



Equality and Diversity in the Workplace

Good employment practices should generally encourage employers to develop and embrace diversity in the workplace. But what does 'diversity' mean and what responsibilities do employers have?

The meaning of 'diversity' for these purposes is usually a reference to a workforce made up of individuals with a wide range of characteristics and experiences. Some of the key characteristics of such a workforce includes age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. Known as protected characteristics, employees enjoy protection under Equality Act 2010 not to be directly or indirectly discriminated against or suffer harassment or victimisation on the grounds of any of those factors.

However, diversity is so much wider than those protected characteristics and increasingly reflects how workplaces operate today. Diversity can also include when we work, part time, full time, shift work, zero hours. How we work and where we work, remotely, in one fixed place, in a variety of places or virtual offices across geographical boundaries. The greater flexible options attract a diverse work force which chose to work differently for reasons which may not of themselves be those listed as protected characteristics. Those with mental health issues for example may not be classed as disabled under the Equality Act, but nonetheless may still require support from an employer to achieve their full potential. Other examples include implementing a general carers policy or supporting rehabilitation of employees recovering from substance/ alcohol abuse.

It is widely recognised that recruitment from a diverse group enables employers to attract staff with broader talents, skills and experience. In addition, greater flexibility is shown to enhance staff retention as well as boasting general well-being.

Some of the biggest workplace issues in relation to diversity include:

- Workers acceptance of different religious and political beliefs and an appreciation that others may not share the same beliefs.
- Respecting others ethnic and cultural differences and appreciating those differences.
- Gender equality and the gender pay gap. Employers should make sure that policies and procedures treat all genders the same. Gender Pay Reporting is a legal requirement in for employers with over 250 employees and will seek to identify any disparity.
- Equal pay. Employers must treat men and women equally in terms of their contractual terms which includes wages when they employed in a similar capacity. Equal pay claims are divided into 3 categories, namely, "like work" which is work that is the same or broadly similar, "work rated as equivalent" under a job evaluation scheme or "work of equal value" which although different are comparable in terms of effort, skill or decision making.
- Generation divisions where different generations within the workforce form different social and work circles. Known as "socio-economic disadvantage" this is not recognised as a protected characteristic. However by addressing this employers can further help to ensure that all staff regardless of whether they come from a disadvantaged or low income background have the same opportunities to progress. By acknowledging generational issues, isolation and low staff morale can be addressed.
- Language and communication issues leading to isolation and exclusion.

To overcome this, employers should look at their own policies and make sure that an equality and diversity policy is published in the workplace and circulated to all. Awareness of differences and a suitable process to

Equality and Diversity in the Workplace



resolve any issues is key to the implementation of such a policy. Policies on bullying and harassment in the workplace will also be implemented.

For many reasons an employer should engage with and seek to develop, support and improve equality and diversity in the workplace. If, an employee, does not feel that policies are supported or that they are being treated differently because of their age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex or sexual orientation they will want to be reassured and if not may consider a formal grievance.

NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England and Wales unless otherwise stated.

Copyright © 2021 by Law Express - All rights reserved. This article or any portion thereof may not be reproduced or used in any manner whatsoever without the express written permission of the publisher.