that is the right word. I was the first one. Anoop

As well as observing that senior posts were held by other employees, some respondents observed that employees like them were concentrated in junior posts. For example, a Black Caribbean local authority employee explained:

When you sit there and you look around and you think well, there's an awful lot of cultural diversity within this room, but we're all sitting down, as in, we've not gone up the ladder. Laura

there were a lot of very capable women who worked for the company; some very capable women, but they were never promoted or, or taken to a senior level. And I always felt that the women were, you know, it was a case of “know your place” really. Joanna

This respondent summed up the discrimination she experienced very succinctly:

The men were the managers and the women did everything else.

Some respondents described this kind of realisation as a gradual process which had sometimes become apparent after leaving the job. A young Asian man working for a Government department described this process as follows:

[It was] more a ceiling than anything else. I looked around, there wasn't many [young managers] there so when there were other posts or temporary positions that come up in another [office] I applied, but then looking there as well there weren't many young managers there either. Dev

One respondent had noticed discrimination against older workers because this did not fit with the ethos of the organisation, which provided services for older people. This respondent, herself an older worker, found it ironic that older employees were in routine jobs, yet had previously held more senior positions. She had observed that:

If I think about it, a lot of the older people there have had better jobs but have now been downgraded to something else. So I don't really quite understand what's going on there. Pat

Similarly a young mixed race woman working in IT support became aware that the BME staff were placed in a separate area and allocated different work. This respondent also pieced together other evidence of unfair treatment of herself and other BME staff in concluding that the organisation discriminated on grounds of race.

Other respondents referred to the limited representation of individuals like themselves to explain poor treatment or for difficulties they had experienced in keeping a job. A man who had migrated to the UK from the USA observed that local, British, employees were treated with greater leniency and automatically believed and supported by management in any workplace disputes.

3.2.2 Positive discrimination, quotas and targets

Belief that their organisation practiced positive discrimination in favour of groups which they were not a member of led some people to believe they had been discriminated against.

This was described by some as a general approach,

in my organisation there is incredibly active promotion of women and ethnic, well, not ethnic races,...And, yeah, it's generally acknowledged by people in the organisation and people in the senior organisation that if there is a female candidate, or a candidate from an ethnic minority, you know, they're going to get the nod of, of the good old, [laughter] the old white male if you like. Roger

In this case, it was also seen to lead to greater support for women and ethnic minorities, for example, through the provision of mentoring and coaching, resulting in promotion discrimination against members of other groups.

A number of respondents felt that they had lost out to others in recruitment and promotion because of the existence of quotas or targets specifically. We referred to one such example in Chapter 2: a young white man who believed the toy store where he applied to work had to meet quotas for BME recruits. The four other respondents who felt they had lost out as a result of quotas and targets were also white men. One of these, in a similar way to the earlier example, had been told by an existing employee that the organisation, also in the retail sector, was looking to recruit either a female or Asian applicant.

One of the Team Leaders had told me that they were looking for either female or Asian... They have to have a certain amount of Asian or female in certain positions. Daniel

He thought several times he had seen people who fitted the gender and race profile, but lacking experience, being promoted.

In the other three cases, the experience was based less on hearsay and more on the stated policies and practices of the employer. A man in his fifties observed that his employer was recruiting and promoting individuals from diverse ethnic groups for reasons of business benefits in global markets. He felt this explained his own lack of progression as a white man,

I'm reading between the lines but when I read how proud they are to diversify the whole [management] team and take active steps to do just that, diversify, then if you are not in a group that allows you to be classified as part of their diversity result, you ain't going to go forward any more. Stefan

The groups believed to be targeted were not always those covered by equality legislation in the UK. For example, this respondent believed that, as well as favouring younger people, his organisation favoured

Other nationalities, and languages even, as they've globalised the business and actively sought out younger, multi-lingual people from different ethnic backgrounds to spread the business. Stefan

In this case, there were possibly skill reasons for this perceived positive discrimination.

Respondents had various views on the validity of their employers' strategy in relation to increasing workforce diversity and improving opportunities for under-represented groups. These included strong disapproval and cynicism that it was a 'box-ticking' exercise. In some cases it was seen to be driven by the need to win public sector contracts. One respondent was more sympathetic than others and described how women and ethnic minorities have been disadvantaged in the past and was sympathetic to the aims of his organisation in redressing the balance through training and development opportunities. At the same time, he felt that he personally lost out as a result and perceived this as unfair treatment.

3.2.3 Organisational culture

A number of respondents expressed the view that the culture of the organisation had contributed to some extent to the discrimination they had experienced. A few respondents expressed this in relation to recruitment to sectors with marked gender segregation, for example medical sales. However, this view was largely expressed in the context of promotion and treatment where a majority culture prevailed. In some cases, the overwhelming feeling was of not belonging and being unwelcome. A Black African management recruit to a retail store felt he was resented by the long-serving white staff and felt he did not 'fit in'. Another respondent, of mixed race working in IT, felt alienated by the racist language used by colleagues in her presence.

In some cases, respondents commented more specifically on how relationships between staff, the nature of interactions and topics of conversation could leave them feeling excluded both socially and when it came to decisions about development and promotion. A number of women described how they did not fit in with the male culture of the organisation where they worked and had lost out in selection for development and promotion. These cases included:

- An older woman working for an estate agency who was rejected for a management post in favour of a younger man
- A young woman who found she did not fit into the male culture of a music store and described how the other assistants, all male, 'had a male bonding kind of relationship with the manager' (Emily).
- A woman working part-time for a Health Trust who felt she was not given the same opportunities as full-time male:

It's just the tone of the conversation in the office sometimes which is all about football, all about you know, it's just turned very kind of male and exclusive. Sonia

'Fitting in' could also include participating in social events from which some groups are excluded on grounds of culture. A Muslim respondent working for a finance company, explained how,

The culture of the organisation was bad. One element of that was I had been there for a long time, two that there is no way that I was going to end up in pubs or whatever, and strip bars or whatever, and have that sort of rapport. Samir

While a number of respondents clearly felt that organisational culture affected their prospects in a direct way, others felt this more indirectly. For example a woman with young children had found the company where she worked to be inflexible around the needs of working parents.

I didn't feel it was discrimination against me as a person. I felt it was discrimination against part-time workers or parents or single parents. Because I just felt as though there's not a lot of... there's just no kind of arrangements to try and consider people in slightly different circumstances. Lana

In this case, the respondent felt that the norm of working full-time meant that her circumstances were not considered and she was not regarded as having the same development needs as employees with standard working

arrangements. This experience was reported by a number of other respondents with caring responsibilities who felt that the culture of the organisation supported standard, full-time, working arrangements.

Having looked at some general circumstances which lead to perceptions of discrimination, we now look at specific incidents and circumstances, looking first at disability.

3.3 Disability issues

Employers are required to make reasonable adjustment to enable disabled people to work. The degree of flexibility sought by our respondents varied extensively and whether, under law, denying the flexibility sought in would have constituted unlawful discrimination is impossible to say.

Examples of perceived disability discrimination were found in recruitment and in the treatment of employees.

3.3.1 Recruitment

Respondents reporting disability discrimination in recruitment, tended to see this as occurring as soon as the employer knew of their disability.

For some, this was at the application stage and might be reinforced by repeated rejections or lack of response to job applications,

I found that I wasn't getting any replies and I think my CV was going to the bottom of the pile as soon as they found out that I had been ill..... Nobody was replying because I had said that I'd been off for a while because of my brain haemorrhage. Anna

Questions relating to health on application forms could strengthen this belief,

They're very clear in trying to obtain some information about your health standards in the recent past in all those application forms. So I can only surmise that when they do get to that question, me saying that I suffer from a chronic illness that is disabling, they obviously are going to reject my application out of hand. Because there's no way that you're going to employ somebody who is already sick. Gabrielle

Others had perceived a change in response at interview, when they made their disability and needs known,

The interview was going great until I told them that if I got the job I'd have to have time off every eight weeks because I've got Crohn's disease and I have to have an infusion over at [the hospital]. Up until then the woman who was interviewing and I was getting on great. Then all of a sudden the ... the atmosphere liked turned, if you know what I mean. Daniel

3.3.2 In-work discrimination

Examples were also found of people who had become sick or increasingly disabled while in work and who felt that this had led to discrimination. These tended to be due to three types of behaviour: failure to provide adaptations or necessary flexibility; underestimation of the respondent's capability; and discriminatory statements.

Adaptations

Failure to provide adaptations was described. In some cases, this continued for years and, sometimes, was despite occupational health reports identifying their need. The degree of adaptations sought varied greatly. This ranged from failure to supply special chairs or a special computer mouse to alternatives to speech. For example, one respondent felt that her employer, a Local Authority, had discriminated against her in not promoting her to jobs where they saw spoken communication as important and they were unwilling to consider other forms of communication,

Because I cannot speak at all... I can speak but not clearly enough to hold a conversation, I could guess that it is because I am deaf, black and a woman. ... the jobs I applied for... require casual conversations, liaising with people internally and externally, and obviously I cannot do that so I didn't get the jobs.

They just see me, see my deafness and speech impediment as a problem. They didn't think of ways to make things possible, like TypeTalk. They know about minicomms but I think they just want normality, if you understand what I mean.

Yes, it is to do with my disability. You see they would have to write down what they wanted to say to me. Davina

Related to adaptations was deployment across the workplace. For example, a respondent's office was moved so she had to climb several flights of stairs, causing stress and potential deterioration to her health. As she explained,

There are things like moving round the building, they will do things, but you in a very hot place even though they have been told by previous medical assessments that that is not a good idea. And then when you pass out they wonder why. It's a very strange, peculiar place to work I think. Lynne

While some of the above examples indicate that employers had examined their employees' needs (even if they may have failed to provide for them), others did not seem to do this,

I'd only just been diagnosed... So they hadn't no idea ...they didn't really consider how bad my MS was, would be, or whether there was any kind of job I could do or a job I could do from home, or anything really, anything else; or even a part time option. Yvonne

Working-time, homeworking and absence

Lack of flexibility over working time was reported by others, even where policies were in place to provide such flexibility. For example, Lynne, a civil servant quoted above, whose employer provided disability leave reported that she now had to use flexitime for very short periods of time off (30 minutes every three months to receive her medication).

If I have a doctor's appointment or something like that I have to make up the time, but other people get doctor's appointment as a doctor's appointment. Lynne

She also felt that sickness absence by disabled people was treated more strictly than others and that, while part-time employees might suffer some discrimination, this part-time penalty was greater for disabled people.

One respondent saw discrimination in her employer's failure to allow her to work from home for a short period,

I've got MS so it falls under the Disability Discrimination Act and I had an MS attack and so couldn't walk very well and I had to beg my company to work from home for a couple of days. I'm a HR manager so although I only worked part time I didn't need to be in the office, I could do everything remotely from home but I really had to beg them to do that and then they were really mean about it and they gave me two days off and I ended up taking a week's holiday the week after because I didn't want to go back to work and I couldn't walk. Sandy

Another respondent saw discrimination in her employer's unwillingness to keep her in employment whilst she recovered from a brain haemorrhage. A Meals-on-Wheels driver had her driving license suspended for a year after a brain haemorrhage. She said she had been told that her job would be kept open for twelve months, but was then dismissed,

I went back to them after six months thinking that I would be able to do something quite easy for a couple of hours a day just to show willing, so that they would keep my job open, but I found that I couldn't multi-task, so the jobs that they set me I wasn't able to do and I proved to be more of a hindrance than I was a help. So they told me to stay off work for a little bit longer until I would be able to cope, which I said was fine. And then about three, four weeks later I got a letter from them to say that they had terminated my employment completely due to my medical condition, because they didn't know how long it was going to take me to recover. And yet they knew what the problem was from the start, and they knew that it was going to be a long, slow process for me to actually get all my faculties back. Anna

Underestimating capabilities

The third type of behaviour leading to perceived disability discrimination for employees was under-estimating capabilities. For example, on returning to work for the armed forces after treatment for cancer, a respondent felt he was being denied development opportunities,

It was plainly 'yeah, we, we don't think you're capable of doing it therefore we're not going to put you on it,' and yet other people who I thought were less capable than me were going on the courses and not passing the courses and they were coming back having failed and, and, and when I did eventually get on it I passed it no problem. Niall

In this case, this was thought to reflect a general lack of understanding of rehabilitation,

'Yeah, he's been seriously ill, let's find a job for him that doesn't take much to do, and we'll leave it at that, not very many prospects and stuff like that but I'm sure he'll be happy with that,' Niall

This underestimation of capabilities resulted in dismissal for one worker, who had been working for a few weeks in a small supermarket,

I didn't actually tell them I had epilepsy, and when I did... well I think I did mention it briefly, but then they started, they couldn't keep me there anymore because my epilepsy was causing too much of a problem... I was under a bit of stress ... And I was just having twitches here and there ... like little jerks really but it wasn't like a full blown fit...they said look, we can't have you working here because it's too much of a health hazard in the shop really... It was ... sacked on the spot really, so I had to leave there and then. Charlene

Bullying

A third type of treatment was perceived bullying. For example, a respondent working for the police force felt he was being bullied by his manager because of his dyslexia and his sexuality. This occurred following the appointment of a new manager which led to the respondent being demoted, removed from a special project (which would have helped progression) and withdrawn from training courses already booked, all without explanation. At the same time, he saw others being provided with training opportunities. He felt that it was

because I was dyslexic, my manager possibly thought I was incapable of performing tasks, ... and I would be a weakness within the team, and I shouldn't be in that position as supervisor... I think he saw me...I couldn't be a strong leader because I'm dyslexic, I'm not capable of carrying stuff out. There were two incidences when I was, something to do with written work I was doing that he sort of quite wrongly criticised me on. From that I built the impression that he thinks you know there's a lot of stuff I wouldn't be able to do, and I was being a big disadvantage because of my dyslexia. Phillip

Inappropriate comments

A fourth type of behaviour was demoralising comments from colleagues as well as managers. In some cases, this suggested lack of sensitivity,

We've actually had some people in team meetings actually stand up and say "this person has multiple sclerosis". You know you don't want people to know, you just want to go there and get on with your job.

When I did get a specialist chair the line manager at the time said "oh look at the chair, look it can do this, it can do that", not really the way a disabled person wants to be treated, they just want to be treated like everyone else. It's sort of making you stand out with a disability. Lynne

In other cases it suggested ignorance. For example the respondent quoted above, who had MS, also reported a colleague asking to move desks away her, because she did not want to ‘catch whatever it is you’ve got’.

Comments also seemed to stem from an underlying hostility,

They’ve got two offices, and the office that I worked in you had to go up and down the stairs which I was finding really difficult so I was working in the other office which you don’t have to use stairs for. And they made a few comments about that saying oh so you’ve decided to work over here then have you. It was like no, I haven’t decided to, I have to because I can’t walk up and down the stairs, and then the Managing Director came up to me and said we’re making you redundant. Sandy

Because I wasn’t in a wheelchair or anything like that, they, they did ... they used to say, “well, you look okay,” literally my Team Leader, Noreen, she used to say, “you look okay,” and I said, “but, you can’t ... just because I look okay doesn’t mean I’m not in excruciating pain,” Donna

3.4 Childcare issues

In the Citizenship Survey, respondents could identify discrimination on the grounds of caring responsibilities. Our interest in perceived discrimination on caring grounds is largely due to its link with indirect gender discrimination, which arises because a much higher percentage of women than men are carers. However, employers have legal obligations to consider changes in working patterns to assist working parents and also have requirements placed on them in respect of women returning from maternity leave. Respondents who had reported discrimination on the grounds of caring responsibilities reported what seemed to them lack of reasonable flexibility or different treatment because of their caring responsibilities.

3.4.1 Lack of flexibility over working time arrangements

Lack of reasonable flexibility was identified on return from maternity. Some had been refused return to their previous job part-time. For example, a woman employed by a large pharmaceutical company was told that she would have to find another position in her company. Another was offered a much lower level job:

I used to be PA to the President of the company ... his point of view was ‘if you need to work until 9 o clock you will work until 9 o clock regardless

of what you do, the fact you have got children, that's not my problem'. They felt that their job wouldn't lend itself to having someone sharing the job, that they needed to have someone there all the time who knew it. They sort of said for the kind of position I was in, it was just sort of the responsibility that I should be married to the job rather than sort of the family really.

So they said they would sort of offer me another job within the company that would suit me better, being a more junior role..... if it was going to be on the same salary then yes I probably would have done it, but you can't go into a role that's going to be £20,000 instead of £30,000 and expect them to pay, they weren't going to do that so I didn't even bother going in and looking down that route. Sandra

Another respondent, quoted in Section 2.4.1 working for a small employer described how she felt she had followed procedures to negotiate a change in working patterns and had tried to be flexible, but that her employers had not:

In the end I got a letter about three weeks before I was due back to work saying that they didn't feel that I'd looked into the options enough, and until I had they weren't prepared to put anything forward in terms of what my working structure was or anything, so by that point it was just getting very difficult, so I ended up not getting back. Kate

In this case the feeling of discrimination was exacerbated by seeing a man treated differently

The gentleman that had been on paternity leave for two weeks put forward that he would like to work from home one day a week, and there was absolutely no problems with that, he got his answer straight away, and he was let off for one day a week. When I put forward doing that and extending my hours for the remaining four days, I got told "no" Kate

This lack of flexibility was also reported when changes in childcare necessitated changes in working time,

I had a babysitter that used to pick my daughter up, it was all arranged and you know she could guarantee it. But then there was a problem. So I went to work and I told them that I needed my shift changing. I saw my supervisor and she blatantly more or less turned round and said 'you've got the shifts you're given, if you don't like it there's the door' more or less. Katherine

Discrimination was also perceived when the employer made changes which resulted in difficulties over childcare. One respondent reported how her company changed the way it delivered its services, which meant her working day started earlier and her finish time was, unpredictably variable. This created major difficulties for childcare and for her seeing her children,

I did ask them at the time whether or not they would discuss it with me, and they refused to discuss it with me. Keeley

3.4.2 Lack of understanding over childcare and attendance

Employers' response when childcare resulted in absence could also be seen as discriminatory. For example, a mother had had her work with an employment agency stopped because she had had to take time off because of childcare,

Well, I was working from agency.....I rang them [the company] and told that I cannot come in to work because I didn't have where to leave my child, [the] company they said "that's all right you know, you can come tomorrow", but from agency I got a call that they don't want you any more.....there was a few times before, so maybe they just... they said they need people who could come to work you know all the time when they need them. Ruta

3.4.3 Discrimination against part-time employees

Some respondents working part-time felt they were discriminated against because of their caring responsibilities. As part-time workers, they felt they were treated unfavourably in comparison to their full-time colleagues.

For example, a senior manager in the Health Service thought that she was no longer offered the same training opportunities after she had reduced her part-time working from four to three days. She believed the lack of training severely affected her promotion prospects, particularly as this included a developmental training programme for the next managerial level.

When opportunities for training and developmentcome up, it seems to me that the automatic attention goes on to the full time workers, and although I have worked in the same job for six or seven years, those opportunities haven't been offered to me and if I want training development opportunities I have to push really hard you know to get them. Sonia

Her feeling of discrimination in access to training was exacerbated by being required to find funding for her training, as she was unaware that anyone else had to do this. Her feeling of discrimination against part-time employees was reinforced by lack of regard for the days she worked in fixing important meetings and by seeing the top management team change from mixed to all male:

Whereas I see colleagues get offered opportunities, you know colleagues that work full time at my level, getting opportunities that just don't come my way. So it doesn't feel like it's an open equal opportunity whether you're part time or full time worker. I'm not saying the investment is always in men, it's not, it's in men and women, but it's in people who are working full time and it feels like you know it's a sort of discrimination against people who have outside work responsibilities. Sonia

Interestingly, one respondent, a local authority care worker, believed his part-time working was being used as an excuse for differential treatment which stemmed from racism.

The other thing is, they have lots of jobs all around but they tend to give it to the white girls more jobs than me, okay. When I ask them, they said oh, because you can't start until after eight o'clock. The reason I can't start until after 8 o'clock, my son has got autism, I have to put him into, I am a hard working parent. I am a single parent, hardworking, I want to put him into school. Mansour

3.5 Recruitment: other strands

The previous two sections have considered perceived discrimination on the grounds of disability and caring in all areas of employment. This section focuses on perceived discrimination in recruitment on other grounds (i.e. race, religion, gender (other than indirectly in relation to caring) and sexual orientation). These are described together because similar factors were reported across these strands.

Identifying discrimination in recruitment is difficult, as job applicants often have very little information to go on. For our respondents who believed they had been discriminated against in recruitment, some seemed to base their belief almost wholly on their lack of appointment. Others based their belief on statements or behaviour which seemed explicitly discriminatory. Others based their views on circumstantial evidence, which ranged from behaviour and statements strongly suggestive of discrimination to no evidence other than failure to be appointed.

Below, we first describe cases where the main reason reported to us for perceived discrimination was failure to be appointed. We then describe the cases where beliefs of discrimination had been prompted by statements or behaviour which seemed explicitly discriminatory. Lastly we describe the other factors which prompted beliefs of discrimination.

3.5.1 Failure to be appointed

In most cases where people believe they have suffered recruitment discrimination, they will have failed to have been appointed. This was the case for most of our respondents. However, some gave little or no reason for perceiving discrimination other than this failure. Those giving a range of reasons in addition to failure to be appointed are discussed separately below.

Some had experienced repeat failure. They had applied for many jobs (sometimes 40 or more) and had always been rejected and, if they had asked for reasons for their rejection, had been given no explanation adequate for them.

Well because I went for quite a few jobs and you're talking in terms of experience and qualifications I never seemed to get them. So whether they used the excuse of over qualified, but I considered it was age. Carl

Another, a woman, had completed a degree in her forties and had repeatedly been rejected for jobs for which her degree suited her and then, as she became more desperate for a job, for much lower level jobs.

Others had perceived discrimination due to rejection for one or a small number of jobs. The reasons they gave about why they believed they had been discriminated against included:

- that they were qualified for the job (or could do it) and so should have been recruited,

I didn't see the qualifications of the others but I felt I was well qualified if not over-qualified for that particular job. Marcus

- that they felt they had done well in the interview or been encouraged at interview to think they would be offered the job;
- that more-experienced people were appointed and this was seen as discriminatory as the respondent was too young to have gained experience; for example, one respondent, applying for a low level job in a retail chain believed that other applicants had been managers in retail,

I don't have any retail experience or anything, but the thing is like some of us can't get experience without actually having a job, the first thing is that they're not giving it to us so we can't actually get experience from it. Gita

For those receiving one or a small number of rejections, there seemed to be a lack of recognition either that there may have been a better applicant or that, if there were more applicants than jobs, some would be rejected. For some, even receiving repeated rejections, it appeared as though they might be using discrimination as a preferable explanation for rejection than that they were either unsuitable or less suitable than other applicants. For example, Abdul, a recent migrant to Britain with few relevant skills, qualifications or experience and poor spoken English felt that his repeated rejections were due to race discrimination and did not seem to explain it in terms of his skills. However, in none of these cases can it be assumed that there was no discrimination. Discrimination may have taken place. Moreover, it is possible that these respondents found it difficult to identify the reasons for their belief and that they were based on additional unreported reasons.

3.5.2 Explicit discriminatory statements or behaviour

Some respondents based their perceptions on a single statement or behaviour of selectors which was explicitly discriminatory.

For example, a Sikh man applying for jobs through a recruitment agency reported how his beard and turban had led to rejection:

It was in a restaurant and they told me because you have got turban and you have got beard it is against our, I mean, it is not good for health and safety because you have got a beard. Manjinder

He had also been rejected for a post as a parking warden:

I gave an interview and everything but they told me we can't give you the job, the same again because of your turban. You have to remove the turban for that. I say why because, they told me because you have to put a cap, it is our uniform. You can't ... without cap you won't be able to do the job. I say I can't do the job because I wear turban. He said well you have to remove the turban, I say I can't do it. They say sorry we can't give you this job. Manjinder

Another person reported being rejected because of her race,

I'd applied for something over the phone, to work in a wine bar... and the guy was really, kind of, positive on the phone. [At the interview] in total there was me, this other guy who was, like, an ethnic minority and about four, four other people who were Caucasian and it was just literally, sort of, he said, "oh, well, we're going to start taking people into another room," and as the people started moving off, she kind of pulled us two aside and said, "look, you know, I'm not being funny but this establishment really wouldn't be the place for you, you know, it's ... you're not what we're looking for, we have a certain look". Jane

3.5.3 Other reasons for perceiving discrimination

Many respondents presented a range of reasons for believing they had been discriminated against. These tended to include not being appointed, along with one or more of the following reasons.

- The appointee (or those in the job) being different from them (in terms of gender, ethnicity, religion or age).

This might occur when they thought they were better than the appointee. For example, a respondent explained:

They said I met all the criteria and all that but I didn't get the job and most occasions when you find out who got the job it's usually other people, who are white people... The person who escorted me out of the interview said I did very well. And he gave me the impression that I got the job but when further realised that somebody of a different background, white a white person got the job and I know for sure that I was the best candidate. Brian

Another respondent described his experience of applying for a job in a toy store:

Basically there was an Asian lady and an African lady there along with ten other, like, British people. And basically the one lady couldn't speak English and the other was giggling whenever she was asked a question and everyone else seemed pretty decent people. I had a friend who worked there and he basically told me that the Asian lady and the African lady were the two that got the jobs and he told me since that they needed to up their quota of foreign people working there. Keiran

It also occurred when they experienced repeated rejections or saw others similar to themselves being rejected. For example, a man seeking work in medical sales through a specialist agency remarked that,

Pretty girls are first choice and the guys are certainly second. But that's the way it is. Stuart

He had reached this conclusion from observing that most of the successful candidates referred by the agency were women:

I know that there was one boy that went from my college and he didn't get the place either and he was Bengali so that's why I assumed it was probably because of that because most of the people were white and Black... [so the older people, the more experienced people] ... they were white, they were like English men. Most of them were men. Gita.

However, some gave no indication that they thought they were better than the appointee. For example, a young woman, aged under 20, felt that she had been discriminated against on the grounds of age when she was told she did not meet the requirements:

I know that there was just older people working there or something and I did have experience. Ria

- The selectors being different from them, in terms of gender, ethnicity, religion or age

It comes across to me that they would rather give the job to somebody who was Asian rather than anybody else, because they are actually working in recruitment and they tend to help each other out, that's how it appears to me. Because I'm equally as qualified as the people who are applying for the jobs and I interview quite well, and whenever I've received feedback ... they said "oh you're really good but it's just a shame that we've only got the one job". I don't know, maybe I'm just left to my own devices but I actually felt that it was racial because the recruiters were actually Asian, and I was normally the only person in that pool who was sort of like Black, so. I don't know. Mary

I recently got interviewed by two women ... I was younger than the two, and I felt as though that was the problem, that I was younger. I was younger than the two women but the rest of the office were men other than the two women. Maria

- Unfair process

Processes might be seen as unfair because they disadvantaged the individual.

It was like a group interview where there were other people as well. We all had to stand up in front of each other and had to... I actually think that I was actually confident because I am usually one of them confident people who can talk in big groups and everything, I think most of us did really well ... I'm just saying that the type of interview was I think a bad idea because it was interviews with some older people as well so some people had previous experience as managers and everything so I think that was unfair because it kind of makes us feel like oh we don't have enough experience or whatever. Gita

Unfair processes were also reported in terms of the selection being a forgone conclusion,

I went for the interview and I knew that I did exceptionally well and I was given feedback and said I did well. I later found out that there was somebody acting up in that post before and that was a white person and that person got the job. Alfred.

- Different treatment.

This could take a number of forms. For example, one respondent, a Black African woman, had been an intern in a large Pharmaceutical company and applied for a job when she graduated. She had to go through a detailed application procedure, whilst she saw other ex-interns just being taken on.

So I felt like I should have stood a good chance to be offered a role without having to go through the process. But I went through the process, and I eventually was offered the role. I was the only black female in the intake, and I felt like I had... I was possibly more qualified than a lot of the other people that they had recruited. A lot of the other people didn't have work experience, hadn't done an internship with that particular company, didn't really have relevant qualifications and they hadn't done so well in their first degree. So I felt that I had to have achieved more to get the same result really... So I just felt that I was jumping through a few more hoops than other people. Amelia

- Discriminatory comments,

For example, the respondent quoted above, working in the pharmaceutical industry, reported how:

I've had various comments that I found slightly unusual: people saying "you're very articulate for your background" and things like that, which I find quite strange! Amelia

- Other reasons

Respondents described a range of other circumstances and incidents which they perceived as discrimination. In one case, a Black Caribbean man described how he had applied for a job and was told he would be offered it but that the offer was subsequently withdrawn. He believed that this was because of a poor reference provided by his previous employer who had dismissed him from his job. The respondent thought this was not allowed and he saw this, and his previous dismissal, as race discrimination.

Many respondents presented a mixture of reasons for believing discrimination had been practised against them. For example, a male respondent applying for bar work, thought he may have been discriminated against on the grounds of age and gender,

I just felt that I was maybe being discriminated against because of ... age and gender... Maybe because, you know, in bars typically they'll sometimes hire, you know, girls like maybe to attract more male customers and maybe sometimes that's the case with shops. And also probably because of experience issues as well because places like that tend to require experience but at the same time how are you supposed to get a job in the first place to gain that experience if, you know, that's one of their prejudice, you know, being prejudiced against...

And the interview, I felt the interview went quite well and, you know, I was quite... I was quite happy with it and I thought I'd be quite good there... I think they had about three more staff and they were all female and all the staff that works there are female ... and I think that's the only interview really that came of any application that I made.

I was 19 and I'd just finished college and maybe there were thinking, 'oh he's too young, no experience in any other job so, you know, we'll hire this person who does actually have experience'. David

Some had reported discrimination in the Citizenship Survey, but did not really think their treatment had been discriminatory. For example, one respondent experienced repeated rejections for shop and bar work when he was trying to get a job in his gap year.

'You're still young, you're about to go to university and therefore there's no job security.' Bill

He felt employers were concerned about him wanting a job for less than a year. Whilst this was connected with his age, he felt it was not discriminatory.

In some cases, there was a suggestion of hostility towards other groups. For example, a young white man, quoted above as believing that an employer recruited BME applicants to 'up their quota of foreign people', also reported,

I went for a job with the police force and someone in the police force, a police constable told me that I would have a much better chance if I was a different colour. Kieran

3.6 Promotion: other strands

As with perceived recruitment discrimination, the reasons that people thought they had been discriminated against in relation to promotion varied. However, compared with job applicants, employees tended to have far better circumstantial information, for example, detailed knowledge of those who had been promoted, including their skills, experience and qualifications, and the composition of those in more senior posts, managers and selectors. This did not mean that all respondents who felt they had been discriminated against in promotion were able to articulate reasons which were not just either they had not been promoted or that they were treated less well than they would have liked.

Some of the reasons were similar to those for recruitment: that the employee had failed to gain promotion, that those who were successful were from a different equality group, failure to follow correct processes, selectors being from a different group. However, the details were not always the same. In addition, poor treatment and bullying were also cited as evidence of promotion discrimination.

3.6.1 Different types get promoted

Where people applied for promotion, seeing people from a different equality strand being promoted could result in their belief of discrimination.

All the managerial positions at that time were going to people who were of white origin should I say. Gary

In some cases this was combined with a belief that they were better than the appointee. This could be based on length of service, experience or qualifications:

Actually when you talk about seniority or the experience, among six or seven who applied for this job I was the most senior and most experienced person, because I had been with the firm from the Day One. Bhavin

It was not even being shortlisted after obviously meeting all of the essential and desirable criteria... and I knew some of the people that had been shortlisted who were far less experienced and academically qualified than myself...they differed on a religious basis and ethnic minority status. Shahid

This belief in being as good as or better than the successful candidate was sometimes based on the grounds that the person had trained those who were then promoted over their heads:

Because people that I was actually physically training were gaining the posts, but when I actually applied for it myself I was turned down..... I think one of the comments was that they didn't feel that I had the necessary skills and I wasn't ready for promotion. But when, you know, it's quite obvious that if I was training staff and showing them how to do the work required in that post, then obviously I must have been in that position really to be promoted. So that's what led me to believe that. Vikram

This might be combined with feelings that their skills and knowledge was being overlooked or downplayed. As one respondent explained:

I know about seven Asian languages, you know. I could communicate, they won't listen to me so in both ways they are letting down people from ethnic minorities, they are breaking the equal opportunity policy and these are seven women in big positions there who are doing that. Mansour

This could be a one off or repeat experience. For example, one respondent described how she realised discrimination was taking place:

When there was too many people, well too many young guys starting later than me, not doing as well as me and basically going from branch to branch and being promoted. Camilla

Two other respondents described their experiences of being passed over for promotion:

Everybody who was working within that department on a managerial level was white at the time. And I know I was far more qualified than the lady who got the job. With a much better proven track record as well.....All the managerial positions at that time were going to people who were of white origin should I say. Fouzia

Most of the people who were applying for it were lads and they were a lot older than me anyway. But because I mean, I had my experience that they

have been working less than I have been. They have been working there less and I had more experience than them but they chose them over me I found out later on that it was because I was too young and that I was a woman. Emily

In some cases, it seemed less about being better than the appointee, than that the respondent thought they were competent for the job and therefore not getting it was discrimination. A young black woman working for a bank described her experiences of being displaced by a new recruit:

Basically I was actually doing the role, I was acting up in the role and based on that and the ... my manager at the time was saying to me well basically I am the best person for the job, and we had a new lady who came in who was a management trainee and what later transpired was that she had a job interview, she was new to the bank, she did not have as much experience as I did doing the role, but instead she got the job because they felt that she had more qualities than I did... Because they said she was more experienced because she was a couple of years older than me, she was about 27 at that time and she sort of had more life experience, she was a mother, so in a sense she was more mature was the way they were trying to portray, and also where she came from outside to come to work as a senior supervisor, she didn't have any rapport or any relationship with the staff at hand really, so I kind of felt that was the reason why. Faraa

Sometimes, the respondent acknowledged having less experience than the successful candidate, but because they saw this as the organisation's failure to provide the experience, they saw the lack of promotion as discriminatory. For example, an Asian man was unsuccessful for a promotion in a large IT company and a white woman was appointed. He was told it was because he lacked experience in functions not done in his branch. He felt this was discriminatory, as his branch had stopped functions that used these skills and so he had not been able to develop this experience.

Sometimes, it was others who suggested that they were as good as the successful candidates. For example, a medical officer in the armed services explained how he realised that discrimination had taken place:

I suppose it was because people said that they were surprised I hadn't been [promoted]. People ask me why haven't I been? That's what I found. If you're a complete dumbbo, people aren't going to ask that, are they? Terry

3.6.2 My type is excluded

Seeing different types promoted, as described above, combined with seeing lack of people with similar characteristics, such as gender or race in the job as aspired to (see Section 3.2.1) resulted in feelings of discrimination. A woman working for an estate agents described how:

I had everything that they needed, and the experience and it went to a young, young lad, who, as it happened, ran it for about a couple of years and, and wasn't particularly good at it and wasn't very successful ... I know that at that time, um, he was, he was given the job over me and it was because he was a young lad and most of the managers where I worked were young men, and it was jobs for the boys, and it wasn't jobs for the older women... In the whole of the eastern counties there was only one female manager. Joanna

Another respondent, working in adult education explained:

There was also, both times the other two candidates, they've been white and I was the only candidate who was an Asian. In the whole of our college there is just one person in a management position that is Asian. Saffiya.

A Black Caribbean male nurse reflected on his experiences of discrimination:

If I'd been white and female I think I'd been a lot further ahead than I am today. William

A different form of exclusion was reported by a Church of England vicar, for whom the ordination of women was against his beliefs. He felt that, although never made explicit, no-one with his beliefs would be considered for promotion.

3.6.3 Failure to follow correct procedures

Where there were formal promotion processes, failure to follow these processes could lead to feelings of discrimination. One respondent described how another applicant was given unfair advantage:

The lady who got the job applied for the job after the cut-off date, her interview I know for a fact was probably half the time I spent in my interview, and she got the job. Gary

A man of American origin felt he was deliberately excluded from an internal vacancy in the police force in favour of local, British candidates:

I reapplied back to Training and didn't even get an interview...Well they were supposed to interview their own employees, yes. Especially if they're qualified and have a Graduate Diploma education and they'd done the job for three years like me. The only one doing it for three years so every single person working in the Control Room in [the region] had been trained by me at that point. Neil

A number of respondents described situations in which a colleague had been appointed in preference to them on grounds which they saw as unfair. They believed that formal criteria had been tweaked or that senior staff had intervened to ensure either they were not appointed or that someone else was. One respondent described how a regional manager for the property company where she worked had discouraged her, informally, from applying for a more senior post:

I went up to see him and I said, 'I want to apply for this job. I know I can do it, I'd like to give it a go'. And he just tried to talk me out of it. I did actually do a formal application...when I didn't get an interview,] I was more-or-less told that they'd pretty much decided who was going to get the job. It was almost a fait accompli really. Joanna

These included cases where a line manager had a strong informal say in decisions to promote individuals, based on a combination of criteria which were not necessarily clear to the workforce. Some respondents also felt they had missed out on an informal process of recommendation and preparation.

Failure to participate in informal networking was also seen to lead to unfair promotion decisions. A City trader, reported that, although promotion processes in the company where he worked were formal, informal processes were important in their outcome. He believed his failure to socialise with colleagues in pubs and bars after work had had a negative impact on his career prospects. He explained that:

It's not racial discrimination per se, it's more social discrimination you know. In my organisation there were a lot of successful Arabs, there were a lot of successful French people, there were a lot of successful English people, but all of them you know had the common trait of going to country restaurants getting drunk once in a while, going to strip bars and you know. They had a sort of social bond, they had a social class you know, they would happily

go to some posh restaurant in Berkeley or Mayfair or whatever. Whereas all these things you know, not because I am religiously observant, it's just that this sort of thing doesn't interest me, I'm not interested in getting pissed, I'm not interested in you know going to fancy restaurants, because my background is, a poor background and I don't believe in spending a hundred quid a head. So all of these sort of things, you know, like a lot of the Arabs who are there they are nominally Muslim as well, but it translates into being some sort of social difference. So they are not going to hang about with some guy who is going to give them a leftie view on life, if you know what I mean. They're not going to do that. So you know in the end what happens is that you do get discriminated against. Samir

This respondent perceived this discrimination as resulting from a cultural difference, but not from being a Muslim.

3.6.4 Selectors favouring their own group or nepotism

When selectors were all from one equality group, this could lead to beliefs of favouritism towards that group.

Some respondents saw this as happening through friendship and socialising networks, An Asian woman working for a utility company explained:

It seems as though sometimes there is slight discrimination in the sense that you can't understand why someone else hasn't got the job and it seems to go more regularly to people who are friends with other people who are of the same race. But then obviously I'm not always aware of the whole process, so I can't say exactly that it is discrimination, but sometimes it appears to myself and other people that it is. Lana

This may arise where, through work individuals in particular groups are perceived to have better opportunities than others can arise where social or friendship groups form which exclude others, albeit unintentionally.

The City trader quoted in the previous section described how he lost out through not participating in drinking after work:

If a senior member of a team ends up going to you know sharing drinks or whatever you know once a week regularly with a friend, they end up having a social advantage. Samir

In other cases, respondents described situations in which favouritism had been practiced towards a particular candidate, rather than a group, which meant they did not get the promotion they wanted. One example was of a male Learning Support Assistant in a secondary school who had been

rejected for promotion in favour of the friend of the head of department's friend. In another case, an Asian food processing operator was rejected for a supervisory post in favour of the girlfriend of a manager. Neither respondent interpreted these simply as favouritism but saw them as reflecting discrimination in the organisation more widely.

Therefore, the experience of being in a less-favoured group was reported through examples of specific experiences of favouritism and more general circumstances.

Lack of formal selection procedures could contribute to this feeling of discrimination. Speaking about promotion processes in the Army Reserves, a doctor said,

It's all rather vague. I don't know how it is but you are invited. You get promoted up to a certain level, or automatic way, and the rest is seen to... it is very vague, it depends on who's in and who's out. So it's not an open competitive process... promotion was not open, it comes down to who knows who. Terry

3.6.5 Equality group unsuitable for the work

The perceived suitability of disabled people for some jobs has already been described as an element in perceived disability discrimination. It was also reported in respect of age and race discrimination.

In some cases the reported unsuitability appeared to be respondents' suppositions about standard stereotyping. A shop assistant seeking promotion to supervisor stated:

Maybe because we were just young, they thought that I was too young to do it... maybe I was too young to be the boss, but I was really ready for it. Sunita

A male Black Caribbean nurse described his experiences of seeking promotion to Modern Matron:

It's awful but, being the only black person that's in that group, I didn't quite fit in with the flow. So it's was very much, I wouldn't be you know, certainly talking to other senior figures such as chief executives or members of the council in senior positions or whatever, it wouldn't be really that much favoured looking on somebody that came from an ethnic background. William

Sometimes these views were stated more explicitly to respondents:

The interview went okay itself then, obviously I didn't get the post but I asked for sort of feedback which I got and it was kind of..... It was like on the one hand I was being, sort of how can I put it, praised for sort of like the short period of time that I had been there, how fast I had gone up the ladder really to get to the post that I was in because it usually takes quite a long time and then on the other hand I was kind of being told that, how can I put it? I can't remember the exact words but it was the case of giving someone of my age giving instructions to people slightly older than me, that kind of like gave me the impression that it was my age. Dev

Age discrimination at the other end of the age range appeared to affect perceived suitability for an older woman,

the new head of the call centre and the trainer, who'd been training us, actually asked me a question about how did I feel about going over to the call centre and mixing with a lot of young people because they haven't had too much problems with older people before, but they felt that I was perhaps quite assertive and that they hoped I'd fit in ... I thought, oh gosh, she's trying to put the boot in for me already. That's what I felt. But again, [it was] just a suspicion. Pat

3.6.6 Bullying

Some respondents reported a series of treatment which appeared to constitute bullying, which led them to perceive discrimination. Others reported explicit racist statements.

One respondent felt he had been discriminated against in promotion due to being disabled and gay. He described being demoted shortly after a new manager arrived and being removed from training courses.

At first I was unsure, but even though at first I couldn't understand why, I didn't suspect it was related to you know anything to do with my status or disability or whatever. But it was as time went on, it was about, I couldn't understand why it happened. But when I was challenging them, they couldn't give me any good answers as to why I was removed, that's when I started to you know think 'well, is it something to do with me personally, and who I am?' ... I should think he was uncomfortable with it [his sexuality]. Phillip

A Black Caribbean nurse quoted earlier, believed he had been discriminated against on the basis of gender and race when he was not promoted to matron. He felt this for a range of reasons. He felt he was well qualified and experienced, but that the largely female, white senior managers saw it as inappropriate that a black person would be involved at such a high level. He had felt for years that he was put down for behaviour that others were not,

I've felt it for quite a while, certainly in the past four or five years. And because I am quite vocal and quite driven, it's almost like... I used to be accused of being loud and over the top and wildly different from other people's opinions and – what's the other word – 'he thinks he's a good manager when really he isn't' and stuff like that, which, to be honest you know I've never, I've never heard said before, and I've always thought that I've had the respect of my peers, subordinates and even people above me. But it was very much like a, it felt more like a witch hunt, a whispering campaign than really saying let's have a listen to what his ideas are, and. Certainly ideas that I've used before with good effect were almost scorned on.

I'm six foot one, black and very vocal, but for the job that I do, I don't think you can be a wallflower almost and just go with the flow. [If I'd been a white man], I think I would have been classed as being dynamic rather than this loud mouthed person that really talks a good fight but doesn't do anything.

It's almost like being bullied but institutionalised bullying rather than as right blatant face-to-face bullying. William

In this case, belief in this behaviour as discrimination on the grounds of gender and race was confirmed to the respondent by his experience on moving to a different hospital,

Yeah, I'm out of the job now. In an environment where it's a mixed culture, so it's white/black, Asian... And it really does make a difference, because at least I can be vocal without being discriminated against. William

3.6.7 Explicit discriminatory statements

Some respondents reported explicitly discriminatory statements. In one case this was in relation to a promotion,

On the receiving end of comments about age and suitability, and almost as though 'don't get your hopes up'. Well, on one occasion I do remember being told I would be in competition with people far younger than me and it would be difficult for me to win the day as it were. Stefan

In another case, this was not in relation to promotion, but contributed to the respondents belief of racism,

Managers are mostly white, yeah. Well one or two I've seen are like Asian. Most of them [the production workers] are Asians, or Kurdish and all of, yeah. English are also there, Polish as well... Sometimes manager like say one day, they say to one guy Kurdish, he came late for work, he said "I'm sick, can I go home? and that guy, the manager, he said "if you want to go back home, go back to your country". Sachin

3.7 Other perceived employment discrimination

Some respondents who, in the *Citizenship Survey*, had reported suffering discrimination in recruitment or promotion, said that, in fact, their discrimination related to other types of treatment at work. These pay, differential treatment, bullying, work allocation, lack of catering to religious needs and redundancy.

3.7.1 Pay

A number of people reported pay, rather than the recruitment or promotion discrimination which they had claimed in the *Citizenship Survey*. Within the qualitative sample, a number of women reported pay discrimination and they all saw it as gender discrimination.

In some cases, pay discrimination was perceived when a person from a different group being recruited at a higher pay level,

It's quite hard. I don't know how that can be described because it's not really sort of denied a promotion. It's someone [a younger man] came in [yes] supposedly on the same level [hmm] but without the experience and at a higher salary. Andrea

I actually fell pregnant went on maternity leave but there was a person that they brought in to cover my job, was actually put on a higher salary and he had ... well, a similar or less qualification than me to do my job. And he was brought in at a higher rate. Leanne

This respondent described how an on-going pay difference was suddenly uncovered,

I literally found out by accident how much the other two of my colleagues who were doing exactly the same job as me were getting paid... And it went to about four thousand more than me. Leanne

One man reported pay discrimination. This was not seen as related to any equality strand discrimination, but that people who had been in post longer received higher pay. This situation persisted even when challenged,

I was told by the direct manager that I was going to get a pay rise in August. When I asked in August he told me I wouldn't get it. I was doing the same jobs as other people who were getting paid £7 per hour but I was getting paid £5.40. I had the same responsibilities as management but I wasn't getting paid as much. Duncan

3.7.2 Differential treatment and bullying

Whilst differential treatment is a part of all discrimination, it is not always a perception of differential treatment that prompts perceptions of discrimination. However, for some it did. It could take various forms, including those discussed under other sub-sections. However, in some cases, the recognition of differential treatment was due to the person's treatment on several fronts and so is discussed here. In some cases this differential treatment by its nature and persistence may be seen as bullying.

The way that differential treatment was expressed varied. A police officer described how he felt that, rather than him, the people against whom he had taken out a grievance were treated as victims

The grievance had been discussed with the Chief Inspector and it was about was about somebody swearing at me in the office when they asked a question and I gave an answer. And I think if the roles had been reversed and I had been a female and the person doing that had been male, that they'd probably would have been sacked on the spot. But that person was actually allowed to say whatever they liked. And I put my head down and I was sent home. And nobody ever interviewed me the entire time. So I got a job somewhere else. I know I'm stopping the proceeding but, you know, the exercise was to drive me out and it worked. Neil

For another respondent, he felt that his need for flexibility over childcare was used as an excuse for race discrimination,

There's other people there with kids, females – well some of them are males – and they are in a more of a worse position than I am, 'cos some of them are single parents and I'm not. but you know. And they're never there. But they seem to be doing quite fine, quite well, do you know what I mean. This is where this discrimination thing came from really. And I'm thinking 'well, why not'. Ahmed

Another respondent described how he had been dismissed from his security job for leaving work early (with his manager's permission). He believed this was race discrimination, although he gave no reason for this other than the dismissal seemed to him unreasonable.

For some, the differential treatment was persistent and undermining. For example, an African man described a range of ways in which he felt badly treated, including work allocation, dismissal of his ideas and treatment over taking two weeks off to see his dying brother in East Africa. In part, he felt this was due to the need for flexibility to look after his autistic son and to gender discrimination, but also race and religious discrimination were felt to be present:

The thing is because where I work, it's a mixed place, lot of ethnic minorities are there and this and that. You know, they are putting us down and the seniors are always white, there are very few Asian ones and even those, like my manager. She is an Asian but she speaks their languages, what they are, she puts me down every time because she is told to do that to keep her job, she has to do that. Mansour

A young woman talked about bullying she had experienced while working for an IT company, which she was convinced was due to racism:

They just used to pick on some really stupid things, I had some boots on with a high heel and I got told off about them ... And then if you couldn't do a call then you had to pass it on to a senior and when you pass on a call, everyone used to mess around before they passed on a call in a conversation, and they called me into the office and told me off for having a little joke with somebody and I just thought you lot just keep picking on me all the time, I can't be bothered. Haifa

Her beliefs of racism were also influenced by black employees being segregated onto one table for work and by an Indian colleague to whom managers used to turn to for help, not being promoted.

A trainee dispenser in a small owner-run retail chemist described a series of incidents. The poor treatment started when her employees discovered that contrary to what they had thought, she was not Muslim, which they were. From then onwards the male owner asked her to do tasks which she felt were not her job and bullied her in various ways. A major incident involved a withdrawal of an agreement to change her working hours to enable her to care for her son on his arrival from India. Other incidents of poor treatment reported by the respondent surrounded her training

opportunities, including refusal of agreed time off for study and threats to give her poor marks for her work. She also reported having to work all day without a break and even verbal abuse. The incidents culminated in physical abuse by a new manager,

I would be sitting and doing some work and she would come and kick me up in the butt. And I'd be like, "don't do that", and after that, she wouldn't just come and kick me, she would just put her toe on my bum and just like push it. And she knew (sounding emotional) she could get away with it... she would call me names. Sometimes she would call me "bitch" and swear at and I'd be like "don't say that", and she'd be like "oh, go and do your work, what are you putting an attitude for?" Sapna

Seeing others, from their identity group, as well as themselves treated less well helped to confirm perceptions of discrimination. An Asian man working for a Government department explained that:

I just felt that whenever I asked, you know, say for leave or something like that, sometimes it could be rejected, or, like I said, comments would be made. But it wouldn't be just to me, it would be other... Asian staff as well... I was singled out, and then when I left my friend was singled out. Now when he's left, then another Asian guy that started at the same time as I did, he's been sort of how shall I say, "picked on" in, in, in inverted commas ... Well, it can only be race discrimination because there was nothing else that they could do it on. Vikram

Differential treatment of a very different kind appeared to occur in some cases. Some respondents reported a series of actions on their part which appeared to be liable to lead to disciplinary action but this did not occur. Instead, employers appeared to tolerate or to try to make adjustments to accommodate the individual. However, either the employer did make clear the rationale for any action or the employee did not recognise the rationale and, instead, saw themselves as discriminated against by the ways the employer accommodated them. In some cases, it appeared as though the reported event was either the last straw for the employer, a way of putting pressure on the employee to leave or a way of letting the employee down gently rather than dealing with the underlying problems. One respondent working for a landscaping firm described how:

I'll take it to a certain point and then I explode. When I explode that gets around and it upsets everybody, and then I'm the one that gets in trouble for it. That's what's been happening. I'm told that I'm too sensitive and I should chill out a bit more, but it's... the way I see it is these people that

are doing it shouldn't be doing it, if they know that I'm sensitive and I'll take it, like I sometimes take it the wrong way. Surely it's more of a case of them stopping it as opposed to me taking it. Sam

This respondent felt he had been discriminated against, due to depression, in relation to work allocation, whereas his description of events could equally have been of an employer allocating work to enable him to work as best as possible:

They turn round and say "oh, you're unreliable" It was because of depression. They knew that. I'd come in late one day or a couple of days. Sam

3.7.3 Other in-work discrimination

Some participants had stated in the Citizenship Survey that they had experienced recruitment or promotion discrimination but had actually perceived discrimination in other aspects of employment, notably, demotion, changes in work allocation, redundancy and lack of catering for religious beliefs.

For example a Black Caribbean childcare worker, who had reported discrimination on the ground of age in promotion, actually described demotion. A person was brought in from elsewhere in the organisation and took over her supervisory responsibilities. This happened without any formal appointment procedure, nor was anything discussed with her. Although the respondent only referred to age discrimination, her main explanation of the actions were described in terms of race. This respondent felt that the problems resulted from her employers' concern both to be seen to employ ethnic minorities and to have a workforce reflective of the community (which was very largely white). Together, she felt this meant that the employer was achieving what they wanted with her as a token ethnic minority employee and that they did not care what job she did.

Another respondent, providing personal care services, was convinced that he received less work than others because he was a man.

With home support, because I am a man, you see, they tend to say there are a lot of women around, elderly women so we can't send the men, that is acceptable. Mansour

Selection for redundancy was another issue raised, although in these cases, respondents did also report perceived promotion discrimination. For example, a black Caribbean warehouse worker felt he had been discriminated against when he was laid off. He felt that this was age and

race discrimination. In respect of age, many of the workers were older than he, but he believed that heavy work was problematic for people of their age and yet he, not they, was laid off. (At the same time, he seemed to discount his attendance problems.) His beliefs on redundancy discrimination were also influenced by the workforce composition: were only two Black Caribbean employees and that everyone else was 'African, Asian, Polish or white British'. The other case of redundancy discrimination was observed, rather than experienced, by a respondent working in an estate agency. This too related to age, but with older workers being made redundant.

The other type of discrimination reported related to perceived failure to cater to an individual's religious beliefs. In one case, the respondent felt that she as a Christian did not receive the same consideration as practising Muslims:

Because I'm a Christian I find it difficult to get time off work to maybe participate in something that's church-related, whereas for other people it might actually be a bit easier. I know we get Christmas and Easter off but there are actually some other things that I would like to participate in in my church but I've been prevented from doing so because... and it's not made me feel very comfortable, because I'm not made to feel comfortable if I do participate in these things, because then when I come back it's a problem.....I had a friend who was Muslim, and when it was Ramadan she was actually able to leave work early so that she could break her fast and go home and eat and pray and whatnot. But it just seemed like whenever I had something to do at church like for instance during the Easter period at the workplace there are times when we actually fast at church as well, and I just found that they weren't very accommodating... I felt a bit ostracised as a result of that because I didn't understand why we were being treated differently...I didn't get the time off as such, but they allowed me to sort of like leave to pray and things like that, so I mean it was halfway there, but I didn't get the full result that I would have liked.
Mary

Another person felt they were under threat of what they perceived as constructive dismissal due to their religious beliefs. One respondent, a Registrar of marriages felt it was against her Christian beliefs to officiate at civil partnerships. She was told that this was required in her job and she had no choice but to leave or to be dismissed. However, at the time of participating in the study, she had not been asked to do officiate at a Civil Partnership ceremony and her colleagues took on this work, but she also felt disapproval from many of them.

3.8 Key points

- When asked why they thought they were being discriminated against, respondents gave reasons which related to general circumstances and to specific features of the incidents they experienced.
- With regard to general circumstances, some respondents observed that people like them were excluded or disfavoured. In relation to recruitment, they drew on available evidence of the composition of workforces and occupations, combined with the frequency and grounds for rejection.
- Respondents seeking promotion based their perspectives more strongly on their knowledge and understanding of their employer. This frequently included characteristics of senior post holders and the position of groups such as women and BME employees within the organisation.
- A small number of white male respondents felt they had been discriminated against because of they believed their employer to practice positive discrimination and to use targets and quotas aimed at other groups.
- Respondents referred to the role of organisational culture in their experiences of discrimination. Particularly in relation to promotion, some respondents felt disadvantaged because the culture of the dominant group, for example by gender or ethnicity, dominated and they were socially excluded.
- One of the causes of perceived discrimination was that the respondent was at least as good or better than the successful candidate and that the respondent identified the successful candidate as different in an important characteristic (such as gender, ethnicity etc.). This was easier to identify for promotion, where the respondent was likely to know who had been promoted, than for recruitment, where, often, nothing was known of the successful candidate.
- Other factors leading to beliefs of discrimination included:
 - disability: lack of flexibility (and knowledge) over needs and underestimation of abilities
 - childcare: lack of flexibility and discrimination against part-timers
 - selectors being of a different type to the applicant; this was compounded where they selected people of their own type
 - unfair recruitment and promotion processes and failure to follow formal processes, including nepotism and ‘going through the motions’
 - bullying
 - discriminatory and insensitive comments

- believing oneself to be suitable for the job (irrespective of whether others were more suitable).
- Lack of communication about decisions, whether recruitment feedback or in respect of in-work decisions, including promotion. Where people could not see a rationale for their failure or treatment, this could contribute to a belief of discrimination.
- In some cases, there seemed little rationale for the perception of discrimination and that it was a preferable explanation for recruitment or promotion failure to evidence.

4 Talking about and challenging the discrimination

4.1 Introduction

This chapter explores whether research participants had talked to anyone about possible discrimination and whether they had challenged the employer about it. Talking about the discrimination could be important in a number of ways. It could affect belief about whether discrimination had occurred and subsequent actions including whether the discrimination was challenged. Who they talked to could affect these decisions.

The ways in which an individual can understand and perceive discrimination are wide-ranging. But just as it can be difficult to identify whether discrimination has occurred, deciding whether or not to challenge an employer over possible discrimination can be difficult. For many research participants deciding whether to challenge an employer was discussed on an informal basis with a number of different sources of advice and support. But even where a range of advice and support were consulted, individuals identified a number of barriers to challenging the perceived discrimination. As a result, respondents often tried to initially improve the situation through informal talks with employers or decided not to challenge the decision at all.

4.2 Talking about the discrimination

Respondents varied in the extent that they talked to others and to whom they talked. Some talked had not spoken or mentioned the discrimination to anyone at all. The types of people others spoke to were:

- Family and friends
- Colleagues
- Management and Human Resources
- Specialist advice and support
- Some spoke to one or more of these.

Speaking about the incident was important since many respondents were often unsure about whether their experience was discrimination and thus whether they could challenge their employer. Some tended to confide in their family and friends or their work colleagues for this. Some had spoken to their line manager or human resources department or sought outside advice and support; where external sources of specialist advice were mentioned there appeared to be relatively up-take of such resources.

4.2.1 Family and Friends

Many respondents explained how their family and friends were an important source of support and advice. They often spoke to their family and friends around the time of the incident, when they might be unsure about whether they had experienced discrimination. These discussions were useful to help the respondent understand what had happened to them and affected their belief about whether they had been discriminated against. Family and friends also allowed them to vent their emotions and provided personal support whilst they were facing perceived discrimination. They also sought advice on what steps to take and family and friends helped them to decide whether to challenge the employer, either on a formal or informal basis..

By discussing the incident with family and friends, respondents primarily sought to gain another perspective with a view to understanding what had happened and determining whether the incident was discrimination. As one respondent stated:

I've got friends that I did my CIPD with that I was talking to about it and would say look, is it me, am I being paranoid or is this, does this sound slightly odd to you. and I've got a couple of friends that are employment lawyers as well and they, without giving all the details of what they said, both of them turned round and said they can't do it, they're not allowed to.
Sandy

By gaining another perspective respondents were able to broadly compare their experiences with individuals of a similar background or similar characteristics and gain an insight into how others were progressing in the labour market and how they others are treated relative to their own experience. As this respondent explained:

... just to get confirmation that it wasn't me being paranoid. Just to compare experiences with other people that were leaving university and going into jobs for the first time. I guess my friends are of the same ethnic background as me, so it was just kind of comparing experiences to see it was unusual. Amelia

For a small number of respondents it was apparent that talking to family and friends was important not just in an advice and support role but also in alleviating stress, or in dealing with stress-related health problems, they felt they had suffered as a result of experiencing discrimination.

Despite the doubts some respondents expressed, family and friends usually agreed that the incident was either clearly discrimination or at the very least was thought to be an unfair decision. The type of advice and opinions given by friends and family were largely formed on the basis of their own perceptions of discrimination in applying for jobs or within the workplace. To a certain extent these influenced the action the respondent decided to take.

Among those we interviewed, some respondents were not actively encouraged to challenge the decision because:

- the family member or friend saw discrimination as an almost inevitable part of working life; or
- it was not unusual to be occasionally turned down for jobs and it would not always be clear what the reasons were for the rejection.

Instead, respondents might be given advice to ignore the incident and to look for another job or to keep on applying, partly because of their family or friends opinion that challenging the employer would be difficult or was not worthwhile. As one respondent a mother of young children, who eventually left her job because of difficulties in agreeing to flexible working arrangements, was told by a friend:

In his eyes (friend/former colleague) it was [discrimination], but as he said like at the end of the day what difference would I make, so why not save all the aggravation and just leave. Sandra

In a similar vein, another respondent who perceived race discrimination whilst working as a cleaner for a private sector employer through an employment agency explained:

I talked to a friend about it and the friend also said to me sometimes it happens but when it happens you have to be patient and then better. That advice he gave to me, it's better to leave that job or leave that agency]. And find another agency or apply for another job. And I did that, I took that advice. So I left that job and I applied for another job. Vincent

However other respondents were given suggestions on how to overcome the discrimination, for example one respondent experiencing race discrimination in recruitment was advised to think about changing his name to increase his chances of getting a job, whilst another young respondent who had perceived age discrimination was given a suggestion to wear a suit when applying for jobs to presumably appear more mature. However

there were a small number of respondents who despite being encouraged to raise the incident with their employer had decided not to take it any further. As this respondent who had experienced religious discrimination at work stated:

When I spoke to my mum, my Mum's response was like 'well, this isn't right really'... She was like 'if it was me I would have done something about it, cos I don't see why person A should get treated differently from person B irrespective of their religion'. She said 'it's just not right, you should do something about it ... I just decided to leave it. Mary

So for most respondents the perspectives given did not really change their perception, but instead strengthened the respondent's initial thoughts of discrimination. As some respondents stated:

I think it probably confirmed or re-affirmed that it possibly was discrimination, but I think I'd already made up my mind in terms of what I felt the experience was due to. Amelia.

Well, it gave me some sort of confirmation that I might be thinking along the right lines. But I just put it behind me basically and moved on to something else. Marcus

As with Marcus it was a common theme amongst the sample respondents to resign from jobs and leave without challenging the employer because of the influence of perceived barriers, which are discussed later, and to instead find new employment.

4.2.2 Colleagues

Respondents who spoke to their colleagues discussed issues relating to either a promotion or another work-based issue, for example unequal pay, difficulties in having a disability accommodated by the employer or agreeing on flexible working arrangements for working parents. Respondents spoke to their colleagues on an informal basis around the time of the incident in order to gain support and ascertain whether their colleagues thought the incident was discrimination. However, some only discussed the discrimination with their colleagues after they had left the organisation because the incident, such as dismissal, or the decision to resign had happened so quickly. Not all felt able to speak with their colleagues because they felt isolated within the workplace and they thought that their conversation might not be treated as confidential.

Colleagues were considered an important source of informal support and advice given their proximity to the respondent and their insight into the employers' procedures and practices. Respondents might speak to their colleagues to gain personal support and to gauge their opinion of the incident; overall the perspective offered by colleagues had the effect of strengthening the respondent's initial perception of discrimination, particularly as many often had doubts about the nature of the incident. For example, one respondent who was paid less than a colleague who had been appointed to cover her absence whilst on maternity leave stated:

I think it's that, you know, with, with me explaining the situation and you know, you know, incidents that have occurred, I think it's just one of those things where they've kind of just turned round and said it, you know, it's discrimination. I'm not the sort of person that'll start looking at it directly, you know, as a, as a reason because you know, I'm not the sort of person that will ... it, it takes a lot for me to go, to take it further and start seeking advice. I'm not that kind of ... that, that sort of person. But I, I think it's ... I tend ... if I've got issues, I tend to kind of air it with quite a number of people to get their opinions on it. Leanne

In attempting to clarify whether others thought their perception of discrimination was valid a small number of respondents used team meetings and worker forums as a sounding board to discuss the nature of the incident and establish, particularly within larger organisations, whether others had similar experiences. For example, one respondent who felt he had been discriminated against on the grounds of his race and gender when applying for a promotion and also subject to institutionalised bullying, brought up the incident at a work-based Black and Minority Ethnic (BME) forum:

It's interesting because I was part of a BME group, Black Minority and Ethnic group, which you almost expect to hear the same thing day in day out, but it was quite interesting the fact that it was the same kind of scenarios that were coming back. William

Based on hearing accounts of a similar nature it was clear that for this individual the zero tolerance policy did not match his experience of the organisational approach to dealing with grievances, which undermined his confidence in internal grievance procedures. A few others also raised the incident with colleagues at team meetings. In one case where workers shared the perception of the respondent a meeting was called to discuss

their treatment and a collective decision was made to approach the management as a group. In this case, while the respondent felt the meeting had not changed her perception of the treatment it was apparent that, more generally, the meeting enabled her colleagues to share their feelings, gain mutual support and remove any sense of isolation or requirement for individual action. In another case a registry office worker had refused to register civil partnerships, because of her religious beliefs. For this respondent raising the issue at a team meeting to explain why she perceived this to be in conflict with her religious beliefs, and thus religious discrimination, enabled her to gain some support from her colleagues in helping her to accommodate her religious beliefs. The response from her colleagues, as she explains, was mixed:

We're open, we have team meetings. Some of them feel that there are many of us that can do it (register civil partnerships), so from the initial stage I put my hands up and said well then you know I didn't feel happy about doing it because of my religious conviction. And (some) were quite happy with that ... a few said well you know 'if your religion and from Day One you said you don't feel comfortable doing it because of your religion, so we don't mind doing it. But not everybody was happy with it ... there are a few who, if you were to scratch the surface, they will tell you that they feel that I should be doing it. Lorraine

Discussion with colleagues tended to confirm the discrimination as real. Whilst many respondents stated they had been unsure about the validity of their perception at the time of the incident, it was apparent that once they had discussed it with others, both within and outside of their workplace, they had come to recognise employer discrimination. As such, most respondents stated that their initial perception had not changed and had instead been strengthened, since most colleagues tended to believe and agree with respondents in their perception that the situation verged on discrimination (though some referred to the incident as unfair rather than discrimination).

But, despite the almost uniform agreement with the respondent about their perception of discrimination, only some colleagues encouraged the respondent to challenge the employer. Where this occurred respondents were strongly advised to take formal action. However in common with many others, regardless of whether they had been encouraged to challenge or not, individuals often perceived barrier(s) and decided not to challenge the incident. While some lacked knowledge of formal grievance procedures,

for others there were concerns about their ability to prove discrimination, fears around losing jobs and the effect a complaint would have on future employment.

However, colleagues did not always encourage the respondent to challenge the employer and also did not offer much advice on what else the respondent could do. As some respondents suggested, it is possible that colleagues were reluctant to offer advice and influence any decisions to avoid becoming implicated in any challenge. One respondent, who had perceived race discrimination when he was rejected for a promotion explained that a fellow colleague had been reluctant to encourage any action:

She didn't give any suggestion, she just comment ... she just gave a personal comment really, because she knew, she knew that she couldn't ... she couldn't comment or influence the decision, the decision that already had been made because she knew what kind of person that manager was.
Vikram

In some cases colleagues suggested options other than to challenge the discrimination, such as to leave the jobs or to move internally, such as changing branches. This fitted with respondents' lack of confidence in the viability of making a complaint. Respondents saw barriers to challenging their employer, feeling that nothing would change or that their future employment opportunities could be compromised, e.g. getting a suitable reference. Some respondents who had not been advised to complain nevertheless decided to go on to challenge their employer though most respondents went onto leave the job.

4.2.3 Management and Human Resources

Some respondents spoke to management or Human Resources or both. This was often very soon after the incident in order to discuss their perception and/or to receive advice about using both informal and formal procedures. By speaking to management and /or human resources about the incident, respondents had the specific purpose of:

- finding out the reasons for an unsuccessful promotion, or
- to push to have certain needs accommodated.

However in speaking with human resources or management very few respondents expressed any confidence that the incident would be resolved

or that credible reasons would be put forward for an unsuccessful application. Yet, despite the lack of confidence, some interviewees felt they had been given valuable support and advice, albeit rather limited, by either a human resources officer or to a lesser extent a manager.

Some interviewees described how the advice given by human resources had been useful, particularly where respondents were finding out the reasons for an unsuccessful application or interview for promotion. Whilst Human Resources might not suggest formal recourse, other suggestions were made to keep records about conversations and work performance in case the respondent decided to challenge more formally in the future. For other interviewees, informal conversations with human resources and managers had been of a supportive nature and they were encouraged to keep applying for a promotion when opportunities arose. However in other instances, respondents described how the support provided by human resources was 'textbook' and seemed to downplay the issue: they were told they were worrying unnecessarily about the incident or that discrimination did not exist in the organisation, presumably based on their commitment to equal opportunities or a zero tolerance policy towards discriminatory behaviour.

Some interviewees explained how details about their perception of discrimination and, more importantly, their intent to challenge had been disclosed to the line manager, which then appeared to stall any further commitment the respondent might have planned to challenge the employer.

Overall, the advice given by management and human resources seemed to lead to:

- a lack of confidence in internal procedures with the result that the individual left the organisation;
- any informal challenge was not taken any further, but the individual remained with the organisation.

4.2.4 Specialist advice and support

The range of specialist organisations consulted ranged from trade unions, lawyers, law centres, the citizens' advice bureau, an independent witness and a health insurance helpline. Like other sources of support which have been discussed, specialist organisations were consulted to provide advice to establish whether the incident was discrimination and to advise the interviewee about their options. They were also consulted to represent the respondent at formal meetings or hearings.

Respondents usually approached a specialist organisation shortly after the incident occurred, normally a few months of the incident occurring, to seek advice and support whilst weighing up their options in possibly taking formal action against the employer. In speaking to specialist organisations, respondents were often supported in their perception of discrimination and encouraged to take action against the employer.

Types of action encouraged by trade unions included taking simple action such as sitting down and talking with the employer as well as using more formal grievance procedures. Where respondents took up such advice, some success was achieved, for example, a respondent who had continued to receive a lower salary for performing the same role as her male colleagues after she returned from maternity leave had approached her trade union for advice:

I actually got some advice from the union and it was the union that advised me to see my boss and actually you know, put everything to him that I'd explained to him about discrepancies in pay and things like that ... and sure enough, once I'd actually put everything forward ... and given them a reason, you know, the fact that they brought in somebody to replace me with exactly the same qualification and paid him considerably more than me then things ... then changes were made. Leanne

However, for other respondents, calling on trade unions for advice and assistance was considered to be unhelpful. Some respondents felt their trade union had failed to take action even where managers were known to them for their behaviour. While others felt they had to go through an arduous process of firstly convincing the union about their perception of discrimination before the trade union would assist them with challenging the employer. For some respondents the difficulties in providing evidence to the union about their experience of discrimination proved to be a barrier and respondents often dropped the case as a result. A respondent who had approached his trade union after he perceived race and religious discrimination when he was not short-listed for a promotion explained:

So you find that you, yourself, the person who's the victim has to then convince the trade union that's going to represent you, you have to convince them that they need to represent you. Because of the whole bits of evidence and so forth that you have to put in front of them ... you know, very clearly it was kind of discrimination and so forth but, notwithstanding that, I kind of decided to leave it. Shahid

Other organisations providing pro bono advice, such as the citizens' advice bureau, law centres or help-lines as well as employment lawyers, also encouraged interviewees to make a legal claim for discrimination and/or constructive dismissal to an employment tribunal. In some cases it was clear that after having spoken to a CAB or a lawyer about the incident, the respondents' initial perception had been confirmed; a few respondents spoke about their realisation of how serious the situation was only after legal recourse had been suggested. For example a respondent who had perceived disability discrimination after she had been dismissed on the spot after suffering an epileptic fit stated:

I think I found it more serious once I got to CAB because I thought it's probably not going to be taken to Court, I was in denial, and then I got to the CAB and they said yes it could be taken to Court if you get evidence and stuff, so then I thought yeah, it is pretty serious really. Leanne

However, despite the often clear and strong recognition of discrimination by the specialist organisation, respondents did not necessarily decide to pursue to a legal claim. Significant barriers to legal claims identified by respondents were the time taken to pursue a legal time (often estimated by interviewees to be years) and the difficulties in amassing evidence.

4.3 Challenging the discrimination

Only a small number of respondents went onto challenge an employer based on their perception of discrimination. Within this small group, there were important differences in how individuals challenged their employer. While some respondents had challenged their employer to some degree using either formal procedures or an informal meeting, not all respondents decided to raise the issue as discrimination *per se*. Instead respondents usually focused on the core nature of the issue, for example the reasons for an unsuccessful job application, discussing how a disability could be accommodated or discussing flexible working arrangements because of family commitments. Outside of internal grievance procedures, only one individual initiated an employment tribunal claim.

4.3.1 The nature of the challenge

Informal challenge

By challenging discrimination on an informal basis respondents sought to:

- try to understand the decision; and/or
- try to improve the situation without having to resort to formal procedures.

These respondents described an informal challenge to discrimination as an off-the-record conversation about the decision or treatment usually with a line manager or human resources and given the informal nature of the discussion respondents often did not see the need for a representative; though at this stage most had spoken to their family and friends or colleagues about the incident and received some advice. Informal challenges were generally undertaken by respondents employed by the organisation and therefore focused upon issues related to either a promotion or another issue in keeping a job, across all of the strands of discrimination:

- denied promotion opportunities based on ethnicity, disability, gender
- accommodation of religious observance, a disability or caring responsibilities
- the impact of caring responsibilities upon performance assessments
- race discrimination during recruitment and restructuring

Where respondents perceived discrimination in promotion, a few individuals approached their line manager or the manager of the advertised post to find out the reasons for their unsuccessful application. As a result of these informal conversations some respondents were given reasons for the rejection. Some respondents were told that there were business requirements for the decision taken, for example one respondent who perceived age and gender discrimination was rejected for promotion over a younger male candidate because the organisation felt she was needed in the post she was employed. While another respondent who perceived gender discrimination as a working parent was told that a promotion was not available on a part-time basis because of business needs for a full-time employee. In cases of race discrimination, respondents were often told a more suitable candidate had been selected or like many other respondents received no response at all. In these cases, more often than not, the respondent felt unsatisfied by the response but decided not to pursue the matter any further. In some cases, the individual decided to leave the organisation.

Where the accommodation of caring responsibilities, a disability or religious observance was challenged, discussions would occasionally involve an attempt by the respondent to try and improve the situation. So while respondents would challenge the failure by employers to reasonably accommodate their needs, for example through workbased adaptations for disabled workers or flexible working arrangements for parents, interviewees would often suggest options during informal discussions

that would accommodate both them and the organisation. In cases where female respondents were returning to work after maternity leave, individuals would often use informal meetings to try and challenge the now inflexible working arrangements by suggesting alternatives, such as a job-share or a compressed work schedule. However agreement was often difficult and so informal discussions would occasionally progress to become more formal or result in the respondent leaving their job.

For other respondents, despite having challenged the employer on an informal basis had decided to drop the matter and remain in post, even though they were generally unsatisfied by the response they had received; some respondents referred to perceived barriers which are discussed later. As a result of an informal challenge one respondent who had decided not to pursue the reasons why he had been rejected for a promotion, but had stayed in post, instead decided to on the advice of human resources to keep records of conversations or achievements, so that he could challenge, if necessary, questions regarding his performance and suitability for a promotion in the future.

Formal challenge

In formally challenging an employer, respondents sought to discuss and resolve issues related to all strands of discrimination, including:

- adjustments in working time, for those with caring responsibilities,
- adjustments to work environment and leave, for workers with a disability,
- discuss bullying issues related to sexual orientation
- challenging a promotion decision
- accommodation of religious beliefs
- equal pay

Respondents who formally challenged the employer were all in employment. Where respondents had challenged an employer on a formal basis, the specifics of the grievance procedure typically followed the 'standard procedure' set out in the Grievance, Disciplinary and Employment Tribunal procedures, whereby an individual had:

- submitted a written statement or letter of complaint; and/or
- attended one or more meetings with a manager or human resources.

In most cases respondents had already raised the issue informally with either their line manager or human resources before they reached the second stage of procedures and then proceeded to submit either a written

complaint or arrange a formal meeting. In all interviewees usually attended more than one meeting in an attempt to resolve the situation. These meetings were attended by the respondent, occasionally along with a lawyer, trade union representative or an independent witness, and usually the line manager along with other personnel, such as human resources.

As a result of using internal grievance procedures only a few respondents described achieving what they considered to be a successful outcome. In one case, a respondent who had perceived disability discrimination when made redundant, challenged her employers using formal grievance procedures and settled out of court agreeing to a compromise agreement of six months' salary. For another individual, a challenge to a case of unequal pay involved compiling documents regarding the pay disparity despite performing the same role and being appropriately qualified and which resulted in having her salary amended so that it was commensurate with her male colleagues.

However, despite the above examples of successful outcomes respondents typically felt that little had been achieved as a result of these meetings; consequently some interviewees let the matter drop and decided not to persist with their challenge as they described feeling that the outcome was or would be unsatisfactory and little progress had been made towards achieving a workable arrangement. For example, disabled respondents described how adaptations had not been implemented even after a number of quite formal meetings. A few respondents referred to having 'got matters off their chest', though in fact overwhelmingly respondents felt that nothing had changed from earlier informal discussions about the incident and subsequently decided to leave the organisation. Echoing the views of others, one respondent who had perceived race discrimination in promotion concluded:

I think it was, well, it was just basically I suppose you could say it was a chat really, but to be quite honest nothing came out of it. Nothing came out of it.
Vikram

For a few respondents the matter was still ongoing at the time of the interview, while other respondents had also let the matter drop after the formal meetings but were still employed by the same organisation. For these respondents there were other factors that had influenced their decision; for example a respondent who perceived age discrimination when she was turned down for a promotion referred to the lack of diversity within the organisation as evidence for her belief that people in her

position were not progressing and hence why pursuing her grievance would be pointless.

Legal challenge

Amongst the sample of respondents who had gone to challenge their employer, only one individual decided to take their employer to an employment tribunal for race discrimination. Although the respondent had contacted his trade union for assistance, the representative was not in a position to be able to help and advise as they felt the case were not strong enough. Instead the respondent represented himself and the case was eventually dismissed because of insufficient evidence.

The difficulties in proving discrimination were cited more widely as a barrier by respondents to taking legal action; in particular respondents described how they felt they would not be believed and how difficult it would be to gather convincing evidence given decision-making processes for recruitment and promotion lacked transparency. There were shared concerns amongst respondents that bringing a claim could affect future employment opportunities, with employers more reluctant to recruit a 'troublemaker' who taken previous employers to tribunal:

And also tribunals, I think that scares employers off as well. When they see that you're sort of like a force to be reckoned with kind of thing it like scares them into like maybe thinking 'no, we won't employ this person cos ... we'll just step on her toe or something 'cos she'll take us to tribunal'. So, no. Mary

Other the ethnic make-up of tribunal panels, which were perceived be predominantly white, and created an impression particularly where the respondent perceived race discrimination, that they would not receive a fair hearing.

Raising discrimination

All respondents were asked whether they had challenged the employer over their perception of discrimination and though many stated they either had or not, there was in fact a subtle distinction amongst those who did 'challenge discrimination'. While some respondents clearly framed the issue to their employer as one of discrimination, other respondents appeared to approach the issue from a different angle and had not raised the incident within the context of discrimination. In these instances, respondents often spoke of not feeling strong or confident enough to mention discrimination. Instead most focused on the core issue. For example, a respondent who

had been demoted from his managerial position by a new manager and had been subject to what he perceived to be homophobic bullying, had challenged the demotion and mentioned that he had been unhappy at work but refrained from discussing his perception of discrimination. As he explained:

I certainly didn't mention sort of you know the reasons why I thought I was being discriminated or bullied. I didn't tackle them directly at all. I think, looking back at the time, I didn't feel, even in that situation I didn't feel strong enough that I could ... And I also didn't feel it would get me anywhere. Phillip

Respondents often avoided mentioning their perception of discrimination and framed the informal discussion around their unhappiness at work or feelings of *unfairness* with the decision taken. For example a male respondent who had felt his probationary appraisal has been unfair because of his ethnicity and caring responsibilities for his young children, explained how he did not want to '*play that card*' and raise discrimination as an issue. Instead he had talked to human resources about the pressure he was being put under whilst still undergoing induction and training. Underlying the subtle distinction for most respondents was the objective of avoiding the breakdown of working relationships, to be able to keep their job and concerns over being able to prove discrimination.

4.4 Not challenging discrimination

Although many respondents clearly perceived employer discrimination a significant proportion of interviewees decided not to challenge the employer. When deciding not to pursue the matter respondents raised various factors that had influenced their decision:

- a lack of knowledge of grievance and legal procedures;
- fear of losing their jobs or the effect on future employment opportunities;
- feeling that there was no point as nothing would change as a result;
- the stress, time and expense of a making a complaint;
- difficulties in proving discrimination; and
- being seen as a troublemaker or playing the 'race card'.

In addition there were a small number of interviewees who while continuing to believe they had been discriminated against, explained how they had decided not challenge the employer because, as they stated, they understood the business reasons or the perceived risk for the organisation

in employing them. We found examples of this rationale used by younger respondents describing perceptions of age discrimination and respondents who perceived discrimination on the grounds of a disability.

4.4.1 Barriers to challenging discrimination

Lack of knowledge

A lack of knowledge about grievance and complaint procedures meant respondents, most often with regards to a promotion decision or treatment at work, felt unable to challenge the employer. Given interviewees were often employed at the time and will have spoken to their colleagues about the incident, the scope to find out or discuss how to make a complaint was there. However rather than simply not making a grievance because of a lack of knowledge of procedures, it was apparent that this issue was often combined with another factor.

For younger respondent, their age at the time of the incident often meant the job had been one of their first and consequently they not only described feeling unsure about how to complain but also whether they would be believed by their employer. As one young respondent who had been turned down for a promotion to a supervisor role explained:

I didn't know how to make the complaint, I don't know the internal process, I didn't know how to go about it ... I was only 20 at the time, well, 19 I think and you know I was still young and didn't really know what to do about it. Emily

Other respondents described how the work environment was particularly hostile and there examples were given of previous instances of discrimination faced by past and current colleagues. In these cases it was apparent that the lack of knowledge of procedures was overlaid by a strong fear of losing their jobs as a result of initiating a complaint. With other interviewees it was apparent that a poor level of knowledge of internal complaints' procedures had been overtaken by other priorities in their life, namely parenting and caring responsibilities for young children. As a respondent facing race and religious discrimination, who had decided not to challenge his employer, explained:

I don't know how to start, where to go, look, I have a son who needs my attention all the time and he has got autism ... If I divert from there for even 2 or 3 weeks, he will go back into his shell. I can't do anything else. They know how good I am doing with him, if I sort of divert my attention from him, it will not be fair on him. Mansour

Of those respondents who had expressed doubts about how to proceed with a complaint, it is important to note that some respondents had been born outside of the UK and there may have had less overall awareness about sources of advice and guidance on how to enforce their employment rights. For example in a case of race discrimination a respondent stated:

No, I didn't, no (challenge the employer). Well new to this country I didn't know what should I do. Nobody was there to support me so I was, I thought well, I did feel bad. I just thought these people have, they told me whatever, they told me they didn't give me the job because of ... this is the reason they told me and then say okay. Manjinder

However it was apparent from these and other interviewees who had felt they were unable to challenge the incident at the time because of a lack of knowledge, that with more information on how discrimination occurs and of grievance procedures, acquired through additional work experience, that they would challenge discrimination in the future.

Victimisation and constructive dismissal

Some respondents described strong perceptions that initiating a grievance procedure would result in victimisation – either being made redundant or effecting future employment opportunities. In particular respondents, most of whom had perceived discrimination when applying for an internal promotion, expressed concerns that challenging their employer would result in:

- being targeted for redundancy; and/or that
- work life would become so difficult that they would have to resign (i.e. constructive dismissal).

We found examples of this affecting those with who had perceived discrimination on grounds of disability, age and race. For example, an interviewee who had perceived disability discrimination when she had applied for an internal promotion explained how despite feeling demoralised by her experience she was reluctant to challenge her employer because of the perception that she would be targeted for redundancy, since her disability was seen as interfering with her ability to do her job and there were so few people with disabilities working for the organisation:

I just think they would feel offended if I accuse them of discrimination ... [because] I am afraid of losing my job. In case of redundancy they must target for me at their earliest opportunity. Davina

The perception of being targeted for redundancy or dismissal, for some respondents, was based on how colleagues had been treated within the organisation after they had challenged a decision (not always necessarily related to an incident of discrimination). As such some respondents described how organisations had a way of 'recruiting people out and getting rid', whereas others described particular incidents where work life had been made difficult for colleagues. For example a respondent who perceived gender discrimination, on the grounds of her caring responsibilities, had based her decision not to challenge her employer on how her colleague had been treated. As she explained, her colleague's work life was made so difficult that she eventually took extended sick leave and agreed to a redundancy payment:

So I've seen other people go out in a very difficult way you know, she was suffering from mental health problems by the time they settled the agreement and I just don't want to do that ... not my idea of a fun way to leaving an organisation. So I want to protect myself and my family from that kind of distress. Sonia

Other respondents reported similar experiences but described how they feared that complaining about an incident of discrimination would have made their working life difficult and have an impact on career progression. More specifically respondents talked of being 'blackballed' and becoming ostracised and isolated amongst their colleagues. An Asian woman working as a trainee pharmacist described her experiences of frequent verbal and occasionally physical abuse by her employers. While the respondent described how challenging her employers' behaviour would make already difficult working relations unbearable and may have been reflected in the evaluation of her progress and performance, she also felt unable resign from her post because of possible difficulties in finding another training placement.

For other interviewees, their status as a migrant and their experience of working in their home country had significantly influenced their perception of possible victimisation if they did challenge the organisation. Respondents referred to how complaining about work-related problems in their home country would more often than not lead to the individual losing their job. A Muslim African man who had perceived multiple-discrimination on the grounds of race, religion and caring responsibilities explained:

Well, if you complain, you see the thing is, the other thing is we have come from Africa where there's a lot of victimisation and you lose your job, just like that ... Just keeping my mouth shut and because the youth in Africa,

if you do anything, say something to somebody and you lose your job. That fear is still in mind and heart and I can't do anything. Mansour

A number of respondents described perceptions where they felt that challenging their employer could affect their professional reputation within the organisation and particularly the quality of references for future employment. A Pakistani Muslim male who had perceived race and religious discrimination in promotion explained:

... and post, post challenges, it leaves a very, kind of, leaves you in a very exposed kind of place in the work environment and relationships with your work colleagues or across the organisation and you do attract certain kind of negative labels and so forth ... (and) it does actually destroy your career opportunities, openings and stuff like that because of the label that you get given, which is a kind of, you know, part of the hidden culture of organisations because it's not something that's obviously written down anywhere. Shahid

This was an important consideration for respondents as most did not view challenging the employer as a viable option; instead respondents tolerated the decision or treatment until they were able to find new employment.

Challenging discrimination would be futile: 'It's not going to change anything'.

Some respondents stated that their decision not to challenge the employer was based on their perception that making a complaint was quite simply a dead-end option. For most this was rooted in their belief that initiating a complaint

- provided little scope to change anything, since appointments for the job or promotion had been made, or
- in other cases nothing had been resolved after discussions about having a disability or caring responsibilities accommodated, or based
- on a belief that the employer would be able to explain the decision on other innocuous grounds.

Respondents described how they lacked confidence in grievance and complaints procedures and so pursuing an internal complaint would be futile. For example interviewees described their perception of possibly using internal procedures as:

'banging your head against a brick wall' Gary

'flogging a dead horse' Niall

Therefore taking the issue any further either through informal or formal channels became pointless for respondents, as there were strong perceptions that they

'wouldn't get anywhere' Lana and Keiran

'you can't complain really, just complaining is not gonna solve anything' Sachin

While other respondents explained: *'I thought there's no point in challenging because I'm not going to really be able to change it'* (David) and there was *'not much to be gained'* from a complaint (Sandy).

Instead many interviewees went onto conclude that there was nothing they could do but to tolerate the decision:

I've had people suggest that if I said I was discriminated against at interview that I should raise that point, but you don't feel that you can raise that point because it would be very easy for them to come up with a counter-argument and just say 'you weren't the most suitable candidate', even if you thought that you were. So I think it's very, very difficult to do anything or say anything about it. You just have to become quite thick-skinned to it and accept that when you're looking for a job or going for promotion it might take you slightly longer. Amelia

We found examples of this affecting those who had perceived discrimination across all protected grounds, though there were subtle differences according to the stage of discrimination. For respondents who perceived discrimination during the initial recruitment stages, it was apparent their position as an external candidate meant challenging an employer was difficult as respondents felt they had no clear access to complaints procedures. To some extent respondents also had less bargaining power given they were often not informed of any outcome from their application nor given reasons for the unsuccessful application which made challenging discrimination difficult.

Amongst those who had perceived discrimination as an employee it was apparent that many had little confidence in internal grievance procedures. Respondents described how they perceived organisations would 'manage' the complaint by being able to provide some neutral justification for and/or innocuous reasons for the incident. Many respondents felt that if anything the grievance would be dismissed by the employer and portray the respondent as a problem. For example, an interviewee who had perceived age discrimination whilst applying for a promotion, stated:

... it doesn't matter what you say, you're going to get fobbed off; this is what happens, I think. Maybe I'm just being defeatist there but I feel (I was) told stuff that I don't believe to be true anyway, just makes me cheesed off so I decided to be a bit more philosophical about it and just let it go. I clearly wasn't going to get the job and there was nothing I could do about it. Pat

For a few interviewees their decision not to challenge an employer, because they felt little would change or be achieved as a result, had been influenced by their experiences of having challenged discrimination either in previous employment or another aspect of their life, such as at school. Where this occurred the respondent had unsuccessfully engaged with formal procedures either because they subsequently felt unequipped to challenge a large organisation or felt procedurally their grievance had not been taken seriously. For these individuals, as with many others, the decision whether to challenge the current incident was then weighed up on the basis of whether the job in question was worth the time and effort that was required in pursuing a complaint. Overall the perception that challenging the employer would not change anything meant respondents either tolerated or ignored what they perceived as discrimination. Many decided to leave the organisation for new employment and/or carried on applying for vacancies.

Not able to devote time or energy

In weighing up various factors when deciding whether to challenge an employer, some interviewees felt that any challenge, internal or legal, would not be worth their while given the time and effort of taking a grievance or claim. Most respondents who mentioned this as a factor stated that taking an employer to court would be a considerable undertaking and therefore was not a priority, for example because of responsibilities in caring for a young family or because of the stress of challenging an employer. While one would assume the costs involved would be prohibitive, respondents in fact underlined the length of time and effort it would take to formally challenge an employer. As one respondent who had perceived direct race discrimination when applying for a bar job stated:

I mean, if it was just, like, simple case of, you know filling out a form and saying they're bang out of order then fine but I guess I'd taken it further it would have involved, I don't know, official bodies and you've got to make statements and you've got to make another statement. Jane

So while the respondent's perception about the amount of paperwork involved in preparing to make claim to a tribunal was clearly an influence in this case, for other respondents the length of time was an issue. One respondent estimated 2-3 years, whilst another was more vague stating it would *'be ages before it actually got to Court and it wouldn't be worth my while in the end'* (Charlene).

Particular issues were cited by respondents who had perceived disability discrimination. For these interviewees, challenging the employer was felt to be difficult because of a lack of energy and increased levels of stress, which they needed to manage with along with their disability. In particular respondents pointed to the often drawn out process in having their disability needs accommodated by the employer, which usually involved a number of meetings over a period of months, if not years for at least one respondent, as well as the stress of being dismissed or missing out on a promotion because of a chronic medical condition, e.g. multiple sclerosis, epilepsy, deafness and speech impediments. For one respondent, despite the stress of repeatedly being challenged about the extent of her disability – having her disability accommodated, not receiving paid sick leave, then being made redundant whilst on sick leave – still did not formally challenge her employer, even though her experience led her to contemplate suicide at one stage.

For other interviewees, challenging the employer was not a priority at the time because of personal responsibilities and commitments which meant respondents felt they did not have the energy to invest in pursuing a grievance. For example respondents described how they had to prioritise caring for a new-born baby or other young children or attend to other family-related issues, such as a family bereavement.

Some interviewees explained that they had been in post for a matter of weeks while other respondents had considered the job as only a 'stop-gap' or a temporary job and so in the long-run complaining was not worth the effort. Interviewees stated if they had been in post for longer, for example 6 months or more, they would have felt they had greater cause to challenge. For others poor rates of pay and unsocial working hours, particularly for parents, meant they had attached little value to the job. Therefore for some interviewees having been unsuccessful or otherwise, albeit because of discrimination, was not an issue they considered worth pursuing at any length. In fact a few interviewees stated the employer had 'done them a favour', as the incident had been a kick-start to finding a new job or new career. Similarly, for those who perceived discrimination during the recruitment stage, the decision not to challenge had been influenced by

their resolve that they would eventually find a job and therefore pursuing a complaint now would be pointless.

Difficulties in proving discrimination

The difficulties in being able prove that an employer had discriminated or indeed that a decision had a discriminatory impact was a barrier for some individuals in pursuing a grievance. Many felt there were difficulties in proving discrimination because of the near impossibility of obtaining evidence due to a lack of transparency in decision-making processes and a widely-held perception amongst respondents of a lack of fair competition for jobs. For example, a white male respondent who held a senior managerial position felt his organisation had a policy of positive discrimination against women; he echoed the views of many others regarding the difficulties of proving discrimination:

... so what do you do? I mean, nothing; you complain, you know, there's no tangible, you know, evidence per se, there's no, there's nothing you can, that would stand up and say hey, look you know, I think our firm is ... [acting] unethical. Roger

The lack of accountability for decisions and the lack of transparency with the grievance procedure were highlighted as issue for respondents who perceived the process to be akin to 'a ritual pretending to do the right thing' (Neil) in comparison to systems elsewhere. In particular, given recruitment and promotion decisions are taken at a senior level, interviewees felt discrimination would never be admitted to and therefore proving discrimination by the employer would not only be difficult but could also impact upon working relationships. For example, a white male respondent drew on the differences between personnel procedures in the U.K. and Australia:

[The Australians] are actually much stricter about applying for jobs and recording all the data and having to be accountable for their decisions. Whereas here that doesn't actually seem to hold. A lot of people get appointed and you're not ... you didn't even know that job was advertised. And people who have much better qualifications don't even know that the job's available. You can of course appeal, but it doesn't make you very popular and it becomes quite unpleasant. Neil

The difficulties in being able to prove discrimination were also apparent as respondents described forms of institutional discrimination. In particular, an interviewee described certain institutional norms, such as after work drinking and gambling, which he perceived had led to a bias in the availability of promotion opportunities. For this respondent, as would be the case

for many others in a similar situation, there were difficulties in providing evidence of the discriminatory impact of such practices on minority groups, such as racial and religious minorities, given the seeming lack of transparency around promotions and how such practices are so embedded within the 'normality' of the organisational culture.

Being seen as a troublemaker or racist.

Some respondents suggested that making a complaint could label them a racist. This view was apparent where the respondent was from a minority group and was comparing their experience against the treatment of other minority groups, e.g. where respondents perceived unequal treatment in how religious observance was accommodated. For some respondents the decision not to challenge had been influenced by political events. A black Christian found that her Muslim colleagues had their religion accommodated by their employer, while her requests for accommodation had been seen as problematic; this respondent considered a challenge to be difficult given her perception that a complaint may have been misinterpreted as racism given the political climate after international terrorist attacks.

In other examples the prevalence of one particular ethnic minority group in senior positions within an organisation had led to a perception of biased recruitment and promotion decisions. Where this occurred respondents were not always referring to a personal incident but drawing more on general observations (which could then influence their view of how they are treated). Respondents suggested that their position within the numerical minority and also as individuals from a different ethnic group meant they could be seen as racist for challenging a decision. For example, a black respondent explained how she worked in an office where about 80 per cent of the workforce was Asian and new recruits appeared to be of the same background but did not always appear to be suitable for the job.

Sometimes it seems as though people who aren't always as well qualified but are friends or of the same social background get jobs that you can't always understand why if that makes sense ... Just seems as though sometimes there is slight discrimination ... but it's never been brought up because it'd probably be seen as racist. Lana

For a few respondents raising discrimination through internal grievance procedures could possibly lead to being labelled a trouble maker and be seen as playing the 'race card'.

Understood the business reasons for the decision

Under anti-discrimination laws employers are able to put forward legitimate aims in justifying discrimination. Using this logic some interviewees, while continuing to perceive employment discrimination, had decided not to challenge the incident because they had considered the business needs of the organisation into their judgement of whether they should raise discrimination. We found examples of this with regards to age and disability discrimination, respectively; respondents generally pointed to risk factors for the employer, such as a lack of experience or the effect of ill health or disability on attendance, as sound reasons for unsuccessful recruitment or promotion decisions.

Within the age strand we found particular examples where younger respondents suggested that factors such as their age and their lack of experience and often the temporary nature of their availability (around classes, holidays, gap year) could be risk factors for employers, who may be looking for a permanent and more experienced individual. While on the other hand, older respondents made brief references to understanding why employers may want to hire younger candidates. As one respondent, aged 18 years who applied for numerous retail jobs, explained:

I was just on a gap year ... and I just felt that I probably didn't get as many call backs because of my age and after talking to a few of them it was confirmed, like they saw it, said 'you're still young, you're about to go to university and therefore there's no job security'. I mean they obviously made a choice based on my age but I don't think that really counts as discrimination. Bill

While others stated that:

- unsuccessful job applications where an individual had in previous employment taken leave because of a disability, or had
- difficulties in agreeing to flexible working arrangements where an individual had childcare responsibilities,

were to a certain extent understandable, as the respondent had factored in the needs of the business in taking their decision not to challenge the employer. In these cases the need for flexible working or possible greater use of sick leave was seen as possible risks for the employer. A respondent who had been signed off with stress in a previous job and had subsequently perceived disability discrimination when applying for jobs stated:

... when I didn't get the job I thought well if I put myself in their position would I perhaps have done the same, would I've perhaps thought well, it's not really worth the risk. So it really was afterwards when I began to try and rationalise it. Marcus

A respondent made reference to understanding industry tactics, for example in recruiting young women for bar and restaurant work over older men.

4.4.2 Outcomes from not challenging the employer

The effect of these barriers left respondents with a limited number of options. Those who perceived discrimination during the recruitment stages across all of the strands of discrimination, after decided not to challenge the employer, were left with no option but to carry on making job applications to other organisations. However some respondents changed their approach to job-searching. For example, an older female respondent who had perceived discrimination because of her age whilst looking for work, in particular when replying to advertised jobs for full-time permanent posts, switched from applying for permanent jobs to using employment agencies for temporary employment; as a result the interviewee reported offers of permanent contracts after working as a agency temp.

For those in employment the impact of perceived discrimination had either led to a break down in relations or trust with the employer. Many respondents felt the only viable option was to resign and find new employment; most respondents left within a month or so of the incident occurring. As previously described, some respondents stated that experiencing discrimination had led to them leaving the organisation and pursuing what they considered as better opportunities for career progression in other industries. For example, a job advisor who had perceived age discrimination after he had been rejected for a promotion, eventually left to join the police service.

A few respondents were still employed by the same organisation. Some of these interviewees, incidentally all women, had felt resigning was not an option, possibly because of financial concerns and instead had applied for internal moves to another branch or department within the organisation. For a few disabled employees the additional stress and lack of energy they experienced in having to manage their disability with an often difficult working life, had led to their resignation from their job. As previously mentioned an individual had suffered from such stress and anxiety from disability discrimination, that she had contemplated suicide.

Some individuals referred to feeling stronger in being able to recognise discrimination in the future and in their confidence to challenge it as a result of their experiences.

4.5 Key points

- Interviewees spoke to various individuals and organisations for support, advice and guidance as they were often unsure whether they had experienced discrimination.
- While these sources of support and advice agreed with respondents' perceptions of discrimination, many were not encouraged to challenge the employer over the incident.
- Informal and formal challenges were often considered to have led to unsatisfactory outcomes with respondents and employers often failing to achieve an agreement
- There were subtle distinctions in how respondents challenged the incident, with respondents often presenting the issue without mentioning discrimination because of various perceived barriers.
- Respondents did not challenge discrimination because of the effect of various barriers such as a lack of knowledge of procedures, fear of victimisation, belief that nothing would change as a result and difficulties in proving discrimination.
- Overall experience of discrimination, for both respondents who challenged and those who did not, resulted in most individuals leaving the organisation for new jobs and in some cases new careers.

5 Influences on understanding and awareness of discrimination

5.1 Introduction

Respondents were asked what had influenced their understanding of discrimination. Personal experiences had shaped understanding for some; family and friends' views had influenced some; whilst the media and discriminatory events had also affected understanding. Some had been influenced by political or community activism. Training had also affected understanding. For parents, concern about their children's future had made them think more deeply about discrimination. Most respondents mentioned only one or two factors as influences on their understanding, although some had been influenced by a wider range of factors.

The research also considered how the specific incidents of employment discrimination experienced by respondents had affected their interest and knowledge of the issue and how they would now deal with discriminatory situations. Each of these aspects is described below.

5.2 Personal experience

Personal experiences refers to being discriminated against, events within education and work and 'life' itself.

5.2.1 Education and schooling

The role of education in informing individuals' views tended to be a positive one. On the whole, experiences in education appear to be a way of gaining knowledge and forming views related to equality and fairness. This resulted from either being in a diverse environment or from the values to which respondents had been exposed.

We just had a massive, massive variety of different religions and cultures and all sorts at school so we were brought up to appreciate everybody really. So we've never looked at each other differently through school. Lara

I guess through school would be where we picked up the ideas of right and wrong and discrimination and not discrimination. Bill

Schooling, I went to a Christian school so discrimination etc. was discussed quite a bit. Amelia

I've studied a bit about it my theological studies so I've looked at equality to, in particular to the touch of attitude towards lesbian and gays. So I've kind of looked at it from that point of view. Sonia

However, it should be noted that this was not always the case and some serious discriminatory treatment occurred whilst respondents were at school.

I went to school with 2000 people. Out of 2000 people only five of us were from different races, and one of the people that got bullied, now this is ridiculous, was Australian. His skin was white but he was Australian and they were still horrible to him. My other friend was Portuguese and they picked on her but you couldn't tell she was Portuguese, somehow they found out where her parents were from. She got bullied so bad. It's basically my friend Danielle, she's half Indonesian, half English, our lives have been ruined by the school. Haifa

I was discriminated at school anyway, because I was in a school where there was only a handful of black children. And I felt really sort of intimidated and victimised. Lorraine

5.2.2 Employment

Work, like education, could be a way of increasing knowledge and understanding or have a more negative impact when respondents either witnessed or experienced discrimination.

Serving now within [the police force] equal opportunities and diversity is a very big issue, and it's something which is drummed into us now. It's there every day in [the police force], or there's something in internal communications to read about, there's always you know sort of new bulletins. Phillip

There was a serious amount of discrimination when I joined the forces, seriously. We were very much the minority. Keeley

5.2.3 Life in general

Not surprisingly respondents and/or their families' experience of discriminatory treatment has been an influencing factor, with individuals detailing particular situations or more generally stating that they had been discriminated against. The discrimination discussed by respondents related to their ethnicity, family circumstances and sexual orientation.

I was married to a West Indian man, so my children are mixed race, so ...we have suffered discrimination, racial discrimination and my grandchildren are suffering it all the time. Donna

I've been discriminated against most of my life from a young age of my colour, and that's something you grow up with, and it's obviously so much better now for my children and grandchildren, but in my day it was a big, big issue. Susan

Even though discriminatory treatment had added to respondents' understanding of discrimination, it does not seem to have sensitised them to a particular strand of discrimination. This is seen by the fact that the discriminatory experiences that had influenced understanding did not, on the whole, correspond to the type of discrimination that respondents had experienced within employment.

Unsurprisingly, some individuals could not attribute their understanding to one particular source but stated that life in general had been the main influencing factor. These individuals came from a mixture of backgrounds and had experienced a range of different types of employment discrimination.

Life basically (laughs). I can't be sort of more precise than that. Sorry. Andrea

You don't have to read, you can see in your own life you know. Malik

It's sort of personal experience, every day to day both inside of work and outside. Saffiya

5.2.4 Family and friends

Also mentioned, as a source of understanding, were discussions with family and friends. These discussions on some occasions seem to be a source of information and at others an easily accessible sounding board. The latter use is also indicated by the fact that family and friends were the group most often referred to when respondents wanted to discuss the particular incidences of employment discrimination being examined in this research.

Parental discussions as well, they can influence your understanding and views of things. Amelie

because my boyfriend at the minute. He's the store manager and he knows worker's rights and stuff and he's forever drilling it into me. Emily

5.2.5 Political activism

Participation in a union was mentioned as an influencing factor, and within this group some individuals had roles that specifically related to equality issues thereby increasing their access to other informed individuals.

I have colleagues all over .I'm privileged actually to sit on [the equalities board for my union]. I do have colleagues that... between us we cover the UK and Northern Ireland, and they are dotted all over the UK, and in Ireland. So yes, I'd literally phone a friend. Catherine

5.2.6 Parenthood

Interestingly parenthood made discrimination a more relevant and important issue to a number of respondents as they worried about experiences their children may encounter in an inequitable society.

I'm more so interested now than I ever were, purely because I am a mother and I want to make sure my son grows up in a nice environment. Kate

Some BME respondents were particularly concerned that their children should not encounter the racism they had themselves experienced in growing up in the UK and in employment. A Black Caribbean woman who had, reluctantly, reported race discrimination in recruitment explained:

I suppose once you have children as well you're more aware. I have two mixed-race children, and sort of from that point you do try and listen to things what's going on in school and stuff like that. Not that I've had to shelter my kids away from things, but I do sort of live in hope that they'll never have to sort of experience bad things because they are mixed-race children. Maria

Such feelings may also help to explain the apparent reluctance among some BME respondents to interpret the discrimination they had experienced as racism rather than gender or age discrimination.

5.3 The role of the media

The media was most commonly cited as an influence with some respondents implying that it was inevitable that it affected their views as they felt it was a widely reported topic. A number actively sought out information in the area.

You read about it every day, don't you, in one form or the other, whether it's racial discrimination, whether it's sex discrimination and the like. Anoop

I mean I'm an avid newswatcher and newspaper reader anyway, so obviously any sort of definition of terrorism and racism or anything that comes up in the paper like that always ties in with discrimination against certain groups. Obviously I pick up on that regularly, on a daily basis. Kate

Furthermore, some respondents questioned the validity of the information received and the role that the media plays in adding to discriminatory views.

Even some newspapers like actually they don't kind of make it obvious but they do actually discriminate like...although it might be my understanding of it but when I've read them they've just kind of made me angry because they do tend to discriminate and try and to feed you all this propaganda.

David

Sometimes. It depends what media. I don't trust all the media, (laughs) only some of it. Yvonne

Though the media were often mentioned, it was usually in a more generalised manner rather than related to specific events. Some respondents briefly referred to certain new stories or prominent individuals but no one event seemed to have strongly swayed opinion or informed ideas on the subject.

5.4 The role of Equal Opportunities policies training

Within the sample, approximately equal numbers of individuals stated that they had or had not received equality and diversity training. Training was mostly undertaken at work, though in some cases it was part of other forms of instruction, such as, degree, college or apprenticeship courses; a parent governor course or a bullying and harassment course. Respondents expressed a range of views regarding the training they had received at work, with some feeling that they had received good, in-depth courses whereas others stated that their courses were generalised or merely dealt with procedures.

Training was mentioned as a direct influence on respondents' understanding of discrimination, and its influence was also evident by the fact that some individuals stated that they were better informed or more likely to recognise discrimination due to the training they had undertaken. Training had also led to a respondent challenging unfair behaviour.

I was quite able to challenge another member of staff in September which I wouldn't have done, and I would have let it go. But I feel a lot more confident now having attended that training. Saffiya

However, others felt that the training they had undertaken had not made any impact on their understanding of discrimination.

5.5 The consequences of discrimination in employment on understanding

The actual employment discrimination incidents discussed in this research also influenced respondents. A number felt that they were more aware or more able to recognise discrimination since their own experiences. Others had increased their knowledge, either by gaining a wider understanding of discrimination or by knowing more about what to do if the situation occurred again. Additionally, some respondents appeared to be more likely to challenge unfair treatment.

Employment discrimination also had negative consequences for respondents. Some were more worried that it would happen again or if they were still in the same job felt wary or insecure in their positions. Also mentioned was the necessity to be better qualified and/or experienced than the majority group in the workplace.

I am acutely aware that I probably need to continue studying to get jobs that people possibly with less qualifications can apply for. Amelia

Whilst having perceived employment discrimination on one occasion appeared to increase awareness of discrimination, it should not be thought that once perceived, people start to see discrimination in everything. The sample comprised people who felt they had only ever been discriminated against in employment once and others who felt it had happened more than once. There seemed little difference in the rationales they gave for feeling they had been discriminated against and so, although awareness may have grown, there may be no change in the nature of what is regarded as discrimination.

5.6 Knowledge and interest in discrimination

The respondents were asked if they were particularly interested in issues of equality and discrimination; whether they were better informed than most people and if their interest and knowledge had changed after they realised they had been discriminated against in the workplace.

Of those that said they were better informed than most prior to the employment discrimination, some had previously experienced discrimination in other circumstances which had led to them gaining an understanding of the area. For some respondents, it was their experiences of discrimination in employment that directed them to become more aware or gained knowledge of the issues.

There were also respondents who did not feel that they were any less or better informed than most people. One of the reasons given for this was a greater awareness of discrimination in society in general.

I think a lot of people are aware of it more now anyway just because of the amount of new cultures coming into the UK as a general thing. So I think a lot more people are just more aware and it's more of a spoken thing, whereas before it used to be quite quiet and under wraps. Lara

Others still felt that they knew less than most, as their immediate acquaintances had a good understanding

Quite a few of my friends work in industries where that's always ... there's always ongoing training, government post and local authority positions so, in my circle, if anything I'm the least informed. Andrea

A variety of reasons seemed to motivate those that were particularly interested in the issue. Some had a sense that society should be more equal and that everyone should be fairly treated. Whereas others' interest was stirred due to more personal reasons, such as having children, being in a minority group or having friends or relatives that had experienced discrimination. Interest was in some cases only focused on particular areas of discrimination such as disability or ethnicity, often in relation to respondents' own experiences. Additionally, some respondents became more interested since their own experiences, making them more likely to find out information or think about the issue.

Despite having experienced employment discrimination, some respondents stated that they were not particularly interested in equality and diversity, though some did qualify this by saying that they were aware of it but not particularly interested or that they would be interested if it a situation occurred that affected them or someone they knew.

5.7 Key points

- Respondents cited a number of factors which had influenced their understanding and awareness of discrimination. These included their own experiences and those of family and friends.
- Growing up in the UK and having children were two general influences on respondents' understanding and awareness.
- Education and training had generally played a positive role in awareness and understanding of discrimination. The influence of the media was more mixed.

- While they had suffered discrimination at work, some respondents had also benefited from working in organisations with good equality and diversity practices.
- Experiencing discrimination had led to increased awareness of the issue for some respondents, and a small number were politically involved in discrimination issues. However, most respondents did not see themselves as more aware than others.

6 Conclusions: what can be done?

6.1 Introduction

In this final chapter of the report we pull together the research findings to draw some conclusions about perceptions of discrimination in employment: how they are experienced, the circumstances which result in perceived discrimination, action taken and influences on beliefs and perspectives. We then look at what can be done to deal more effectively with discrimination and to address perceptions of discrimination in employment. The accounts of respondents have been central to our analysis and presentation of findings and it is therefore appropriate that we include their own views on what can be done. Some of these relate more closely to reducing the incidence of discrimination than to the issue of perceptions. However, the two are clearly inter-linked: processes have to be fair in order to be seen as fair. Many of their ideas therefore have direct implications for policy in relation to perceptions of discrimination.

6.2 Main findings

6.2.1 Consequences of discrimination

In Chapter 1 we referred to previous research showing the consequences of perceived discrimination, including turnover and reductions in commitment and job satisfaction. The findings from our research confirm that perceived discrimination has a number of consequences which impact on the individual, the employer and more widely.

Individuals who had experienced discrimination in recruitment had responded in a number of ways. Other than continuing to look for work, some had lowered their sights to look for work beneath their levels of experience and qualifications. This applied particularly to older workers. Some respondents with long term health conditions or disabilities considered had tried hiding this information in some job applications or were considering doing so.

Some respondents who had experienced difficulty in combining family responsibilities with their job, for example on returning from maternity leave, had found other options or were not currently working in a formal sense. These cases highlight a consequence of perceived discrimination in inactivity and withdrawal from the labour market.

A number of respondents who had experienced problems in achieving promotion or who felt they had been treated poorly left their job. A gay

man who experienced bullying at work explained how issues were not resolved after he complained. As a result he decided to leave:

It gave me the kick to get out of there and decide that this isn't right; I've got to go and work somewhere different now. And based on that experience I left that department and went to work somewhere else. Phillip

This was a common response where individuals felt they had limited future prospects with a particular employer. A few respondents also decided to leave the sector in which they had experienced problems. For example, a male Learning Support Assistant decided to move to the finance sector where he had previously worked.

Others had not left but said they planned to do so as a result of their failure to progress because of discrimination. A mixed race man employed by social services stated,

I will get out of it. I will go and look for some job where I am respected for who I am and what I do. Mansour

Not surprisingly, where experiences of discrimination led to conflict, relations with colleagues worsened. A young black woman working for a bank described how, following being rejected for promotion,

My whole relationship with my managers at the time broke down because I felt that I was, I was basically being used, you know, because I was doing the role and, you know, and I think I proved myself doing the role and yes I'm not saying I knew everything but I was more than happy and willing to learn. I kind of, I felt that I couldn't stay there so I applied for a transfer to move to another branch. Faraa

Some respondents described how their commitment to their job declined. One respondent described how after being refused promotion within the Government department where he was employed: '*...motivation went, so I kind of like started looking for other jobs*' (Dev).

Some individuals who had left for another job were pleased they had done so. In some cases working for an employer who practiced fair treatment had undone some of the damage inflicted by the experience of discrimination. Two respondents had, by coincidence, been recruited by a major retail chain which had treated them well. This allowed them to regain confidence and a belief that employers can be fair. Among these was a respondent who had lost her job after suffering a brain haemorrhage and temporary disability

Many respondents did not, however, report happy endings and, for some, the consequences of their experiences were personally damaging. A number described the stress they had experienced both during the experience of discrimination, in deciding what to do and in the aftermath, after they had resigned or been dismissed. Some respondents reported taking long-term sick leave following their experiences of discrimination, which had in many cases resulted in dismissal or leaving the job voluntarily. One respondent with caring responsibilities explained how an on-going dispute with her employer over equal pay,

...has actually stressed ... stressed me out and with it, with a number of things that have happened in here I actually had two months off on stress.
Leanne

Some respondents with disabilities reported particular difficulties in coping with the additional stress of discrimination on top of their existing difficulties. One individual had suffered stress and anxiety to the extent that she had contemplated suicide.

Respondents also described how working relationships and the atmosphere at work were affected by their experiences of discrimination. Some respondents described situations of outright conflict at work. One respondent described a heated meeting with his manager:

I just couldn't deal with it, and I asked for the meeting to be adjourned for a later date and he said to me well, okay, you ask for the meeting to be adjourned, I am suspending you... So I said to him, 'I am unionised' and he actually tell me that's bullshit and I rang up my Union in front of him and then he changes his mind. William

In this and other cases where discrimination had taken the form of poor treatment, respondents had left in acrimonious circumstances, which had possibly had lasting effects on themselves and their former colleagues. A young Asian woman who had experienced serious bullying from her employer described how,

I just walked out anyway one day, I walked out. 'I'm not going back if you're gonna treat me like this. You can find somebody else to do your dirty jobs.'
Sunita

Others had stayed, but continued to have unsatisfactory relationships with colleagues and managers. One man described how,

One time I was called in the office until I really, really cried. Literally a 48 year old man crying this is not right what you people are doing. Mansour

These examples show that the emotional toll of experiences of discrimination can be high. This was evident in the accounts given by respondents presented throughout the report.

6.2.2 The circumstances in which discrimination is experienced

The research findings highlight the importance of both formal and informal processes in experiences of discrimination. They suggest that discrimination is perceived not only in informal processes, behaviour and actions but also within formal systems including short-listing, interviewing and selection. The formal processes in themselves were not seen as discriminatory, but they were seen to allow for undercutting by informal action, for example 'tweaking' the criteria and favouritism towards preferred candidates. Informal processes were seen to play a strong role in cases of poor treatment, for example bullying and allocation of unpleasant tasks.

The research looked for the stages at which discrimination is perceived to occur, at what might be termed 'flashpoints'. In relation to promotion, respondents often had difficulty identifying the stage at which it took place, referring to the whole process or scenario which led them to be unsuccessful. In relation to recruitment, respondents could identify stages more easily. A number of older respondents and some with disabilities and health problems felt that information provided in an application form had triggered discrimination, and others referred to the selection interview as unfavourable. Some selection processes appeared to foster feelings of unfairness and discrimination, for example pre-sifting through group interview or over the telephone. Identifying who had practiced discrimination was also an issue for some respondents who used agencies for job search.

6.2.3 Why experiences are perceived as discrimination

The main reasons why respondents believed discrimination had happened to them were that others were selected, while they were the best candidate or that others were consistently selected instead of them. These were either experienced as one-off actions, repeated experiences or on-going events which excluded them from achieving their employment or career goals. Other reasons were given in relation to poor treatment within the job and to discrimination in keeping a job.

The process by which discrimination is perceived can be complex. It appears to begin with perceptions of unfairness. Available evidence is then used to interpret these perceptions as discrimination. For some individuals

and circumstances, the evidence is very clear, delivered for example in discriminatory statements. In other cases individuals draw on evidence from a number of sources, including statements, information on who is successful and wider perceptions about workplace practices and culture. In some cases, evidence appeared to be weak, based for example on the perception that they should have been appointed because they had the skills and experience and that the appointee was different to themselves.

The following sources of evidence appear to be most commonly drawn on by individuals experiencing discrimination:

- Successful candidate(s) are from a different social group, for example gender, race or age.
- Selectors are from a different social group, for example gender, race or age.
- Older workers and people who have become disabled are able to make comparisons between their current treatment and their earlier experiences in seeking employment.
- The composition of the workforce is unbalanced in relation to characteristics such as race and gender and that this cannot be explained using objective criteria
- Senior management is non-diverse, typically white and male
- Non-favoured groups, typically women and BME employees are in junior posts
- Lack of flexibility in response to caring responsibilities or disability
- For disabled people, indications that the employer/selector believed them incapable of the job.

Respondents often took one of two perspectives on these observations: either that their 'type' for example women, BME, older workers, were excluded or that others were favoured.

For many respondents, organisational culture was a key factor which led to some individuals or groups enjoying an advantage. Respondents felt that the 'male' and occasionally 'female' environment of their workplace put them at a disadvantage, particularly when promotion was seen to depend on social bonds as well as objective criteria. Reports of employers and working arrangements which took no account of family and caring responsibilities also suggest that measures aimed at addressing gender discrimination and improving work-life balance have passed some employers by. Disabled respondents also reported unwillingness by some employers to provide

reasonable adaptations and to be flexible around their needs. Therefore, a number of respondents talked of workplace cultures which were unfavourable to their circumstances and characteristics.

In contrast, a number of respondents, all white males, complained that measures taken by employers to redress gender and race inequality had impacted unfavourably on them. These men had a range of perspectives on equality issues, from outright hostility to broad sympathy. It is unlikely that the views of the most hostile can be changed, since they stem from firmly held sexist or racist beliefs. However, the existence of this group is a cause for concern since they reduce workforce support for equality measures and can undermine their effectiveness. Their concerns may therefore need to be addressed, without diluting policies and practices to address discrimination and inequality. Appropriate measures could include, for example, better explanation and clarification of equality and diversity policies. It is also important to note that this is an under-researched group and that further research is needed to identify the most effective measures.

6.2.4 Challenging discrimination

The research findings highlight the role of work colleagues, friends and family in providing support and advice and the limited role of management, including Human Resources (HR) professions, in this process. Mixed experiences were reported of contact with HR, including 'textbook' responses where policies were stated or seen as evasive. As a result, some respondents felt they would achieve nothing either by taking their case further with the employer. Some then resigned while others looked for specialist advice. All formal challenges taken by respondents were from those within in employment rather than applying for jobs. None of these respondents was satisfied with the process or result from challenging discrimination.

In talking to colleagues, friends and family and in considering challenging discrimination, respondents confronted issues of proof. While for many, the evidence was clear to them, they realised that it was not necessarily strong enough to prove discrimination. Some respondents who had approached their trade union felt disappointed at the amount of evidence and proof required before they would take on their case.

In addition to the problem of evidence and proof, the research identified a number of barriers to challenging discrimination. They included lack of knowledge about procedures, particularly among young workers and new arrivals to the UK. Others feared that they might lose their job, and

appeared to have good grounds for believing this. Some were concerned that they would be branded a trouble-maker and their working lives would become very difficult. A number of respondents felt that challenging discrimination was pointless, that nothing would change. Some respondents, including those with health problems and caring responsibilities led difficult lives and had little time or energy to engage in a dispute.

While many respondents were convinced in their own minds that discrimination had taken place, there was also reluctance to voice this and to take action. A number of BME respondents were averse to concluding that race discrimination had taken place, sometimes preferring to cite another type of discrimination such as gender or age. More respondents cited race discrimination when interviewed than had originally mentioned this in the Citizenship Survey. Some respondents spoke of a reluctance to 'play the race card', while others spoke of unfairness rather than discrimination. A number of BME respondents spoke about wanting a better society for their children to grow up in and this may have been a factor in their reluctance to talk about and challenge race discrimination.

6.3 What can be done? Views of respondents

It was not intended to elicit interviewees' views on what might be done to deal more effectively with discrimination in employment, but in a number of cases this arose naturally from the interview. In some other cases, interviewees who demonstrated some knowledge of equality policy and practice were asked directly for their views on effective action. Consequently, the research collected an assortment of views on this question which while unrepresentative, includes some interesting ideas and insights.

Some respondents expressed the view that discrimination is almost inevitable and that, ultimately, it cannot be eliminated from the workplace. The reason they gave for this was favouritism, which gives an advantage to individuals who have friends or contacts in senior posts. Therefore one respondent reflected on the experience of her mother as well as on her own experience of race discrimination at work:

My mum should have been promoted by now but it's nothing to do with her race, it's to do with favouritism. I think no matter what, there's going to be some sort of prejudice in the work place. Haifa

A male learning support assistant in a secondary school who was passed over for promotion as a result of favouritism towards a female colleague argued:

There's discrimination everywhere and I'm not sure that you can stop discrimination. Because it's very difficult for people to turn around and make a decision between a friend and somebody else: what are you going to do? Alan

This respondent suggested breaking up workplace cliques and measures to prevent these from forming, for example forcing staff from different departments and teams to mix together during breaks rather than allowing them to form intra-workplace factions.

Cliques were one aspect of workplace organisation and culture which were seen to foster discrimination. A number of respondents referred to other features of workplace culture which encouraged bullying and discrimination. A male nurse working in the NHS described how the authoritarian culture within his health trust created the conditions for discrimination:

[it was] 'well, I'm the manager and you'll do as you're told, and if you try and do anything about it, I'll make your life a misery'. And that was the kind of culture. [Racism and bullying] thrived brilliantly. It was almost like bacteria, you know, given the right circumstances it grew. William

This respondent felt it should be made easier for individuals to complain about discriminatory treatment without fear of retribution.

Leadership was seen by some respondents as having a role in addressing hostile organisational culture and in helping to ensure fair practice among all levels of management. Some respondents saw responsibility as resting with a key individual, for example the Head Teacher of a school, while others identified groups such as local government councillors as having a policy responsibility for ensuring the local authority treated staff fairly. It was also suggested that having BME staff in senior positions can help to address race discrimination within an organisation.

Some respondents felt that legislation could play a stronger role in ensuring that employers fulfil their obligations in relation to equality. One respondent was not aware of legislation relating to age, and expressed the view that young people should be given the same opportunities as other workers. Another respondent felt that public sector organisations, such

as the Health Service should be more closely scrutinised in relation to achievements in equality and diversity; that this should go beyond number counts to encompass employment practices:

I think there's got to be other stuff around how organisations conduct themselves internally by way of much more openness, transparency in processes and interviews, promotions, all of those kind of things. Shahid

The same respondent argued that a system of spot-checks on public sector organisations would help bring about greater consistency in practice and at the same time decrease litigation by employees and the stress associated with discrimination.

As discussed in Chapter 3, some respondents felt that employers are insufficiently flexible over working hours and that this discriminates against women, and some men, who have responsibility for childcare. One respondent explained:

Flexible working is just very non-existent unless you are in something like an office environment. If you happen to be somebody like myself who is always working in a predominantly male environment, within the security industry as I have done, you've got no choice in the matter. Keeley

The need for greater flexibility from employers was also an issue raised by disabled respondents, who felt that flexible hours and the opportunity to work from home would allow them to cope better with the demands of a job. One respondent explained that a flexible working week was not helpful in her case but that her fluctuating condition required a flexible working month. This was not a pattern of work which she had found on offer.

Some disabled respondents had particular views on what might be done to assist disabled people to get into work. These included more thorough testing of an individual's abilities to assess what work they might do; and more support, for example with adaptations and equipment. One respondent referred to recent changes to the benefit system which provide more support to disabled people:

The next six months should be interesting. I'm going to check what support systems I can access and how valuable, supportive or coercive the situation is going to turn out to be. Gabrielle

Finally, some respondents expressed the view that more education is needed to change discriminatory attitudes and behaviour. One disabled respondent felt that a public information campaign on disability might help

to raise awareness of disabled people's needs in areas like public transport, as well as in employment. Other respondents talked about the role of schools and education in raising awareness of equality and diversity and individual rights in relation to employment and services.

6.4 What can be done? Conclusions from the research

6.4.1 The importance of perceptions

The sample of interviewees was taken from participants in the Citizenship Survey. They constituted a small minority of individuals surveyed. However, there is little to suggest that they were particularly interested in issues of equality and diversity and were more motivated than average to complain of discrimination. **These findings suggest that perceptions of discrimination result from real grievances and concerns around individual treatment and not from a strong interest in promoting wider political agendas.**

The research findings show some of the consequences of perceiving discrimination. These include under-use of skills, loss of motivation, poor relationships with managers and colleagues and economic inactivity. The emotional toll of experiencing discrimination and its effect on health were also evident from the accounts of some respondents. **These findings lend strength to the view that perceived, and not just actual, discrimination is important and that it has real consequences. The circumstances in which discrimination is perceived therefore need to be better understood and addressed.**

The wide range of conditions in which discrimination was experienced by respondents and the number of different grounds cited for discrimination suggests that it is perceived in widely varying circumstances. **Policy around tackling discrimination should emphasise its relevance to all individuals and its role in creating fair and effective workplaces for all.**

Some respondents' appeared to have perceived discrimination but cited weak evidence for this. At the same time, we came across examples of strong and blatant discrimination and situations where circumstantial evidence suggested discrimination may have occurred, but it would have been difficult to determine or prove. Some respondents were aware that the available evidence was weak, while in other cases reluctance was based on a perceived stigma surrounding accusations of discrimination. It was evident that many research participants were reluctant to conclude that discrimination had

occurred. This applied particularly to race discrimination, where respondents were concerned that they might be seen to be playing the 'race card'. **The research findings suggest a need for improved public knowledge and awareness of what constitutes discrimination and what action, formal or informal, an individual can take.**

Education and training were cited by respondents as positive influences on their understanding of discrimination, equality and diversity. **This finding lends support to the value of policies and practices in place in schools and workplaces. Guidance to schools on careers and work related learning should continue to cover issues of equality in the labour market.**

6.4.2 The importance of formal processes and organisational culture

Both formal and informal processes play a role in experiences of discrimination. Formal processes such as short-listing, interviewing and selection in recruitment and in promotion are not seen as discriminatory in themselves. However, they are seen to allow for undercutting by informal action where employers wish to discriminate against particular candidates and to select others. Not all formal processes were seen as fair: some selection methods appeared to foster feelings of unfairness and discrimination, for example pre-sifting through group interview or over the telephone. **Merely having formal policies and practices is therefore unlikely to convince employees that discrimination cannot take place. The findings underline the importance of ensuring that formal policies and processes are consistently followed at all levels and by all staff so that they can be seen as fair and objective.**

Some respondents concluded that discrimination had occurred on the basis of the composition of the workforce, the senior management team and individuals responsible for recruitment and promotion. This finding emphasises the importance of having diverse teams at senior level and diverse selection panels to employee perceptions about equality. Non-diverse management teams and selection panels convey the message that opportunities are not equal, even if that is not the case. **The research highlights the importance of policies and practices aimed at creating diverse senior management teams and the use of diverse selection teams. It suggests that organisations with these are more likely to be seen as fair and as good employers.**

Employees and job applicants are also more likely to be convinced that procedures are fair if they are able to access evidence, including statistical information which supports equality goals. **The findings highlight the need for more transparency around recruitment, promotion and the treatment of employees more generally. Employers can show the transparency of their practices by publishing data showing their progress in the areas of pay, recruitment, retention, development and promotion.**

It was common for respondents to conclude that discrimination had occurred because they were not given a satisfactory reason for being refused a job or promotion. This led some to conclude that the employer was covering up decisions based on discrimination. **Employers may be reluctant to be honest to individuals they do not wish to recruit or to promote, for various reasons. However, it appears that limited communication allows suspicions of discrimination to develop. It is particularly poor practice for employers to withhold reasons for turn down employees for promotion, because such feedback can help employees to improve or make career decisions.**

Organisational culture plays an important role in perceptions of discrimination. A number of respondents commented on the 'male' or 'female' environment of their workplace or the lack of BME employees. Others felt they were 'outsiders' because they did not take part in social activities, for example drinking and clubbing. One consequence identified by respondents was exclusion from informal support networks which can assist development and promotion. **Employers wishing to encourage a more inclusive workplace culture would benefit from introducing support schemes such as mentoring and networks can help to address the isolation that minority and under-represented groups often experience in the workplace.**

6.4.3 Barriers to challenging discrimination

People who experience discrimination are reluctant to raise it with their employer: few respondents spoke to their manager or a human resources specialist. Those who had done so reported 'textbook' responses which were not helpful. **A healthy work environment should allow employees to raise issues of equality and to discuss these honestly and openly. A higher profile in the workplace for issues of equality and diversity**

might help both employers and employees to create such an environment. This might also help employees and employers to recognise real cases of discrimination or to provide reassurance that it had not taken place. There should be opportunities for employees to raise concerns about fairness and discrimination informally rather than have to take up formal procedures.

Many respondents did not challenge the discrimination they experienced. Among the reasons they gave for this was a lack of knowledge of how to proceed. Other barriers were fear of job loss, difficulties of proving discrimination, and being seen as a trouble maker by the current or future employer. Younger workers seemed particularly unsure about how to proceed with a complaint should they have wanted to. **Individuals who experience discrimination and wish to challenge should be able to access information on sources of advice more easily than they can at present. Increased support to individuals could help to remove some of the barriers to taking action over discrimination.**

6.4.4 The importance of leadership and communication

The sample included a number of white male respondents who believed they had experienced discrimination as a result of the implementation of equality and diversity policies. While such views may stem from deeply entrenched beliefs which are opposed to equality, they may also reflect lack of knowledge and understanding about the need for action to redress discrimination and under-representation. **A number of measures might help to address the problem of cynicism, opposition and misunderstanding about discrimination expressed by majority groups. These might include communication about:**

- **the extent of disadvantage experienced by minority and under-represented groups, for example pay gaps and occupational segregation**
- **the benefits of equality and diversity to workplaces, for example business benefits and customer service**
- **the benefits to all employees of having fair practices and transparency in recruitment and promotion decisions**

These measures may be most effective when delivered from senior levels of the organisation and have the commitment of line managers. The Government, through its agencies, has a key role to play in tackling misunderstandings about equality actions.

It is particularly important to address misunderstandings about positive action and to explain the reasons for and benefits of increasing equality and diversity in the workplace.

6.5 Implications for the Citizenship Survey

There were a number of disparities between responses recorded in the Citizenship Survey on whether the respondent had experienced recruitment or promotion discrimination and the perceived grounds of the discrimination. Depending on the reasons for the disparities, there may be implications for the Citizenship Survey.

The evidence from the study suggests that the disparities may have arisen because:

1. respondents had perceived discrimination more than once and they had described different incidents in the Citizenship Survey and the current study;

if this was due to discussing incidents in the current study which were outside the time period referred to in the Citizenship Survey then there are no implications for the Citizenship Survey; however, if the multiple episodes took place during the relevant period for the Citizenship Survey, then this suggests some under-reporting of perceived discrimination; from our study, we cannot identify whether the latter has occurred;
2. respondents' views on whether discrimination had taken place and on what grounds changed over time; this means that the picture that the Citizenship Survey paints will vary with the time period over which respondents are asked to report discrimination (currently in the previous five years);
3. respondents were unsure whether what they were experiencing was discrimination or the grounds for this perceived discrimination. This will reduce the reliability of reporting of discrimination because some will report discrimination while others will not, and the grounds they cite may vary;
4. respondents reported inaccurately in one or both studies⁶; given the degree of detail sought, it is unlikely that the main features of the perceived discrimination (particularly whether it were recruitment, promotion or something else) were reported inaccurately in the current study, although inaccuracy over the time period referred to is plausible.

⁶ It is also possible, of course, that responses were recorded inaccurately. However, we have no evidence on this.

All these aspects point, as with all quantitative surveys, to some caution in interpreting the results of the Citizenship Survey. The first three points are standard problems in quantitative surveys, and, whilst some improvement might be made through changes in the questionnaire, the benefits might not outweigh the costs. However, point 4 seems more serious. It appeared that some people had perceived employment (and even non-employment) discrimination, but not in recruitment or promotion, and had reported this to the Citizenship Survey as recruitment or promotion discrimination⁷. Some told us this explicitly in their interview, whilst, for others, it was implied (as they reported discrimination which was neither recruitment nor promotion and said this was the only discrimination in employment they had experienced). In addition, one respondent said he had reported age discrimination in recruitment because he felt pressured to class an incident as age discrimination when he felt it was not. This misreporting might be reduced by allowing respondents to report all perceived employment discrimination and then to identify the nature of this discrimination (e.g. recruitment, promotion or other issues). This would enable the survey to capture other important aspects of discrimination, such as in pay, dismissal, work organisation, harassment and bullying. However, such a change would lead to a break in the series, limiting comparisons of change over time, unless estimates were made of the effect of such a change.

⁷ This will lead to an upward bias in perceived recruitment and promotion discrimination. However, this need not mean that, overall, the Citizenship Survey over-estimates perceived discrimination in recruitment and promotion, as some people may not report the recruitment or promotion discrimination they have perceived.

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