



Employment, Race Equality and the Referendum

10TH MARCH 2014

UNIVERSITY OF GLASGOW



**The Scottish
Government**
Riaghaltas na h-Alba

Programme

12:15 Registration (with lunch and tea and coffee)

Phase One: General Discussion

13:00 Setting the Scene:
Dr Rami Ousta (BEMIS)
John Wilkes (Scottish Refugee Council)
Zaffir Hakim (STUC, One Workplace, Equal Rights)

13:30 Opening Address:
Angela Constance MSP, Minister for Youth
Employment
Question and Answer Session

Phase Two: Referendum

14:00 Presentations from the Yes Scotland and Better
Together campaigns

- Yes Scotland
(Mr **Aamer Anwar**, Human Rights Lawyer)
- Better Together
(Mr **Anas Sarwar MP**, Deputy Leader, Scottish Labour)

14:30 Panel Questions:

- 15:20 5 Minute Closing Statement from Better Together campaign
- 15:25 5 Minute Closing Statement from Yes Scotland campaign
- 15:30 Evaluation/Poll and Closing Remarks from Rami Ousta

Biographies

RAMI OUSTA, CEO, BEMIS

Dr. Rami Ousta is the CEO of the BEMIS Scotland: a democratic representative organization that was acknowledged by the EU parliament as a best practice organization in Europe. Dr. Ousta's experience covers a wide range of senior roles and responsibilities related to Race Equality, Human Rights Education & Democratic Active Citizenship, Policy Development, Strategic & Community Re-generation at various levels, Training & Consultancy work, Research work, and representation at National, UK and EU advisory forums and policy committees in relation to Equality and Human Rights Education.

ANGELA CONSTANCE MSP, MINISTER FOR YOUTH EMPLOYMENT

Angela Constance has been the Member of the Scottish Parliament for the Almond Valley Constituency since May 2011, and prior to that the Livingston constituency from 2007 to 2011. She became Minister for Youth Employment in 2011, and has previously been Minister for Children and Young People, and Minister for Skills and Lifelong Learning. Born, raised and educated in West Lothian, prior to 2007 she worked as a social worker and mental health officer and was a local councillor in Livingston. She is married with one child.

JOHN WILKES, CHIEF EXECUTIVE, SCOTTISH REFUGEE COUNCIL

John Wilkes has a strong commitment to equality and human rights with long experience in the voluntary, statutory and private sectors. In March 2008 he became chief executive of Scottish Refugee Council, Scotland's leading independent refugee charity providing services and support to refugees and asylum seekers and carrying out policy, advocacy and campaigning on these issues in Scotland, the UK and Europe.

With a degree in chemistry he worked in engineering and marketing in the electronics industry for over twelve years. His work as an active volunteer on lesbian and gay issues led him to a career in the voluntary sector as chief executive of Scotland's leading HIV and AIDS organisation before joining Carers UK as Scotland Director. From 2001 he was Director of the Equal Opportunities Commission Scotland until the commission's remit was taken over by the Equality and Human Rights Commission.

ZAFFIR HAKIM, STUC ONE WORKPLACE

Zaffir Hakim works for the STUC's One Workplace Equal Rights Project, which aims to promote equality and tackle racism in the workplace by building the capacity of trade

unions on equality issues. His responsibilities include representing the project to unions, employers and other organisations interacting with the project as well as managing a range of activities associated with the project including research, campaigning, training and positive action initiatives. His previous role was as a Development Officer with Glasgow City Council where he conducted research to improve recruitment and retention of minority ethnics in Council and was responsible for developing and implementing successful strategies to improve the representation of diverse groups into the Council. Prior to this, he was an Audience Researcher for BBC Scotland where he was responsible for monitoring and analysing audience trends for TV and radio.

Zaffir graduated from Strathclyde University with BA (Hons) Marketing in 1995

AAMER ANWAR, HUMAN RIGHTS LAWYER, YES SCOTLAND

Aamer Anwar has always been an active volunteer and has served on both public appointments and many voluntary sector boards. From 1999 to 2003 he was a member of the Communities Fund (now the Big Lottery) Scotland committee and between 2004 and 2008 was a member of the board of Stonewall, the UK's leading gay and lesbian advocacy and campaigning organisation. He is currently a member of the boards of the Citizens Advice Scotland, the Association of Chief Officers of Scottish Voluntary Organisations (ACOSVO), the UK wide Sheila McKechnie Foundation and is Chair of White Ribbon Scotland.

ANAS SARWAR MP, DEPUTY LEADER, SCOTTISH LABOUR, BETTER TOGETHER

Anas Sarwar was elected Member of Parliament for Glasgow Central on 6 May 2010. Born and brought up in Glasgow. He studied Dentistry at Glasgow University, graduating in 2005. He was later elected to serve on the International Development Select Committee. Anas has been an active member of the Labour Party since the age of 16 and was selected for Glasgow Regional List candidate for the party at the 2007 Scottish elections. He was also a member of the Scottish Policy Forum which was responsible for drawing-up the Labour manifesto for that election.

Employment, Race Equality & the Referendum

The purpose of today's event is for the diverse ethnic minority communities and community groups to come together and discuss employment and race equality.

The first part of the day will be a general discussion about employment and issues of race equality.

The second part of the day will explore employment and race equality within the context of the upcoming independence referendum, with presentations from Yes Scotland and Better Together campaigns. This is your opportunity to share your thoughts, raise your concerns and put your questions to representatives of both campaigns.

The event organisers BEMIS, SRC and STUC are impartial in this discussion; our interests are in forwarding the race equality agenda and ensuring the diverse ethnic minorities of Scotland are involved in shaping the future of Scotland.

THE REFERENDUM: WHAT IS THE WHITE PAPER?

On 18 September 2014 there will be a referendum in which people living in Scotland will be asked to decide: "Should Scotland be an independent country?" In the white paper on independence the current Scottish Government sets out their proposals of what an independent Scotland could look like.

There are a lot of important issues covered in the white paper including:

- A look at the Scottish economy and the current Scottish Government's plans to boost economic growth in an independent Scotland.
- Health and social justice – including plans to address the gap between rich and poor; boosting employment; improving educational achievement; and creating a fairer social welfare system.
- Proposals for International relations and defence in an independent Scotland
- Justice and security – Scottish Government believe the full powers they will have following independence will allow them to create safer, stronger and more secure communities.
- The Scottish Government's plans for immigration policy and citizenship in an independent Scotland.
- How an Independent Scotland can protect the key priorities of the Scottish people, including human rights and the equalities agenda, in a written constitution.

CAN I VOTE IN THE REFERENDUM?

Anyone who fulfils one of the following conditions has a right to vote in the referendum, and decide on the future of Scotland:

- British Citizens who are living in Scotland
- Commonwealth citizens living in Scotland who either have, or do not need, leave to remain in the UK.
- Citizens of other EU countries who are living in Scotland.
- Members of the armed services and Crown personnel serving in the UK or overseas who are registered to vote in Scotland.

And for the first time in any UK election, people aged 16 and 17 will be eligible to vote too.

THE SITUATION IN SCOTLAND AT PRESENT...

At present the Scottish Parliament have the responsibility for some areas of policy and decision-making; these are known as devolved powers, while other matters are reserved to Westminster's authority. At the moment matters such as; tax; foreign policy; defence and national security; immigration and nationality; employment legislation; social security; and equal opportunities policy, are all reserved to the Westminster government.

The current Scottish Government, formed by the Scottish National Party following the elections for the Scottish Parliament in May 2011, believes that decisions about what happens in Scotland should be taken by people in Scotland, and not, as at present, by the UK Parliament in London.

WHAT WOULD HAPPEN IF PEOPLE LIVING IN SCOTLAND VOTE IN FAVOUR OF INDEPENDENCE?

If there is a majority in favour of independence, Scotland would become an independent country on 24th March 2016.

During the 18 months between the referendum and independence day, the Scottish and UK Parliaments would introduce laws and reach agreements to enable Scotland to become a separate country.

The White Paper on Independence: Employability Briefing

This is a summary of the main points on employability within the Scottish Government's White Paper on Independence with supplementary information on the current situation in Scotland. BEMIS remains impartial in this discussion and the purpose of this briefing and subsequent events are to stimulate discussion within the diverse ethnic and cultural minority communities about the Independence referendum.

The Scottish Government believes that under the Westminster parliamentary system Scotland is locked in to one of the most unequal economic models in the developed world: since 1975 income inequality among working-age people has increased faster in the UK than in any other country in the OECD. The increasing geographical imbalance concentrates jobs and investment in London and the South East of England.

At present, Westminster has responsibility for key economic and social policies; including welfare, employability, workplace relations, including equal opportunities legislation.

Under the present system more of the people living in poverty are in work than out of it and this trend has increased since the mid-1990s. Over 400,000 people in Scotland are working for less than the living wage, which is nearly a fifth of the Scottish workforce and the majority of these low paid workers are women. The minimum wage has failed to increase in almost a decade and in every single year since the recession of 2008 it has failed to keep up with the cost of living. In the White Paper Scottish Government proposes how it will tackle these economic inequalities in an independent Scotland.

The Scottish Government believes that independence provides the opportunity to build a strong Scottish economy, create more jobs in Scotland and tackle economic inequality.

Current youth unemployment rate in Scotland is 18.4%. The white paper proposes to introduce a "Youth Guarantee" giving everyone between the ages of 16 and 24 the right to education, training, or employment. This guarantee could be protected and written into a proposed constitution.

Within the context of race equality it is noteworthy that there is a higher rate of unemployment among ethnic minority groups. In 2005 adults from ethnic minority groups had a lower employment rate by 17 percentage points.

It is also of relevance to note that race equality legislation is a reserved matter for the Westminster government. So at present Scottish Government cannot amend legislation, for example to include legal recognition of Scottish Gypsies/Travellers as an ethnic group.

THE ECONOMY – CREATING MORE JOBS

In the White Paper the Scottish Government identify critical success factors to be addressed to boost economic growth and reduce inequality:

- create more and better employment opportunities across all parts of the country and tackle long-standing social and economic inequalities that constrain Scotland's economic potential
- boost and diversify Scotland's businesses
- rebalance the economy and strengthen the role of manufacturing and innovation
- grow Scotland's export base and provide the framework to help support Scottish companies to compete in global markets
- encourage a longer-term focus on investment and economic sustainability
- support the transition to a low carbon economy

EMPLOYMENT

The Scottish Government propose that on independence:

- they commit that the minimum wage would increase at least in line with inflation;
- a Fair Work Commission would be established, with responsibility, amongst other things, for developing a mechanism for upgrading the minimum wage;
- a National Convention on Employment and Labour Relations would be established to encourage dialogue between employers, employees and other key stakeholders about issues such as labour market reform, and addressing skills shortages;
- employment protection would be protected by, for example, restoring a 90 day consultation period for redundancies affecting more than 100 employees;
- Early intervention schemes would prevent long-term unemployment; the "Shares for Rights" scheme would be abolished. (This replaces certain rights in the area of unfair dismissal and redundancy pay with tax incentives on holding shares in the company.)

Some of their other priorities include:

- increasing female and parental participation in the workforce through a transformational expansion in childcare provision
- giving Scottish businesses a competitive edge by reducing corporation tax by up to three percentage points; and improving international connectivity by cutting Air Passenger Duty by 50 per cent
- introducing a package of employment measures designed to improve company performance
- examining how to help small businesses, for example with their national insurance contributions

FOR YOUR CONSIDERATION...

1. What are your thoughts on the proposals for employment in an independent Scotland?
2. How can we ensure that economic and employment policies address current inequalities affecting ethnic and cultural minorities?
3. Would you suggest any other priorities for an Independent Scottish Government?

RESPONSES TO ‘SCOTLAND’S FUTURE’

Scottish Refugee Council

INTRODUCTION

This paper sets out an initial analysis of the Scottish Government’s White Paper on independence, Scotland’s Future in relation to refugees and asylum.

BACKGROUND

Scottish Refugee Council launched its report in January 2013, “*Improving the lives of Refugees in Scotland after the Referendum: An Appraisal of the Options*”. The report set out our principles for a fair and humane asylum system based on international obligations, equality, and Scottish values. The report reflected these principles through three potential constitutional settlements, independence, the status quo and increased powers to Scotland, and produced a series of considered policy options for each. The report is available at:

http://www.scottishrefugeecouncil.org.uk/media/press_releases/1891_a_vision_for_asylum_in_scotland_after_the_referendum_new_research_aims_to_create_policy_debate_post_2014

Our report was offered as a contribution to the debate on constitutional change that is being afforded by the proposed referendum on independence for Scotland. The referendum is due to take place on the 18 September 2014.

Scottish Refugee Council has stated throughout in all communications and presentations in relation to the debate that we take and continue to take a neutral stance on the outcome of the referendum.

ANALYSIS

On 26 November 2013 the Scottish Government published its ‘blueprint’ for independence. The report is available at;

<http://www.scotland.gov.uk/Publications/2013/11/9348/0>.

REFUGEES AND ASYLUM

The following issues relating to the issues of refugees and asylum are included.

The top line statement and principle from the whole paper is that: *An independent Scotland will have an inclusive approach to citizenship and a humane approach to asylum seekers and refugees.* The language of human rights, equality and values used to describe the asylum system mirrors much of the language from our own report.

There are four key recommendations which have been outlined. These are:

- the creation of an asylum decision-making body, the Scottish Asylum Agency, separate from a border management and immigration agency, the Scottish Borders and Migration Agency;
- Improvements to the ‘inhumane’ treatment of those who have claimed asylum and those that have been refused asylum – the Scottish Government propose to close Dungavel, the only current UK immigration detention and removal centre in Scotland, but leave the potential for secure accommodation. We understand that one option being considered is where electronic monitoring may be used
- Continuation of the current position, adopted by successive Scottish Governments since 2002, of the policy of integration from day one;
- Access to the mainstream welfare system for support. There is however currently very little detail regarding this.

Very positively, in the view of Scottish Refugee Council, the White Paper states that: *We will demonstrate our respect for international law, human rights and social justice in offering asylum to those seeking a place of refuge from persecution, war, natural disaster or other major crises.*

This statement suggests potentially a much greater net of protection than is offered under current UK Government policy, the Refugee Convention and the Qualification Directive. Disappointingly, in the view of Scottish Refugee Council, reference is made to ‘failed asylum seekers rather than ‘refused’.

Issues such as resettlement, family reunion and citizenship for refugees were not included. Immigration aspects of trafficking, i.e. extent of leave offered to victims of trafficking are not discussed.

IMMIGRATION AND MIGRATION

As has been publicly stated in the run up to the White Paper, the Scottish Government plans, in the event of independence, to maintain a Common Travel Area with the rest of the UK, and thus states there would no need for border checks.

The white paper also sets out:

- Immigration policy will be based on meeting Scotland’s needs. There will be a Scottish Immigration Agency that will deal with these matters.
- If EU membership retained Scottish borders will be open to EU nationals exercising their treaty rights as Scots are able to throughout the EU
- For non EU nationals Scotland will operate a “controlled, transparent and efficient immigration system.
- Scotland will retain a points based approach for non EU nationals and will lower the current UK financial maintenance thresholds.
- Scotland will reintroduce the post study work visa to attract more international students.
- The white paper sets out proposals for how Scottish citizenship is determined and who will be entitled to be a passport holder including arrangements for British citizens. Scottish born citizens living outside Scotland will be considered Scottish citizens. Other people will be able to apply including those who have a parent or grandparent who qualifies for Scottish citizenship.

Details of the proposals for migration and citizenship are found in pages 267 to 273 of the white paper.

We understand that the Scottish Government has drafted a much more detailed paper on immigration and asylum which may be published in the future.

EMPLOYMENT

The white paper discusses aspects of employment on pages 103 to 109 of the white paper. There are proposals to;

- Commitment to a living wage
- Setting up a Fair Work Commission for overseeing the National Minimum Wage
- Establishing a National Convention on Employment and Labour relations
- Proposals to increase the number of women on company boards
- Establishing a Youth Guarantee for education, training or employment as a constitutional right for young people up to 24 years of age.

There is little or no analysis or proposals about how an independent Scotland would approach barriers to employment experienced by ethnic minorities.

UK Government analysis of impact of Scottish independence ON BORDERS AND CITIZENSHIP

The UK Government has recently published its own analysis of the potential impact of Scottish independence and the Scottish Government proposals on borders and citizenship. The paper can be obtained at the following link;

<https://www.gov.uk/government/publications/scotland-analysis-borders-andcitizenship>

There is also a separate analysis that looks at EU and international issues;

<https://www.gov.uk/government/publications/scotland-analysis-borders-andcitizenship>

- The analysis suggests that the Scottish Government aim to be a member of the Common Travel area would be dependent on the agreement of the other states such as UK and the Republic of Ireland.
- It also states that the Scottish Government would need to negotiate an opt out of becoming part of the Schengen common travel area with the other 28 EU member states as part of its application for EU membership.
- The analysis questions the assumption that migration and immigration are effective approaches to solving the issues of economic need or addressing the challenges of an ageing population.
- The analysis looks at the implications of the movement of goods and trade between Scotland and England in the event of an independent Scotland.
- The analysis looks at the implications of the Scottish Government proposals on citizenship, noting for example that under current rules British citizens living outside the UK cannot pass on their nationality to more than one generation so the children of British citizens living in an independent Scottish state would be British citizens, but their children and subsequent generations would not be.
- The paper notes that creating an international border between Scotland and the rest of the UK would also impact the movement of goods across that border and could create opportunities for smuggling and organised crime.

February 2014

STUC

STUC's response to the referendum question is encapsulated in its 'A Just Scotland' project which involves an in-depth consideration of the issues relating to Scotland's constitutional future. The starting point for that discussion is to allow individuals, trade union members and their families to be empowered to consider Scotland's constitutional future within the wider context of the collective values we hold. For STUC, the referendum debate was and continues to be, not simply a means of discussing the form of Scotland's constitutional arrangements, but an exciting opportunity to reawaken a debate on social justice and equality, to talk about the sort of Scotland we want to see.

Over the past 12 months Scotland's trade unions have involved themselves in intensive debate and discussions. The nature of the membership and the industrial concerns of unions are different. Each has adopted an approach consistent with its own internal democracy but all have had, as a key consideration, 'how best can we achieve social justice'.

Our interim report 'A Just Scotland' lays out a number of challenges and posed some key questions. The report criticises the quality of information that is being provided and the way in which much of the information was being presented.

Whilst it is fair to say that there has been an increase in available information presented both by the respective governments and the academic community, the presentation and commentary associated with this information still continues to frustrate reasoned debate. Whilst a significant proportion of Scottish voters suggest that they require additional information, an even greater proportion of voters state that they are finding it difficult to decide whether the information is true or not.

STUC's call is for social justice to take centre stage in the referendum debate and significant progress has been made in that respect. Much of the case for the Union now made by pro-devolution parties is on the basis that the UK is an effective as a redistributive state. Equally there is a strong theme within the YES campaign and the arguments put forward by the Scottish Government that independence would increase the likelihood of enhanced social justice in Scotland.

It is vital that both sides of the debate recognise that for many, including a significant number of trade unionists, the answer to this, and other questions posed by the referendum 'isn't obvious'. They are in the process of balancing advantages and disadvantages based on the recognition that changing Scotland's relationship with the UK involves a 'trade off' of powers. Presenting a completely binary view that there are no

positive aspects to the alternative position, or weaknesses within one's own is neither helpful to those who are still undecided or to the quality of debate generally. It is on that basis that STUC will continue its engagement with the referendum debate.

Delegate Notes

