



RACISM AND EMPLOYMENT

It was with a certain smugness that the Tory-dominated House of Commons Select Committee on Race Relations reported, the last time it looked at employment issues, that not a single union in Britain had ever introduced the demand for an anti-racist employment policy into negotiations with the employers.

It found that such initiatives had come solely from the employers' side. That was four years ago. Little has changed for black people on the ground since then, though a number of pamphlets have been printed by unions and the TUC. But now things could really start to get better. Why? Because parliament — despite the truculence and prevarication of Norman Tebbit and the

outright hostility of some other members of his party — has brought a Code of Practice into operation.

This Code — prepared by the Commission for Racial Equality (CRE) — seeks to eliminate racial discrimination and to promote racial equality at work. The power to prepare this Code was given to the Commission by the last Labour government. Perhaps the last legacy of those Labour years is the CRE's belated exertion of that power. But already moves are underway at the Department of Employment to destroy the Code. Junior Minister Alan Clark says he wants to amend the

Race Relations Act so as to give him the right to alter the Code as he sees fit. Other ministers — notably within the Home Office — seem to oppose Clark over this.

Right-wing opposition to the Code is based on the fact that it strikes at the core of the power of the employer to hire and fire as he pleases. During his time at the Department of Employment, Tebbit was not unsuccessful in forcing the CRE to allow the creation of some loopholes in the Code. Thus, to some extent, small employers are let off the hook by the Code. Confusion on the Left in general about the CRE and lack of commitment on race issues allowed Tebbit to get away with it.

All the same, from this month anyone taking an employer to an industrial tribunal for racial discrimination will have their hand considerably strengthened since they will be able to argue that the failure of their employer to implement the Code is itself evidence of the discrimination that they are alleging. Tribunals, in making a judgement, are required to weigh up in the evidence the steps taken — or not taken — by the employer in sticking to the Code.

For trade unions, a crucial clause in the Code is where they are called upon to 'negotiate the adoption of such (equal opportunity) policies where they have not

been introduced or the extension of existing policies where these are too narrow'. So what is a union supposed to do when an employer refuses to enter meaningfully into such negotiations? It should report this to the Commission. The CRE could then have good reason for believing that the employer discriminates or allows discrimination. This can lead to a formal investigation resulting in a binding court order on an employer to change employment practices. Hence the fact that unions can report a failure to negotiate is an important bargaining counter for the union side whenever it is at the negotiating table. And the moralistic opposition of unions to racism will now be strengthened by enlightened self-interest.

Of course, in order to achieve this, many trade unionists will need to come to grips with some hard realities. They will no longer simply be able to dismiss the CRE because it is not some 'true representative voice' of black people. The CRE has never said it is. It is the sole national body with the job of seeking to implement the Race Relations Act. Nothing more and nothing less. Opponents of 'ethnic record-keeping' — or monitoring — who claim that this procedure merely aids racist employers to discriminate will have to think again. The

Code recommends such monitoring — with proper safeguards — precisely because this will reveal and make overt what is the most common form of racial discrimination by employers — covert action.

However, the first step in any comprehensive attack on discrimination in the workplace is the adoption of a policy by management and unions and the allocation of a senior member of management to carrying out the policy. Those are the primary requirements of the Code. It then goes into some detail on advertising vacancies to reach the entire catchment area; ending sole reliance on word-of-mouth recruiting; requiring only genuine occupational qualifications (or their overseas and other equivalents); interviewing applicants with a standard procedure under senior supervision; ensuring equality in chances for transfer, training and promotion as well as benefits, facilities and services. In all these areas — plus grievance procedures, disputes and disciplinary procedures, redundancies and victimisation — the unions should as of now be seeking to negotiate with the employer.

Of course, if unions fail to negotiate meaningfully they too may be reported to the Commission for Racial Equality.

Martin Rabstein

You can't afford to miss an issue of *Marxism Today*...

In June 1983, just before the election, *Marxism Today* published a major interview with Neil Kinnock, on Thatcherism, the decline of the Left, and the need for renewal in the Labour Party.

In October 1983 we carried Eric Hobsbawm's article on Labour's Lost Millions, which sparked a debate that is still raging.

In January 1984 David Edgar contributed his visionary essay on 1997, which devastatingly illustrated how Thatcherism might develop.

In April 1984 Bea Campbell's 'How the Other Half Lives' brilliantly demolished many of the Left's myths about the labour movement.

DID YOU MISS ANY OF THESE?

Subscribe now, and join the mainstream of political debate in Britain

Please rush me my year's subscription of *Marxism Today* — starting with the _____ issue;

Name _____

Address _____

The rates for one year are:

Inland (individuals) £9, (institutions) £12. *Overseas* (individuals) £12, (institutions) £15. Make cheques & POs payable to: Central Books Ltd, and send to: Central Books, 14 The Leathermarket, London SE1 3ER.

