



THE EQUALITY
ACT REVIEW

Runnymede Call for Evidence

EQUALITY ACT REVIEW

SUMMARY

This evidence submission from the Equality Act Review calls for an intersectional lens to be applied to calls for racial justice. Drawing on research we have conducted on educational experiences during the pandemic, employment experiences of racialised groups, and the effectiveness of the Equality Act (particularly in reference to section 14), we argue this inquiry should centre intersectional experiences of justice for discrimination, which includes race. We would like to particularly draw your attention to a development in intersectionality theory by Bi (2019), who calls for religion to be seen as a valid intersectional marker of identity, particularly underscored by the Muslim experience who are a racialised minority.

EDUCATIONAL RESEARCH

‘Dominant conceptions of discrimination [have] condition[ed] us to think about subordination as disadvantage occurring along a single categorical axis’ (Crenshaw, 1989, p.140). In her seminal writing on black women’s experiences of discrimination, Kimberle Crenshaw sought to contest this dominant discourse and cast light on the intersectional operation of discrimination along multiple axes. This enquiry is undermined by its central concern with singular racial discrimination and its relegation of intersectional discrimination to the margins, and in turn is facilitating the reinforcement of this dominant discourse that Crenshaw sought to overcome.

The Equality Act Review’s research has highlighted the intersectional operation of discrimination, with a specific focus on the intersection of race with gender, socioeconomic status and religion, which is not traditionally included in conceptions of intersectionality. In our most recent research, we have drawn attention to the intersectional operation of bias in education and have found that this has been exacerbated by Covid-19. In light of the

government's announcement that GCSE and A level exams would be cancelled on and replaced by a system of teacher predictions and algorithmic adjustment on 18th March 2020, the Equality Act Review undertook a two-part study to understand how discrimination became manifested in the system. Our first report, based on survey data collected in April-May 2020, explored concerns amongst students and parents about the risk of discrimination within the proposed system. In this study, in which '80% of all respondents were concerned about their grades being predicted' (Bi, 2020a, p.67), '85.8% of the respondents were BAME (16 groups)' (Bi, 2020, p.67), suggesting a disproportionate concern amongst BAME students and parents about the potential for bias within the system. Nonetheless, we found that concerns were multifaceted, and related to a number of other factors, including, 'attitude towards mock exams, learning style, progress made since mock exams, mitigating circumstances, Special Educational Needs (SEN), disrupted schooling [and a] lack of resources' (Bi, 2020a, p.67), with this last factor operating around the intersection of race/ethnicity and class. Indeed, 'we found that concerns about bias transcended BAME identity and included favouritism, bad behaviour, Islamophobia and class' (Bi, 2020a, p.67), 'with more than half of participants (58.82%)...concerned for two or more reasons' (Bi, 2020a, p.67). This clearly highlights the concern within the 2020 student body about the potential for bias in the proposed system to operate intersectionally, along multiple axes.

Our second report, Predicting Futures 2.0, examined the experiences of students following the publishing of results in August 2020. The study unveiled a two-tiered system of discrimination, in which '77.2% (1614) of respondents...received results that were an underestimate of their abilities' (Bi, 2020b, p.13), and 76.7% (1604) (Bi, 2020b, p.13) stated that their final grades were below teacher predictions, testament to the 'role of regulators in suppressing teacher predicted grades' (Bi, 2020b, p.13). Consequently, '64.6% (1350) of our cohort missed out on their university offers and 22.1% (462) stated they missed out on sixth form/college offers' (Bi, 2020b, p.14). Furthermore, 56.5% (1183) of respondents experienced negative impacts on their mental health (Bi, 2020, p.14), and approximately 50% of respondents had either decided against retaking examinations or were still unsure as to whether or not to re-sit at the time of the study, illustrating a devastating loss of talent and aspiration amongst the student cohort. The report concluded that 'BAME students were indeed impacted more than non-BAME students, as 79.8% of respondents were BAME' (Bi,

2020b, p.51). Nonetheless, the report ‘illustrated a toxic intersection between racial and ethnic identity, socioeconomic background, gender and inequality’ (Bi, 2020b, p.52), with ‘those with household incomes below the national average income of £28,500 ma[king] up 57.9% of respondents, and female respondents ma[king] up 57% of’ (Bi, 2020b, p.52) the sample. Furthermore, ‘53.6% of respondents belonged to minority religions within which Muslim comprised 40.5%’ (Bi, 2020b, p.52), thereby corroborating concerns uncovered in the first report that bias in the system would operate along a religious axis in addition to a racial axis.

EMPLOYMENT RESEARCH

In February 2020, the Equality Act published a report which explored the work and career development experiences of Muslim women (Bi, 2020a). We found that nearly 50% experienced discrimination and islamophobia in the workplace (n = 425), and we were also able to identify that much of their work and career development outcomes after graduating were determined during the period of 14-22years of age. For instance, of 425 women who took part in the survey, 79 wanted to become doctors at aged 14 however, only 1 became a doctor at age 22. The narratives we were able to capture through semi-structured interviews with 50 women included harrowing experiences of discrimination such as, colleagues threatening to burn a Muslim woman’s headscarf, parents asking not to be taught by the Muslim teacher and pulling their child out of school as a result, and patients asking not to be treated by a Muslim doctor. High level of resilience were demonstrated by Muslim women with nearly half being from low income backgrounds below the national average of £28,500 and 41.6% receiving free school meals. Despite these numbers, 48.2% had completed an undergraduate degree and a further 43% had postgraduate qualifications (Bi, 2020a).

The significance of this research for the Runneymede inquiry centres around the way racial justice is a right for groups that are *racialised*. Particularly post 9/11, Muslims in Britain (and around the globe) have been racialised (see Bi, 2020b). Currently, the law around equality for race and racial justice does not include racialised groups. As (Bi, 2019) argues, her case for race discrimination was dismissed in Employment Tribunals because Muslims are not considered as a race. At the equality act review, we believe that this is significant flaw in the

system, which is further exacerbated by the terms of inquiries such as this, that assume racial justice applies only to racial groups. By limiting the terms of the inquiry to exclude racialised groups, we risk practicing epistemological violence.

INTERSECTIONAL DISCRIMINATION IN THE LEGAL SYSTEM

The 2010 Equality Act is an historic piece of legislation, consolidating pre-existing anti-discrimination legislation to provide an overarching legal framework for the protection of individuals against discrimination on the grounds of nine key protected characteristics. The Equality Act Review is campaigning for an assessment of this landmark piece of legislation in line with concerns arising from our own research and through evidence obtained through public consultation. Central to these concerns is the issue surrounding the ability of individuals to invoke Section 14 of the Equality Act and launch a case claiming discrimination on multiple grounds (more in our upcoming report). We are concerned that individuals are not able to bring cases of grievance to their employers or the courts which comprise discrimination on multiple grounds. As Bi (2019) demonstrates, discrimination does not always occur in whole sums and percentages. For example, a Black woman in the workplace may have been discriminated 60% due to her race, 20% due to her gender, and 20% due to a disability. Our multiple identities come to surface in the way discrimination occurs, which the current system is not equipped to deal with. By employing singular terms of racial justice, we risk centring justice around race only, reifying the flaws in the system which do not allow for discrimination on multiple grounds to be brought forward.

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