



WORKING IT OUT

Positive action measures - briefing sheet

“The time for talking is over. Now is the time to act. It will require concerted and sustained effort from all of us, but the solutions are already there, if we only choose to apply them”¹

This briefing sheet accompanies the Travellers in Prison Initiative (TPI) report ‘Working it Out’ report² which outlines the use of positive action measures to enhance access to employment (and progression within employment) for underrepresented groups.

Travellers in Ireland experience an unemployment rate of 80.1% (census 2016), and research undertaken in 2017, found that 52% of Travellers experienced challenges to accessing employment: these included discrimination (e.g. being known as a Traveller and not gaining employment as a result, or having to hide identity when applying for work).³ The same research found that 43% of Travellers in employment encountered discrimination. A related survey found that 83% of the settled population said they would not employ a Traveller.⁴

The TPI has explored positive action measures in Northern Ireland, Britain, and Australia to address labour market disadvantage for under-represented groups.⁵ These include measures in the criminal justice system and other public sector bodies.

Positive action is the term used for measures to remedy the under-representation or disadvantage experienced by particular groups in the workplace. Positive action does not offer preferential treatment to a candidate because they are from an under-represented group. It is not the same as positive discrimination (which selects an individual for a position on the basis of their ethnicity, gender, etc.) which is unlawful in the EU, except in specific circumstances.⁶

¹ McGregor-Smith, R (2017) *The time for talking is over. Now is the time to act. Race in the workplace*. London: Department for Business, Energy & Industrial Strategy.

² Lalor, T. (2021) *Working it out: Examples of measures to enhance employment of under-represented groups*. Dublin: TPI, St Stephen’s Green Trust www.ssgt.ie/resources

³ *The National Traveller Community Survey (Behaviour & Attitudes) on behalf of the National Traveller Data Steering Group and Community Foundation for Ireland* https://exchangehouse.ie/userfiles/file/reports/research/National_Traveller_Community_Survey_2017_07.pdf

⁴ *From the simultaneous barometer survey undertaken with the national population on attitudes towards Travellers and other groups.*

⁵ *While these do not specifically relate to Travellers, they do relate to black and minority ethnic communities, which are under-represented across workforces and are less likely than their white counterparts to occupy senior management roles in organisations.*

⁶ *For example, with regard to people with disabilities and gender quotas in certain circumstances.*

⁷ *Including criminal convictions as an automatic barrier to consideration. The UK’s Prison & Probation Service ‘Workforce Strategy 2020-2023’, includes a commitment to recruit those with criminal convictions. Advertisements for certain roles in the UK’s probation service state that the service is ‘actively seeking those with a criminal record who have experience of the probation and/or youth justice service.’ Candidates are not asked to declare spent*

Success for a positive action campaign requires a planned and systematic approach to recruitment, involving outreach, targeted advertising and promotion, and partnership with organisations representing minority groups.

Key success factors in planning and introducing positive action measures

Leadership and senior management buy-in; building a cohort of ‘senior champions’.

An understanding of under-represented groups (cultural competency training) among all staff to create culturally safe workspaces.

Zero tolerance of discrimination (derogatory language, stereotyping); zero tolerance should be visible (e.g. posters) and included in codes of practice, etc.

Availability of staff and resources to support positive action initiatives.

Removal of unnecessary entry requirements.⁷

A recruitment process that is simple and easy to navigate.

Data and reporting – statistics on workplace diversity and progress towards targets. This requires data collection.⁸

Mentor support for recruits to support retention as well as promotion.

In the case of internships, tangible outcomes such as permanent positions.

Partnership between public sector agencies, minority group representative organisations and the private sector. Professional bodies can also play an important role.⁹

or unspent convictions at application stage. Instead, when a successful candidate reaches the vetting stage, any unspent convictions are considered as part of a specially designed risk assessment. Therefore, having a criminal conviction will not – of itself – be a barrier to recruitment. See section 3.1 of the ‘Working it Out’ report

⁸ *The Ministry of Justice (MOJ) collects and monitors staff diversity data in order to check how representative the ministry is and to examine the success and impact of employment policies and practices. This includes identifying areas where policies and practices appear to be impacting disproportionately on certain groups of staff. Collecting, monitoring and publishing diversity data also supports its ability to show ‘due regard’ to the Public Sector Equality Duty, a legal requirement under the UK’s Equality Act 2010.*

⁹ *The College of Policing and the Chartered Institute of Library and Information Professionals in the UK have produced tools to support positive action.*

Steps in implementing positive action measures

Preparation and planning

Management structure	Establish a working group (this could be a subgroup of a diversity and inclusion committee ¹⁰). Membership of working group should include senior management, Traveller representative groups (and possibly trade unions and/ or professional bodies). This working group would establish clear objectives.
Preparation	Agree roles to be targeted for recruitment. Identify barriers that may exist for Travellers. Consider the situation, experience and identity of under-represented groups (with support from representative groups). Engage with management staff, raise awareness with staff and trade union reps to secure buy-in; provide anti-racism and cultural awareness training. Identify a staff member to take responsibility for the initiative, as project coordinator and liaison role. Set targets. ¹¹

Recruitment and selection

Job analysis/ Job description	Assess job descriptions and terms and conditions – do they impact negatively on Travellers? Remove unnecessary barriers (e.g. minimum education requirements, 'Ban the Box' ¹²). Remember having a criminal record should not be in itself an automatic barrier to employment.
Attraction of candidates	Engage with Traveller organisations to promote the recruitment campaign (and get support around advertising the positions using media and outlets relevant to Travellers). Use methods such as open days, outreach, face-to-face contact as well as written information (for repeat campaigns, make changes to the process based on feedback from prior candidates). Be clear with candidates that the process will not automatically lead to a job. Offer training to prepare for assessment or aptitude tests – some candidates may never have encountered these types of tests before. Avoid reliance on digital application forms, as this may exclude some candidates. Application forms should be as brief as possible.
Interviews	Avoid over-formalising the interview process (e.g. small interview panels, room set up should be informal). Consider using 'blended interview' methods. ¹² Support candidates in their preparation for interviews (as they may have had negative prior experiences). This should include knowledge of the structure of the interview process. ¹³

Support in the workplace and progression – considerations

Induction and training	Tailor induction for those with limited experience of workplaces. Carry out a training needs analysis. Peer support opportunities for Travellers is recommended (e.g. placement of two Travellers in the one department, but not in the same direct environment). Ongoing mentor support may be required. Support may be required regarding fears around disclosure of identity.
Progression opportunities	Explore progression opportunities, including additional training and support for career progression. Consider 'acting up' temporary placements which are classed as training, or secondments. ¹⁴

Evaluating outcomes and review

Gather data on the outcomes of the process at specific stages (application, shortlisting, appointment, etc). Routinely collect information on the ethnic composition of workforce to monitor progress towards diversity.

¹⁰ The Scottish Prison Service's equality & diversity steering group includes the Head of HR, other senior managers and trade union representation.

¹¹ In Ireland, the Comprehensive Strategy for People with Disabilities (2015 – 2024), includes a government commitment to increasing the public service employment target for persons with disabilities to at least 6% by 2024. The strategy requires reporting on progress towards this target.

¹² Ban the Box' calls on employers to remove the tick box question about criminal convictions from application forms, and instead to ask about criminal convictions later on in the recruitment process.

¹³ A Blended Interview is a flexible style of interviewing focussing on candidates' experience, competencies and their motivation, interests and strengths. They tend to be less structured than traditional, formal interviews. These are used by the National Probation Service in the UK.

¹⁴ The Scottish Prison Service has developed candidate supporting material which describes each of the stages in selection and guides them on how to prepare/approach assessment as well as removing the unknown and uncertainty of recruitment.

¹⁵ Note: these could not have a financial advantage as otherwise they may be classed as promotions, and hence unlawful (positive discrimination).