

HUMAN RESOURCE MANAGEMENT W11: EQUALITY AND DIVERSITY

A LITTLE HOUSEKEEPING...

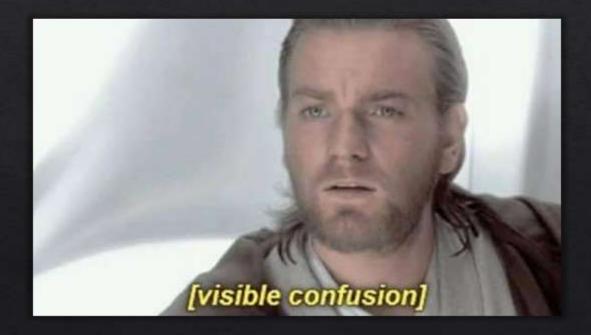
At the end of this month we'll also reach the end of this module. There are only two more sessions after this one.

The remaining sessions aren't just academically useful – they contain content which will be helpful (possibly vital) to you for whatever career you choose.

As your assignment deadline's very close, I'm going to upload the reading list for next week this week just in case you want to use it.

Before we dive in...

Is there anything that you would like to ask about the assignment?



OUTLINE

- 1. Definitions: Equal Opportunities, Managing Diversity, and Discrimination
- 2. Institutional Discrimination
- 3. Inequalities and employment
- 4. Tackling inequality and promoting diversity: **Equal Opportunities**
- 5. Tackling inequality and promoting diversity: Managing Diversity
- 6. Practical challenges

What's the difference between Equality and Diversity?



Equality at work:

All groups treated the same and offered the same opportunities through law/policy.

Diversity at work:

Respecting and understanding a multitude of opinions and backgrounds, emphasising differences instead of similarities.

One of the most lauded HR textbooks in taxen gets a new look for its texts edition. Will's a beeffed up focus on ethics, and the same depth of knowledge as ever. Human Resource Management termines independable. Analy Nerviewet Management Management 2018

HUMAN RESOURCE MANAGEMENT

DEREK TORRINGTON LAURA HALL STEPHEN TAYLOR CAROL ATKINSON

TENTH EDITION



	Equal Opportunities	Managing Diversity
Focus on	'Sameness'	'Difference'
Rationale	Social Justice	Business case
Motivation	 Correcting social injustices Avoiding discrimination Compliance with EO law Protection from litigation 	 Attracting talent Maximising employee potential Enhancing business opportunities and creativity
HR in Practice	Standardised policies and procedures Rigid	Customised responses to employee differences / needs
Discourse	Negative	Positive

Let's break down discrimination...

FOUR TYPES OF DISCRIMINATION (1 OF 4)

Positive discrimination

- Giving an advantage to a particular group e.g. gender or ethnicity
- E.g. positive discrimination in South Africa in recruitment
- Very recent attempts to improve Equal Opportunities and increase representation in certain jobs or industries could be interpreted as positive discrimination

FOUR TYPES OF DISCRIMINATION (2 OF 4)

Direct discrimination

 Treating someone less favourably on the grounds of their sex or race, for example

FOUR TYPES OF DISCRIMINATION (3 OF 4)

Indirect discrimination

- Applying a rule which appears to apply to everyone but in fact disadvantages one group
- E.g. you have to be on the electoral register (registered to vote) in order to join a club. This applies to everyone but discriminates against Gypsies & Travelers (protected characteristic of race)

FOUR TYPES OF DISCRIMINATION (4 OF 4)

Institutional discrimination

- When discrimination is deep-rooted in the processes and culture of an organisation
- Can be intentional or unintentional

Claiming discrimination is a tricky thing.

Maybe someone's not getting the same opportunities at work as a result of their own performance.

But....would you risk the publicity of upsetting someone who might complain anyway?

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'Don't call me BAME': Why some people are rejecting the term

By Ners Fahim and Cecilia Macaulay BBC Ness © 30 June 2020



Four people from different backgrounds discuss the term 'BAME'

"Don't worry, you'll do well because you're BAME, "BAME is the new trend," 'Everyone is looking for a BAME actor to add to their books,"

When 24-year-old Nicole Miners first heard the term - which stands for black, Asian and minority ethnic - she was at drama school.

"Being a British East Asian actor, or just a person, this was something that really appravated me," she says:

"The 'A' in 'BAME' means Asian, which, in itself, is a very broad term. Does it

Even something with the best intentions towards tackling inequality can backfire.

Organisations are starting to reduce the use of the term "BAME" as some stakeholders have found it problematic, divisive, and insulting.

The BBC has already promised not to use it in future.

Two other things to bear in mind:

<u>Harassment</u> is where unwanted conduct related to the protected grounds of discrimination takes place with the purpose or effect of violating someone's dignity and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

An "Instruction to Discriminate" is where one person obliges another to act in a discriminatory manner against a third party covered by one of the protected grounds. The employee can claim direct discrimination.



DIVERSITY AND INCLUSION AT WORK

Facing up to the business case There's a lack of research which looks at how successful diversity initiatives actually are when it comes to removing barriers.

Discrimination is present at every stage of an employee's career lifecycle.

A lot of emphasis on diversity training and inclusive workplaces at the moment, but it has questionable impact.

What's particularly interesting is that insufficient flexible working was one of the biggest barriers.

(CIPD, 2018)

Interested in what's been happening in 2021/22?

There's an entire section of Personnel Today dedicated to news stories and data on Equality and Diversity.

There are even subsections for each of the Protected Characteristics (explained later in this session).

personneltoday.com/topics/equality-diversity/

EQUALITY & DIVERSITY

Equal pay



Gender pay gap | Indirect discrimination | Retail

The 10 most important employment law cases in 2021

by XpertHR | 8 Dec 2021

Despite the coronavirus pandemic, HR professionals have had their fair share of employment law rulings to keep track of in 2021. We count down the 10 most important judgments of...



Webmans | Latest News | Equal pay

How to be an equal pay expert for your organisation (webinar)

by XpertHR | 19 Nov 2021

As we approach the end of the year, your organisation will be fine-tuning its business objectives for 2022. Increasingly, we find that fair and equal pay is at the

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'Use data-driven approaches to reduce unconscious bias'

By Adam McCulloch on 21 Doc 2020 in Legal sector, Financial services, Unconscious bias, Latest News, Age discrimination, Race discrimination, Sex discrimination



Raph Mokades, founder and managing director of Rare.

The founder of diversity recruiter Rare has called on the government to replace the current style of unconscious bias training in the civil service with a more targeted and data-driven training regime.

Rare founder Raph Mokades made the call after unconscious bias training in Whitehall was abruptly scrapped last week. He agreed that a lot of bias training was not effective but more modern methods should replace them.

> But the theoretical underpinning is very limited. It seems to point to the possibility of normalising biases instead, and no impact without repeated interventions (Williamson & Foley, 2018).

Perhaps this says something about how EMBEDDED in culture a bias can be.

There are fascinating discussions at the moment about unconscious bias training.

There's a lot of news around particular software and tests which are available (Personnel Today, 2020).

Australian Journal of Public Administration, vol. 77, no. 3, pp. 355-359

doi:10.1111/1467-8500.12313

Controversies

Unconscious Bias Training: The 'Silver Bullet' for Gender Equity?

Sue Williamson () and Meraiah Foley University of New South Wales, Canberra

Western Governments concerned about the lack of gender equity in their workforces are increasingly seeking to address the negative effects of unconscious biases on employment decisions to counter the effects of hidden prejudices. Although unconscious bias has received limited attention in the human resource literature, social psychology literature has identified inadequacies with this practice, including that such training may entrench and normalise unconscious biases. We argue that the popularity of unconscious bias training invites agencies to view this practice as a 'silver bullet' to achieve gender equity, but that its effectiveness is likely to be limited unless accompanied by sustained interventions to address discrimination. Further, the impacts of unconscious bias training need to be rigorously evaluated to assess whether government resources are being effectively utilised. Consistent with international research, such an evaluation may reveal that unconscious bias training has unintended negative consequences, but that the training can be improved to reduce these consequences.

Key words: gender equity, Australian public service, public sector, unconscious bias, implicit bias, diversity management training

The public sector has long been a leading employer for women, providing job security, good wages, and flexible working conditions 2016b:3). It outlines practices to improve equality across the employment life cycle, such as reviewing job descriptions to remove gen-

Institutional Discrimination

Deep-rooted in the processes and culture of an organisation

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Can be intentional or unintentional:

- Word of mouth recruitment
- Dress codes
- Promotions based on informal recommendations
- Informal assessments
- Assumptions about language difficulties and attitudes
- HR managers need to review procedures frequently
- Can be as a result of organisational culture

Institutional Discrimination and Organisational Cultures (Kirton and Greene, 2005 in Noon, 2014)

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- Organisational cultures and industries are infused with gendered meanings which are often unarticulated
- Sexual harassment and the use of sexual humour are the outcome of workplace gendered social relations
- Stereotypes are reinforced through jokes and humour
- Non-disabled people's lack of contact with disability reinforces fear and ignorance

UK police chiefs consider public admission of institutional racism

Exclusive: high-level talks underway as race adviser promises radical reform and anti-racist policing



Institutional Discrimination?

Old boy network keeping women out of boardroom, says report

Many top businesses paying lip service to improving representation of women on boards, warns equality watchdog



The equality watchdog has called for greater diversity in British boardrooms. Photograph: Alamy

http://www.theguardian.com/business/2016/mar/23/old-boys-networkkeeping-women-out-of-boardroom-equality-human-rights-commission



Problems with claiming Institutional Discrimination

- Inertia little incentive to make decisions (managers) and little power to influence (employees)
- 2. Can lead to a tendency to blame 'the system'
- 3. Can you proveit?

There's a reason why the MeToo movement was seen as so ground-breaking. It addressed all of these criticisms.

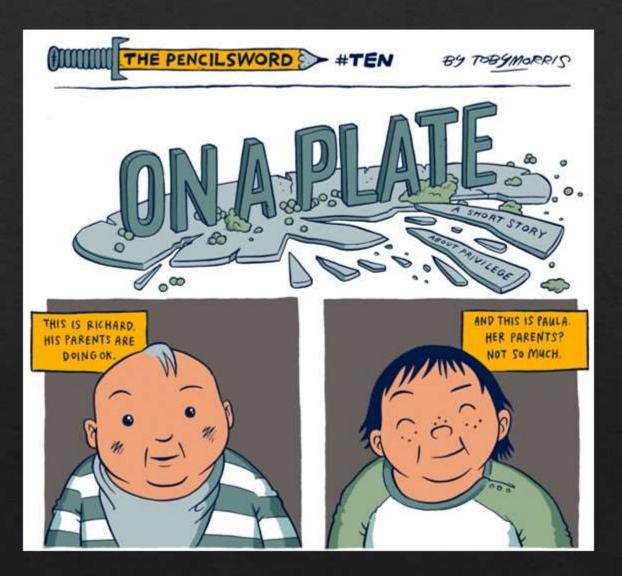




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How Inequality and employment begins







PAULA'S HOUSE IS FULL OF PEOPLE AND NOT MUCH ELSE. IT'S DAMP AND NOISY AND SHE KEEPS GETTING SICK.

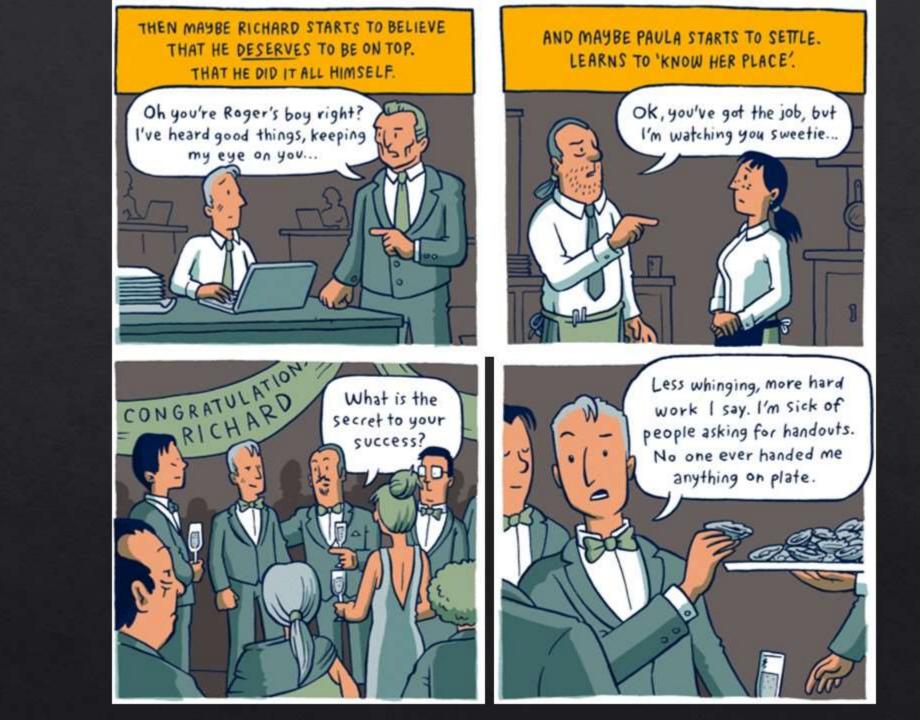












Inequality and employment: causes and consequences

Focus on socially disadvantaged groups

Causes e.g. social prejudice and stigma, equal social structures and institutions: Considered "**different**" and treated as such

Consequences (barriers to employment):

- Discrimination (direct and indirect)
- Prohibitive or problematic organisation of work
- Labour market segmentation

"Inequality"? On what grounds?



Which of these are protected characteristics in the Equality Act 2010?



Protected characteristics

1. Age

2. Disability

3. Gender reassignment

- 4. Marriage and Civil Partnership
- 5. Pregnancy and maternity

6. Race (inc. colour, nationality and ethnic or national origins)

- 7. Religion and Belief
- 8. Sex (gender)
- 9. Sexual Orientation

But what about other characteristics attracting stigma or disadvantage?

For example, terminally ill employees.

http://www.dyingtowork.co.uk/our-campaign/

About our campaign

The 2010 Equalities Act does offer some protection for terminally ill employees, however, the act still allows employers to dismiss a terminally ill employee if they fail a capability assessment with 'reasonable adjustments'.

KEY POINTS

The Dying to Work campaign would like to see terminal illness recognised as a 'protected characteristic' so that an employee with a terminal illness would enjoy a 'protected period' where they could not be dismissed as a result of their condition.

Such protection would give every person battling terminal conditions the choice of how to spend their final months and the peace of mind to know their job was protected and the future financial security of their family was guaranteed.

- Reduced income and loss of financial security.
- Loss of stimulation, dignity and normality associated with being in employment.
- Undergoing an inevitably stressful and upsetting HR procedure.

Potential effects of losing your job following a terminal diagnosis:

 Loss of 'Death in Service' and 'Life Assurance' payments to family members and loved ones.



Ethical veganism is philosophical belief, tribunal rules

() 3 January 2020

Share



How about veganism?

It's not yet recognised as a protected characteristic, but a tribunal from 2020 has set the foundations for this.

Key legislation consolidated into the equality act 2010

Equal pay acts (1970 and 1993) Sex Discrimination Act (1975) Race Relations Act (1976) + Amendments Disability Discrimination Act (1995) and (Amendment) 2003 Employment Equality (Religion or Belief) Regulations 2003 Employment Equality (Sexual Orientation) Regulations 2003 Employment Equality (Age) Regulations 2006

Also: Maternity Leave/Parental Leave/Paternity Leave



1. The State

- legislation e.g. Equality Act 2010
- welfare and labour market policy e.g. tax credits, childcare vouchers, flexible working, quotas

- departmental campaigning and initiatives e.g. #notjustforboys campaign and 'Think, Act, Report' promoting best practice re: gender equality

Key actors

2. Employers

- Equality and diversity policies and actions i.e. practices as well as policies
- training
- legal compliance

4. Others? E.g. Stonewall, WEI Top Employers List or professional bodies e.g. CIPD

3. Trade Unions

- monitoring employer's compliance with the law
- equality bargaining
- supporting employees in discrimination cases

Inequality and employment: gender pay gaps

A lot of evidence of a gender pay gap, including a 2017 survey of 8 million employees in 33 countries

- women earn 18% less than men

- when comparing men and women in the same jobs globally, this reduced to 1.6%

- in the UK, comparing like-for-like jobs showed 9% pay gap (The Economist, 2016)

Inequality and employment: gender pay gap

BUT

Some argue that when controlling for type of career (e.g. 2 engineers at the same company) then the pay gap is smaller/doesn't exist

BUT

Stereotypes and assumptions might lead to gendered career choices

In the UK: Women in positions of influence



CEOs in the UK top 100 companies are more likely to be named Stephen or Steve than be a woman.

An equal number of CEOs were named Dave or David.

Women CEOs get paid 32% less.

(CIPD, 2019)

But some things are changing.

People Management						
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There have been pushes for greater gender and ethnic representation on boards of directors.

And things are improving (gradually).

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Equal opportunities

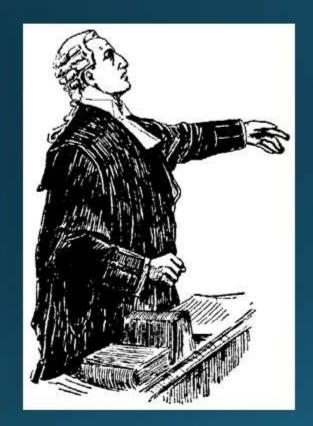
There are disadvantages from differential treatment so Equal Opportunities approach is about "sameness" i.e. based on a principle of equal treatment.

Moral justification:

People should not be subjected to differential treatment and discrimination based on an inalienable or inherent personal characteristic (and/or related circumstance), especially since such characteristics have nothing to do with the job itself (Lim, 1996)

Driven and guided by law but employer responsible for implementation with potential legal enforcement mechanisms and penalties for employer non-compliance

The Social Justice Case for Diversity



- Managers have a moral obligation to treat employees with fairness and dignity
- Ensure that decisions are made without resorting to prejudice and stereotypes
- Equal Opportunity and Equal Pay
- Lower risk of any particular group being disadvantaged

The Social Justice Case for Equal Opportunities and Diversity

- Equality of Opportunity: managers have a responsibility to ensure that everyone is provided with the same opportunity for jobs / promotion – procedural justice
- Equality of Outcome: are rewards distributed fairly distributive justice
- Fairness and human nights: fair treatment because it is the right thing to do

Coverage and Example EO statement

77% of workplaces covered by a formal written equal opportunities or managing diversity policy (WERS 2011)

'...ensuring that both existing staff and students, as well as those who seek to apply to work or study with us, are treated fairly and that individuals are **judged solely on merit** and by reference to their skills, abilities, qualifications, aptitude and potential...' (Extract from University of Manchester Equality and Diversity Policy, 2014)

Equal Opportunities Approach: Critique

- 1. Emphasis on equality of opportunity and not equality of outcome
- 2. Equal treatment means an employer can treat everyone equally badly
- 3. Oversimplification of characteristics and associated consequences what about intersectionality?
- 4. Encourages assimilation rather than challenges underlying problems (Ashley, 2010)
- 5. Bureaucratic focus on policies and procedures not delivering the intended outcomes for disadvantaged groups job satisfaction?
- 6. Business decision making is not primarily guided by social justice or moral concern

Even More Criticisms...

• Based on the idea of 'sameness' – reinforces a negative view of difference

'All policies based on same / equal treatment require women to deny, or attempt to minimise differences between themselves and men as the price of equality. This it is suggested is neither feasible nor desirable.' (Liff and Wajcman, 1996, p81)

- Approach based on neutral treatment does not reflect change in the context in which organisations operate e.g. challenges of a diverse workforce
- Argument that it presents another constraint to business

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MANAGING DIVERSITY

Concerned with **individual difference** and maximising benefits associated with difference and diversity:

- 1. Wider pool of labour for recruitment and attracting talent
- 2. Greater creativity and innovation
- 3. Wider customer base and new market opportunities
- Link to corporate reputation and wider issues of corporate social responsibility



MANAGING DIVERSITY: WHAT EMPLOYERS THINK

"You could retitle managing diversity as 'managing uniqueness' because that's what you are talking about, whether that uniqueness is a racial thing, a sex thing or whether the uniqueness is an interest in naked waterskiing!" (Manager, retail organisation in Foster and Harris, 2005)

THE BUSINESS CASE FOR DIVERSITY

- Migrant workers are being seen as the solution to skills shortages (Leopold and Harris, 2009)
- Robinson and Dechant (1997) employees more committed to employers who value individual differences
- Cox and Blake (1991) organisations as 'employer of choice'
- Corporate examples of attracting wider customer base e.g. Ford Transit in Asia
- Johnson-Hillery et al (1997) older workers viewed sales staff of same age more positively than younger staff





MANAGING DIVERSITY APPROACH: CRITIQUE

- More relevant for some organisations than others areas of high customer interface (Ashley, 2010; Dickens, 1999)
- Driven by business case, which means less concern about 'moral' issues e.g. low pay, part time workers' rights
- Trivialises protected characteristics and the realities of discrimination and disadvantage, may benefit some groups more than others (Noon, 2007)
- Line managers may prefer equal opportunity approach that focuses on sameness, as they perceive it is more standardised and therefore less likely to lead to litigation (Foster & Harris, 2005)





MANAGING DIVERSITY APPROACH: CRITIQUE

5. Firms obtain cost advantages from discrimination and exploitation of certain groups of workers – exploitation of women and ethnic minorities as a cheap and flexible workforce (Dickens, 1999)

6. A diverse workforce may increase conflict and have negative impact on productivity

7. Business benefits can be hard to measure (Riley et al., 2013)

8. Varying multiculturism across different locations (Leopold and Harris, 2009)

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INTERSECTIONALITY



The law might consider a specific protected characteristic, but in reality all different elements of identity are interacting with each other - at different intersections.

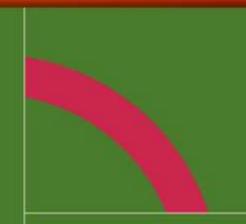
In essence, we can't escape identity politics, as they structure how we organise things and other people (Rodriguez et al, 2016).

Think of "Intersectionality" as a HARD MODE topic for this module.

Some insights from CIPD (2021):

- Organisations need to help multicultural teams find common goals, the best way for them to work, and fair treatment.
- Multicultural teams are more creative.
- Language barriers can be frustrating, so leaders need to be emotionally intelligent and aware of when people are struggling.





MANAGING MULTICULTURAL TEAMS

Exploring the opportunities and challenges

Research report April 2021

How can a company encourage E&D?

- diverse role models
- consistent communications / PR supporting equality and diversity
- zero tolerance approach to inequality and discrimination
- appropriate organisational culture
- appropriate organisational structures (e.g. flexibility)
- set equality/diversity targets in the balanced scorecard (e.g. Barclays

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Practical challenges in managing E&D

- conflict resulting from poorly managed equality and diversity
- implementing equality and diversity successfully varies between companies, industries and labour market; no one-size-fits-all approach
- it can be expensive: approach equality and diversity as a strategic resource
- who is responsible for equality and diversity? HR? who else: line managers?

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CONCLUSIONS

- There are 9 protected characteristics
- 4 types of discrimination: direct, indirect, positive and institutional
- Inequality starts early, at home and at school
- A business case can be made for equality and diversity initiatives (aside from legal obligations)
- Managing diversity focuses on utilising differences, whilst equal opportunities focus
 on treating everyone the same (as much as possible)

Is equality better achieved through ignoring or acknowledging differences?

SUGGESTED ADDITIONAL READING

Government Equalities Office (2013). The business case for equality and diversity. Accessed 13.03.17 from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49785/bis-13-556es-business-case-for-equality-and-diversity-executive-summary.pdf

Hoque, K. and Noon, M. (2004) Equal opportunities policy and practice: evaluating the 'empty shell' hypothesis. Work, Employment and Society 18:3, 481-506

Johns, N. (2012) Diversity in the British NHS: the business versus the "moral" case. Equality, Diversity and Inclusion: An International Journal 31:8, 768-783

Johns, N., MacBride-Stewart, S., Powell, M. and Green, A. (2014) When is positive action not positive action? Exploring the conceptual meaning and implications of the tie-break criterion in the UK Equality Act 2010. Equality, Diversity and Inclusion: An International Journal 33:1, 97-113

Noon, M. (2010) The shackled runner: time to rethink positive discrimination? Work, Employment and Society 24:4, 728-739

Riley, R., Metcalf, H. and Forth, J. (2013) The business case for equal opportunities. Industrial Relations Journal 44:3, 216-239

Leopold J. and Harris, I. (2009) The Strategic Managing of HR (2nd edition) FT Prentice Hall, Chapter 5

Kandola, R and Fullerton, J (1994). Managing the Mosaic. Diversity in action. London:CIPD

Noon M. in Beardwell, J. & Thompson, A. (2010) Human Resource Management. A Contemporary Approach. (7th edition) FT Prentice Hall. Chapter 6

Pilbeam S & Corbridge M (2006) People Resourcing, HRM in Practice (3rd ed) Harlow FT: Prentice. Chapter 8

Torrington, D Hall, L and Taylor, S (2011). Human Resource Management. 8th edition. Harlow: Prentice Hall, Chapter 19