

Evidence for the Employment Rights Bill

I am Michelle De Leon, founder and CEO of World Afro Day CIC. I am a thought leader and advocate for eliminating hair discrimination at school, work and in all areas of life. Inspired by my 8-year-old daughter and my own experiences with Afro hair, I founded World Afro Day, September 15th, a global day of celebration and liberation for Afro hair and identity. Since 2017, the day has been endorsed by the UN Decade of African Descent under The Office of the United Nations High Commissioner for Human rights.

World Afro day has been a key driver in raising awareness globally of hair discrimination. We have submitted evidence to the UN, previous UK Government, OFSTED and I was a key contributor to the EHRC guidelines on preventing hair discrimination in schools (2022). We have worked with unions, companies and global brands and our message of Afro hair acceptance has been covered extensively across international media. A major element of our work has been commissioning and conducting research with our most recent publication of the Workplace Hair Acceptance report 2023.

“The government is clear that in our modern society and economy, inequality of treatment and opportunity at work is unacceptable”

I am submitting this evidence, to highlight a key area of inequality that has been overlooked by successive governments and this current bill. Hair discrimination affects the opportunity to gain employment and the opportunity for advancement in employment. Laws around race discrimination have been historically based around skin colour but it is time for the modernisation of legislation to include overlooked and underestimated hair discrimination. There needs to be a greater understanding of how hair discrimination affects workers and their wellbeing. **98% of UK Black people** feel that their identity is compromised to fit in at workplaces, with their hair being a key issue. (British Black Voices study)

There are weaknesses in the bill because it doesn't consider that Black and minority ethnic (BME) workers in the UK are more likely to be on zero-hours contracts than white workers. Their hair could also mean, that they need more protection from unfair dismissal. The workplace Hair Acceptance report found that **1 in 3 company decision-makers** could possibly deny a Black woman a job because of her natural Afro hair and then reverse the decision if she straightened her hair.

The Employment Rights Bill is aiming to provide more protection and job security to those more at risk, however there is a vacuum of knowledge and understanding at government level about hair discrimination and how it affects workers. Previous, UK policymakers and legislators did not have the knowledge to help protect workers against this form of discrimination. However, the research¹ shows there is a bias against Afro hair in workplaces with a hierarchy of hairstyles considered appropriate from more Eurocentric decreasing to Afrocentric styles. This dominant view to look less African and more European to improve job prospects is wrong and should be addressed through the government's "prioritising fairness, equality and wellbeing of workers." If companies understood that hair discrimination is no less acceptable

¹ Employer Hair Attitudes Survey

than skin discrimination, then we would see massive changes in attitudes from employers and more happy and productive workers.

A gender action plan, which is inclusive of Black female workers; would also aim to end hair discrimination because Black female workers can experience harassment at work because of their hair.

- Research by Censuswide for Pantene showed 93% of Black people in the UK have faced microaggression related to their Afro hair.

Of those that have been or have felt discriminated against due to their hair, the top three most cited places this happened are:

- At school (59%)
- In the workplace (49%)
- In a work interview (45%)

Regarding the Fair Work Agency, again I reiterate the need to understand the unfairness around hair discrimination. New bodies should be adequately trained on what hair discrimination is and should have policies to prevent it. In 2024 and beyond, hair discrimination should no longer be a mystery to people in power, especially when they are in a position to do something about it.

Finding out about union representation from the beginning of employment is undoubtedly beneficial for workers. The union may be in many cases more familiar with hair discrimination than the employer. Some UK unions have carried out research into hair discrimination so they could be helpful in getting companies to recognise the issue. Through our own advocacy, we established good working relations with 5 education unions, who pledged to work in partnership to end hair discrimination in schools. There is a willingness to learn and tackle the issue but there needs to be more statutory enforcement of hair discrimination in law to enact real change. Hair should be treated as seriously as skin, otherwise nothing much will change. We have undoubtedly seen the difference that legislation makes in changing attitudes to what is ethically acceptable.

The Employment Rights bill sets out several areas to help women at work but not hair discrimination, which predominantly affects women with African heritage. Jobs can be put at risk if a worker has Afro type hair. Results from the Employer Hair Attitudes Survey found 1 in 5 company decision makers thought a Black woman could definitely be denied a job in their workplace because of her natural Afro hair and then the decision be reversed, if she straightened her hair. The Employer Hair Attitudes Survey was conducted with Shift Insight. The survey of 1000 UK and US decision-makers: CEOs, Line Managers, HR Professionals and DEI Specialists; revealed employer bias against Afrocentric hair in the workplace and a clear lack of understanding of what is legal and discriminatory towards Afro hair and Afrocentric hairstyles. Even companies with a strong DEI commitment showed the same bias against Afrocentric hairstyles. 84% considered straight hair on a Black woman appropriate in all circumstances versus 64% who felt an Afrocentric hairstyle was appropriate. 1 in 10 companies (12%) considered several Afrocentric hairstyles completely inappropriate for the workplace.

Previous research, from World Afro Day shows a shocking level of ignorance in attitudes and behaviour towards Afro hairstyles in the workplace. "Had my boss tip

water on my hair for 'fun', to see what will happen." Another person said: "I have had people treat me like I am not human."

Hair discrimination has been a generational issue for workers in Britain. Una Marson, a BBC Producer documented her negative hair experiences working in Britain from 1932. If the government wants the Employment Rights Bill to be the 'biggest upgrade to workers' rights in a generation.' Then it could raise the bar even higher by ending hair discrimination at work for the 3 million plus, Black and mixed heritage people of Britain.

Chair of the BTC Rt Hon Liam Byrne said "The employment rights bill is one of the flagship reforms proposed by the new government...and provides the right protections and voice for workers in our 21st century economy." In 2024, should workers still be denied jobs and promotion because of the Afro hair they were born with? Will the government overlook this issue, even though they have such high ambitions for this legislation? Will the government provide the 'right protections' for workers with Afro hair? There is still time to make the Employment Rights Bill do something historic to include the fundamental rights of Black British workers.