



What is the reality of discrimination today?

Trevor Phillips, Brussels, 9 June 2010

Any assessment of the 'reality of discrimination today' needs to begin with an acknowledgement of the progress – the significant progress – of the past 40 years. In Britain:

- A generation ago, people who happened not to be white had to put up with outright racism on a daily basis. Today, there is no greater secular sin. In fact we have something like a new 11th Commandment : 'Thou shall not discriminate' ; it's not that no-one does it - but when we do, we know it's wrong.
- A generation ago, we used to imprison gay men. Today same-sex couples can celebrate their civil partnership.
- And 40 years since parliament passed the Equal Pay Act, our full-time gender pay gap has just about halved from 30 per cent, to around 15 per cent¹

¹ 2009 pay gap stands at 16.4% mean, 12.2% median

Politically, all parties in every part of government in the UK are now signed up in their own political programmes to equality, diversity and anti-discrimination in some form. And every part of government whether UK-wide or devolved has a legal obligation to equality in their constitution.

But that 15 per cent pay gap is a reminder of how far there still is to go. In our recent election debates - all the leaders were white men; when they gathered to hammer out the coalition agreements after the election every member of every negotiating team was white and male. The Parliament in London now has nearly twice as many ethnic minority MPs as previously - 27 as opposed to 15 - but there are still only 142 women out of 650. So this an incomplete journey; and today's economic and political climate raises new obstacles.

In the UK, as in much of the rest of Europe, we are braced for public spending cuts that are likely to be significant and prolonged. There is a risk that those cuts will fall asymmetrically on people from different groups. Put very crudely, people from lower income groups may feel them more than others, and we know that many of the people we in the Equality and Human Rights Commission have a brief to look out for –

including some ethnic minorities, disabled people, and women – are more likely than average to be in those lower-income groups.

Economic hardship may also have social effects. It may exacerbate the tensions that migration has caused in some places. In the South of Italy, migrants have been physically attacked. Elsewhere, the targets have been more symbolic. This is what calls to ban the veil or minarets are about. These bans, by the way, are intensely illiberal and ill-considered. I suspect we may discover, in due course, that they break the ECHR.

But there's a fundamental question here. I've said that we suspect that there are new risks to equality. Yet how can we be sure, if we can't measure what's going on? And without examining a problem, how can you propose a solution?

In Britain, our answer is what we call our 'Triennial Review' of equality which we will publish in September. It's the first time anywhere in the world that a comprehensive assessment of this kind will have been made. The review will show, in detail, the chances in life of people from different groups. It will show, for example, the proportions of women of Pakistani origin in poor health, or of people with mental health conditions

in a job. It will compare the average household wealth of people of different faiths.

In other words, it will hold a mirror up to British society. By understanding where we have made progress, and where the most significant inequalities lie today, we in the Commission can illuminate whether, as a society, we are putting our resources where they count.

But then consider other European countries. We all understand the historic reasons for the reluctance to collect personal information, and about ethnicity and religion in particular. But without decent data, how can member states be accountable against article 19? How can they understand where progress is most needed today? In some areas of policy, member states have begin to change their approach. With PACS in France, for example, one concern was that it could create a de facto list of same-sex couples, which could be disastrous if it fell into the hands of a totalitarian government. But decision-makers refused to let fear of what happened in the past stop them righting an injustice in the present.

If Europe as a whole is to give itself the evidence it needs to become a fairer place, collecting data has to become a part of mainstream thinking. It needs to gain public consent. That will only happen through robust debate. At heart, this is a progressive cause, so there's no better group to be making these arguments than Socialists and Democrats. In a sense, it's over to you.

My second point is that, as we reflect on progress on reflect on what it still to do, it's time to update our theory of change. For many years in the UK, we have operated under the 'heroic' theory of change. It's a theory that draws heavily on the ideas of the civil rights movements.

The idea is that when an individual is treated badly, they have the right to sue to obtain justice. It has been, and remains a powerful lever for change. But it has significant drawbacks.

- It relies on an individual having the courage and patience and the sheer stubbornness to take a case against an organisation who, most likely, has far more resources at their disposal.
- It's about solving problems once they have happened, rather than anticipating or forestalling them.

More fundamentally, this approach presumes that inequality is derived from individual actions. Yet we know that in even the most liberal organisations there can often be a gender pay gap. In the most diverse

institutions there can be ethno-religious exclusion. we may have rules about disability or sexual orientation or age - but we all too often find that everyone in the rooms where the key decisions are really made is white, male, non-disabled and middle class.

So, while heroism was and is appropriate for dealing with clear, individual cases of injustice, it's not the right tool to address the subtle, more pervasive factors of that are at the root of many contemporary inequalities. Legal cases aren't the right tools to address factors such as

- the asymmetric division of caring responsibilities between men and women
- the stereotypes and norms that steer boys and girls towards different courses of study
- or the low expectations of some ethnic minority students.

For the past ten years in the UK we have supplemented the 'heroic' theory of change with a 'bureaucratic' theory of change. Under various equality duties, public authorities have been required to measure and articulate the impact of their decisions on women, on ethnic minorities and disabled people. Where there has been a disproportionate impact,

they have had to justify it, or mitigate it. The problem has been that authorities have got better at writing strategies to keep the regulator happy, without necessarily getting better at what really matters – delivering a fairer outcome for everyone.

Today, we are feeling our way towards a new theory of change. It should be one that puts an emphasis on evidence; on progress, rather than process; and on change for the better, rather than good intentions. We might call this the 'analytic', or perhaps the 'cultural' theory of change.

Whatever we call it, I think our model of change has to incorporate at least five elements, things that we have to do:

- Share the data - no-one will change unless they can see that what they are doing now is wrong
- target resources - focus on what will make a difference, not what will make us feel that we've made an effort; and pull the right levers
- create the climate for change - that's the role of persuasion and politics
- apply change without compromise

- measure the impact of your actions - and tell everyone what you've done - and what it's achieved.

Over the coming months, as we help bring the new Equality Act to life, we will refine that theory further. I look forward to the chance to share viewpoints today.