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978-0-521-38968-6 - Racism and Equal Opportunity Policies in the 1980s, Second Edition

Edited by Richard Jenkins and John Solomos

Excerpt

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PART ONE

**The law, politics and equal
opportunity**

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Racism, equal opportunity and public policy

JOHN SOLOMOS AND RICHARD JENKINS

In the winter of 1982/3, faced with the possibility of doing research into equal opportunity policy and employment, the editors of this volume began to search the literature relating to the topic. It immediately became apparent that, although much research had been and was continuing to be done, there was a need to co-ordinate the findings and arguments of different researchers and commentators, and to relate them one to the other. With this end in mind a workshop concerned with these issues was organised at the SSRC Research Unit on Ethnic Relations at the University of Aston in Birmingham in July 1983. All the papers included in this volume, with the exception of three, were presented at the workshop and have been revised – in many cases extensively – for publication. The exceptions are the contributions from Malcolm Cross, Nick Jewson and David Mason, and John Wrench, which have since been prepared specifically for this volume.

Defining the issues

Terms such as ‘equality of opportunity’, ‘equality of access’, ‘anti-discrimination policies’ etc., have gained a wide currency over the last few years. So much so, that there is much confusion and unease about what each of these terms means, and, perhaps more fundamentally, what kind of objectives they are supposed to fulfil. Although most investigators agree about many of the ‘facts’ of racial and ethnic inequality, there seems to be little agreement about what should be done by government and other bodies to help break down racially discriminatory barriers in the main areas of economic and social life. Let us take the present situation in relation to unemployment as an example.

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According to a wide variety of sources, black workers are more likely to suffer from unemployment than white workers and, moreover, to face greater problems in finding new jobs once they become unemployed (Smith 1981; Rhodes and Braham 1981 and in this volume). In addition, there is by now a substantial amount of evidence which underlines the parlous employment situation faced by black youngsters (particularly those of West Indian origin) in many of the inner city areas in Britain (Brooks 1983; CRE 1983a). As the employment situation has deteriorated since the late 1970s, a proliferation of measures by government, race relations agencies and private and public employers have attempted to increase equality of opportunity for minority workers in the labour market. Although many of these initiatives are fairly recent and therefore difficult to analyse at the level of effectiveness, it is possible to argue that they share the following (often unstated) objectives within the over-arching concept of *equality of opportunity*:

- (a) To break down direct and indirect barriers of discrimination whose outcome is to stop the entry of black workers into certain occupational categories, industries, factories, etc.
- (b) To help strengthen the career prospects of black workers who already occupy certain occupational positions at the bottom rung of the employment ladder.
- (c) To help management to manage workforces which are multi-racial in composition but which have no channels of control and representation which cover the whole 'multi-racial workforce'.
- (d) To help black workers (particularly the unemployed or those with language difficulties) to obtain training in order to enable them to compete for jobs more equally.
- (e) To educate white workers about 'race' and in this way increase levels of communication and reduce conflict among black and white workers.

A recent document from the Commission for Racial Equality (CRE), entitled *Implementing Equal Employment Opportunity Policies*, mentions all these possible rationalisations for private and public employers developing equal opportunity policies, while arguing that two further criteria should be taken into account:

- (f) The need to take into account and satisfy the legal obligations which employers face under the 1976 Race Relations Act.
- (g) The need to facilitate the integration of groups in the minority community which are especially disadvantaged and are increasingly seen as unemployable (CRE 1983b: 1–2).

Recent studies of employers' attitudes towards equal opportunity initiatives at company level would seem to lend support to the argument that the pursuit of 'equal opportunity' is not reducible to one or other of these factors, and that managerial ideologies use a wide variety of rationalisations for the adoption of 'race' as a strategic issue in personnel management (Hitner *et al.* 1982; Jenkins 1986 and in this volume).

However, as Feuchtwang has pointed out, an inherent difficulty in studying managerial strategies in relation to the pursuit of equality of opportunity is the gap between *formal statements*, which have a symbolic value, and strategies of *implementation*, which are capable of transforming long-established channels of recruitment, channels of promotion and stereotypes of what constitutes a 'good worker' (Feuchtwang 1982: 284). Although policy formulation and implementation are perhaps most accurately conceptualised as different aspects of the same process, to confuse formal statements with practical implementation may mean overlooking the fact that what appears to be a good policy on equal opportunity is in fact nothing more than a paper commitment, which creates an image of success while changing little in terms of discriminatory practices. In his contribution to this volume, Jenkins has made a broadly similar distinction between equal opportunity *statements* and *programmes*, both of which fall within the category *policy*.

The gap between formal policy initiatives and implementation was noted by Kushnick as long ago as 1971, in one of the early studies of the effectiveness of race relations policies. Referring to the need to link policy changes to transformations in political attitudes and action he argued forcefully that:

To be effective, anti-discrimination legislation cannot operate in a vacuum. It must be accompanied by positive governmental programmes designed to eliminate the social problems which cause and exacerbate racial prejudice, which, in turn, justifies discrimination. This prejudice must also be countered by political leadership from the leaders of the land. (Kushnick 1971: 236)

Yet, over a decade later, one of the recurring themes in discussions of the impact of equal opportunity initiatives is the relative weakness of administrative and political action in support of legal methods of implementation (Bindman 1980; Cross 1982; Little and Robbins 1982). This is not to say that successive governments since 1965 have not committed themselves publicly to the objective of ensuring more equality of opportunity for black workers in employment. Such public pronouncements have not, however, resulted in many actual commitments at central-government level to the enforcement of anti-discrimination legislation. Rather, what has happened

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is that successive governments have left the task of enforcing legislative measures in the hands of quasi-governmental bodies. This brings us back to the contradiction between strong policy statements and weak policy programmes.

Several difficult and controversial issues arise in this context. Although it seems quite implausible to interpret all government actions in this area as pre-ordained to fail, or as mere symbolic measures which are not meant to succeed, there are a number of awkward questions which confront us in looking at the current state of the art in relation to anti-discrimination policies. What are the assumptions which underlie current policies in relation to racial discrimination in employment? Are such assumptions a realistic assessment of the actual processes through which discrimination takes place? To what extent do legislative measures have an impact on the operation of discriminatory practices in the labour market? If racial inequalities flow, in part, from power disparities in society as a whole, how can policies work without some redistribution of power in favour of the minority communities?

In considering possible alternative responses to these questions, a host of problems have emerged. For example, researchers and practitioners do not concur on what they mean by such terms as 'equality of opportunity' or what they consider to be evidence of a move towards the stated goals of policies. Some writers argue, for example, that it seems unreasonable to see race relations policies as a way of reducing racial inequalities in British society, because the immigration laws passed by successive governments since 1962 actually divide citizens on racial grounds and serve to categorise and stereotype black communities as alien to British society. Others argue that the pursuit of 'equality of opportunity' may do little more than shift public attention away from the ways in which deeper economic and class inequalities are reproduced, which because of discrimination have a specific impact on blacks (Freeman and Spencer 1978; Lea 1980).

What these disputes tell us is that the study of these issues is by no means based on value-free criteria; research in this area is, of necessity perhaps, imbedded in judgements, feelings and reactive responses about what constitutes the 'public good' in the area of race relations. We cannot decide, for instance, whether or not 'equality of opportunity' is being achieved until the assumptions on which this concept is based are clarified and made public. The papers included in this volume have been chosen because they attempt to shed light on the complex issues that have arisen about the success or failure of attempts to secure 'equality of opportunity' in employment. A guiding theme that runs through the papers is the need to strengthen and sharpen the legal and political commitment to the pursuit of greater equality for all, regardless of ethnic or racial background.

Power, equality and anti-discrimination policies

In organising the workshop during which the papers included in this volume were presented, the questions raised above were the main issues that contributors sought to cover and this is reflected in the recurrence of certain themes in all the papers. But our purpose in this volume goes beyond providing substantive material on the dynamics of the legal, political and organisational responses to racial discrimination. Our further intent is to explore a set of issues which commonly go under the broad heading of equality of opportunity, unpack the often contradictory meanings attached to this notion and broaden the terms of debate which dominate current political and policy debate on this question.

Perhaps we can exemplify at least one aspect of this objective in more concrete terms. In a number of recent documents the CRE has called for a strengthening of its powers to implement the 1976 Race Relations Act, as well as a revision of the Act itself; it has done this while accepting that attempts to reduce indirect discrimination since 1977 have not been as successful as may originally have been intended (CRE 1982, 1983c, 1985). Yet even if we accept this demand for more adequate powers for the CRE as one of the conditions for a more forceful pursuit of the fight against indirect forms of institutionalised racism, can it be assumed that such an increase in powers will produce the fundamental changes in employment practices which will allow black workers to participate in the labour market on equal terms with white workers? The assumption that a stronger legal framework may be able to control the prevalent forms of indirect discrimination more efficiently may well turn out to be true, but will such control mean that the actual discriminatory practices will be transformed on a permanent basis?

Another element of current debates which this volume is intended to clarify is the conceptual confusion that underlies the notions used to describe current policy objectives, whether it be 'equality of opportunity', 'equality of access', 'anti-discrimination', 'anti-racism' etc. The very plurality of categories used in current debates would seem to indicate that the objectives being pursued are by no means clear and are in fact essentially contested notions. This gives rise to serious problems in discussing the problems of implementing policies, since the objectives being pursued are necessarily subject to political debate and give rise to strong feelings, either in favour or opposition. In addition, the very vagueness of the objectives being pursued can give rise to quite disparate assessments of how successful particular initiatives have been, since the notion of a 'successful' policy implies that it has achieved, or indeed is capable of achieving, a finite set of objectives.

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A good example of the current confusion surrounding issues of this nature can be found in the manner in which the notion of equal opportunity has been applied by the Manpower Services Commission (MSC) in relation to the young black unemployed. The Commission's annual report for 1981–82 accepts that there is a wealth of evidence to show that minority workers have been particularly hard-hit by unemployment. It continues by saying 'In providing services (to ethnic minorities) the Commission's approach has been to maintain and facilitate equality of access by all groups and to establish a number of programmes which deal with particular labour market needs, such as those of ethnic minorities' (MSC 1982: para. 5.25). In practical terms, 'equality of access' (which is used interchangeably with equality of opportunity) has been defined by the MSC as (a) the avoidance of discrimination on its training programmes and (b) the provision of special help to minority youth who have 'special needs' (e.g. language problems or other educational disadvantages). What the outcome of such equality of access might be, however, is nowhere adequately defined. Neither do we have an analysis of how the development of equal access to training schemes can help young blacks get jobs in the labour market. At a minimum, the promise of equal access to all types of training provision – and there is substantial evidence to show that such equality is not being practised – means little unless it is clear to what it actually refers. Does it mean the recruitment of large numbers of young blacks to MSC schemes to 'keep them off the streets', the provision of special or remedial treatment, or an attempt to ensure *equality of outcomes* between white and black participants on training schemes? Systematic confusion between these (potentially contradictory) sets of objectives may actually harm the interests of young blacks rather than advance them.

The chapters in the first part of the book by Lustgarten, Solomos and Darby, are intended to clarify issues of this sort. Taken together, they seek to clarify the inter-connectedness between the assumptions on which policies against discrimination are based, to elucidate the reasons why policies have been so limited in their effectiveness, and to explore the linkages between the legal framework on which they are based and the political context in which they are framed.

Lustgarten argues that, over the last two decades, governments have limited themselves to legislation which aims to provide equal opportunity on the basis of protecting individual rights and imposing proscriptive requirements – rather than positive prescriptions – on private employers. No significant advance towards racial equality has been made or will be forthcoming, Lustgarten contends, as long as a legal approach remains the main plank of governmental action. His own alternative would be an approach largely dependent upon *administrative* interventions by central

government. While not ignoring the role of legal sanctions against discrimination, he argues that policy changes must be premised on more positive commitments and initiatives by central-government departments and related agencies.

In the concluding section of his chapter, Lustgarten qualifies his argument by admitting that it is not easy to see how, or by what political mechanisms, his 'administrative approach' could be put into practice. He notes, for example, that governments have so far shown a preference (for immediate political reasons) to be seen to be doing something highly visible rather than undertaking more long-term administrative changes. This argument is central to Solomos's chapter on the politics of anti-discrimination policies, in which he explores more explicitly the limits and possibilities of equal opportunity policies in the context of the unequal distribution of power in advanced capitalist societies. It is important to note here that Solomos is not simply arguing that political power relations impinge upon equal opportunity policies. More fundamentally, he contends that the policies pursued by successive governments have been internally contradictory, combining a normative legal framework with largely symbolic political commitments. This nexus between legal reform and symbolic politics, if true, helps to explain just why governments have felt the need to promise greater racial equality but have been unable to deliver the goods.

Darby adds an extra dimension to the papers in this volume by providing a careful analysis of the attempts by the Northern Ireland Fair Employment Agency to overcome discrimination on the basis of religious ethnicity. He argues that any adequate assessment of the Agency's role must expose the complex nature of the tasks which it is supposed to fulfil, the difficult political environment within which it works and the imbalance between the economic and political power of the ethnic groupings in Northern Ireland. Moreover, he suggests that the Agency by itself cannot be expected to eliminate discrimination or to deliver equality of opportunity. He suggests that this is an objective which is beyond the power of a small, and to some extent marginal, government agency.

If the chapters in Part One lay the groundwork for examining the basic assumptions on which anti-discrimination policies are based and explaining why implementation in practice has been so limited, those in Part Two exemplify the importance and difficulty of analysing the actual development of equal opportunity policies in a number of crucial areas of employment. All the chapters in this part attempt to link the development of policy packages to the specific networks and institutional contexts in which they are situated.

The first chapter, by Cross, provides a critical and timely analysis of equal opportunity initiatives for the young black unemployed. Questioning

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the traditional wisdom on equal opportunity and presenting detailed empirical data about the training schemes operated by the Manpower Services Commission, Cross argues that there is an inherent confusion in them between the concepts of 'equal opportunity' and 'special needs'. Exploring the rationale of recent initiatives connected with the Youth Training Scheme and the contradictory meanings attached to them, he argues that there is a substantial gap between the stated objectives and the actual outcomes, the policy statements and the programme. In addition, he shows that within the ideology of the Manpower Services Commission there is a tendency to explain high levels of unemployment among young blacks by reference to personal and communal handicaps. This has the effect of marginalising the question of racism, which receives little or no attention, and prioritising those 'disadvantages' which are seen as growing out of minority cultures themselves. It is not accidental therefore, Cross argues, that the reality of 'equal opportunity' does not always live up to the promise.

Young sketches in the complexities of analysing the development of equal opportunity within local authorities, pointing in particular to the intricate web of organisational and professional issues which must be integrated into any coherent policy framework. In Young's view (and here he represents an important and growing strand of thinking) local authorities can become a vital channel for the promotion of equality of opportunity in employment. Drawing upon research carried out over a number of years in a sample of local authorities he shows that there is no single route to equal opportunity at the local level; in fact there is a wide variety of responses from local authorities to the challenge of race as a political issue. After analysing some of the reasons for this variation, Young develops a typology of models of response which attempts to show that the future development of equal opportunity policies at the local level will depend on local circumstances, pressures and decisions as well as the national political context.

Jenkins builds upon the discussion of the manner in which equal opportunity policies work in practice by means of a case study of private sector responses and initiatives. Taking as his starting point the complexity of motives and rationalisations underlying equal opportunity policies in the private sector, he contends that in practice most of these initiatives do not often originate as carefully worked-out managerial strategies, but are the outcome of a variety of internal and external pressures. While not denying that, in some cases, there may be managerial pressure to tackle discrimination on moral grounds, his emphasis is on the organisational, professional and political pressures that have forced equal opportunity onto the management agenda. Drawing upon research relating to a large employer in the

West Midlands and published research about other organisations, he analyses the subtle and often contradictory pressures which help to shape an equal opportunity policy and limit its effectiveness.

Central to the successful implementation of any initiative aimed at equalising the opportunities realistically available to black and white workers – or, indeed, women and men – is the need to monitor and evaluate the effects of the procedural changes which are introduced. This issue is raised in the contribution by Jewson and Mason. They suggest, for example, that the increased formalisation of employment procedures can, in fact, have the opposite effect to that which is intended, by providing a further organisational smokescreen behind which discrimination can operate. In addition, they highlight the differing conceptions of ‘equal opportunity’ which are mobilised within employing organisations: it is conflict between these different models which is, in part, responsible for some of the difficulties attendant upon the formulation and implementation of equal opportunity policies.

Training is an issue which has received much attention recently. In particular, the role that training can play in the development of equal opportunity strategies has been the subject of debate. Distinguishing between training which caters specifically for black workers and training in race issues for white workers and managerial staff, Lee argues that both forms are likely to play a major role in industry over the coming decade. Drawing attention to the relatively recent development of ‘race awareness training’, which has gained particular prominence since the Scarman report of 1981, she argues that there are real problems in trying to assess the effectiveness of such training in counteracting racism. Not the least of these problems is the question of how far a greater awareness of racism can actually change institutional and systematic forms of discrimination. While Lee agrees that training by itself cannot eliminate racism, she argues forcefully that it can play a vital role in sensitising public opinion and contributing to wider efforts to combat racism.

While it is generally agreed that trade unions can play a major role in the promotion of equal opportunity, we know little about the actual attitudes and practices of unions on this issue. The importance of Wrench’s paper is that he takes up the question of trade union participation in anti-discrimination policies and provides a detailed analysis of why unions have failed to help black workers. Beginning with a summary of official policy pronouncements, Wrench then explores the various reasons why unions have not taken effective action to promote equal opportunity in employment. Citing as examples the tendencies to see racism as somehow peripheral to trade union concerns and to blame black workers for having the ‘wrong’ attitudes towards union membership, he concludes that it may