

Diversity and Equality in the Workplace

■ by Andrew Drury



In this useful and inspiring article, Andrew Drury starts by tracing the origins of the current legislation, and quickly goes on to show that large corporations genuinely see business benefits in encouraging diversity and equality. He then looks at some of the intricacies of managing diversity within an organisation, and the need to build a culture for the whole organisation which embraces it. Finally, he gives us scriptural inspiration to help us as individual Christians to deal with the inevitable conflicts.

Definition of equality and diversity

When the words ‘diversity’ and ‘equality’ are mentioned, there are three main responses: hostility, enthusiasm or apathy. There are, of course, responses that are hybrids of these, but the majority of the feedback falls within those initial categories.

There are seven areas that are covered by equality and diversity legislation: age, disability, sexual orientation and gender reassignment (which are often wrongly placed together as one unit), sex, race, and religion or belief. There are some organisations, particularly in the public sector, which also include caring (for the young and older people, as well as those with disabilities, in a voluntary capacity) as an equality area.

It is a common mistake to think of the people within those categories as being homogenous. Examples are: the perspectives of the older and younger person can be different; there are a range of both visible and hidden disabilities that have different reasonable adjustments;¹ the real differences in culture between the various races and ethnicities (such as the Afro-Caribbean and the Chinese); the wide range of religions and beliefs with the miscellaneous

shades within them, let alone the courts and tribunals still trying to define whether certain beliefs qualify under this umbrella term; and those who are more militant with regard to their same-sex orientation compared with those who are wanting just to live quietly with their sexual orientation.

The purpose of equality legislation is that people are treated equally and to achieve a level playing field for all. This is achieved by giving certain groups specified advantages, such as reasonable adjustments (in the case of people with disabilities) or affirmative action to assist people from under-represented ethnic and racial groups with training for career progression as an example (as positive discrimination and quotas are illegal in the United Kingdom).

Within the mindset of a number of people, diversity and equality is an issue that affects people of faith, and Christians in particular, adversely. As the Archbishop of York has commented: ‘...in the minds of those charged with implementing such policies, “diversity” apparently means every colour and creed except Christianity, the nominal religion of the white majority; and “equality” seemingly excludes anyone, black or white, with a Christian belief in God.’²



►► Furthermore, there are people, including those within the Church, who think that the issue should not affect the work environment as it would have a negative impact. Others think that diversity and equality are irrelevant to the office or factory. Still others think that the issues raised by equality and diversity legislation can be beneficial to both the employer and the employee.

The origins of equality and diversity in the UK

a. The Stephen Lawrence Inquiry

In order to have a proper perspective on equality and diversity in this country, it is necessary to step back and see the historical context. The impetus to incorporate diversity and equality into the working practices of organisations originally came from the Stephen Lawrence Inquiry in 1999, in which the Metropolitan Police Service was described as being institutionally racist. The consideration of the racial issues raised by the Inquiry led to Government Departments, public sector bodies and larger companies to give due regard as to how they treated people within their organisations who were from the various diversity groups, some of which might not be of minority status within the organisations (for example, Christians were included under the heading ‘religion or belief’).

b. Legislation

In addition to the impact of the Stephen Lawrence Inquiry, there has also been a legislative impetus. There had been equality legislation before the Inquiry (for example,

on equal pay and sex discrimination), but this tragic murder led to the Race Relations (Amendment) Act 2000. An additional impetus was the European Council Directive 2000/78/EC, which set out the general framework for equal treatment in employment and occupation detailing the people who should be protected because of their circumstances. It emphasised the fact that people should not be disadvantaged in the workplace because of age, disability, etc. The Equality Acts of 2006 and 2010 were passed in order to bring all of the previous diversity legislation within the United Kingdom together.



Stephen Lawrence

These Acts have been instrumental in fulfilling, to a certain degree, the Christian vision that all people should be treated equally within the work environment. In this way, for example, people living with disabilities are given the same advantages from recruitment to retirement as those living without disabilities.

Employers’ Approach

Although the initiative for equality and diversity was primarily aimed at the public sector and larger companies, the need is now taken for granted within smaller companies too. In a report by the Federation of Small Businesses (FSB), ‘Back to work – the role of small businesses in

employment and enterprise,’ it was stated that small and medium-sized businesses employ a greater number of long-term sick and people with disabilities, in proportion to larger organisations. John Walker, the National Chairman of the FSB, stated: ‘Small firms play a unique role in providing the way to employment, especially for disadvantaged groups. ►►

- ▶▶ “They have a greater tendency in the face of recession to take on those that would struggle to find a job, those who have not worked for a long time, have little experience or have been sick.”³



Example of a larger firm finding supply chain diversity benefits their business.

Hewlett Packard has a target for spending with 'woman-owned small businesses'.

'We promote diversity among our suppliers because they bring fresh ideas, offer innovative products and processes, and contribute to the economic strength of their communities.'

Supply Chain Diversity, the brief issued by the Business in the Community (BITC) Marketplace team in November 2011, states that inclusion has both a business case (particularly for outward-looking organisations) and wider social implications, with people from different racial backgrounds, disabilities and women benefitting the most. The arena is best served by those in small and medium-sized enterprises of which 8 per cent are owned by people from the black, Asian and minority ethnic (BAME) communities nationally, rising to 24 per cent in London.⁴

In the larger firms (such as Microsoft, Coca-Cola and PricewaterhouseCoopers), it has been shown that a diversity and equality process is successful in unlocking the differences and working through and with them, being beneficial in the business field as it will lead to greater profitability. Niloufar Molavi, the chief diversity officer at PWC, describes it thus: ‘Diversity, ultimately, is about how we build an organisation with talented individuals from very different backgrounds. I don’t think diversity is ever going to become passé – unless we believe that managing talent is no longer relevant.’⁵

It is also seen within the larger work-life balance picture, with the latest survey showing that employees in the United Kingdom are less satisfied with their work environment than they are with the rest of their lives.⁶ Part of the problem is the lack of employers engaging with who their employees are, that is their backgrounds, beliefs and the essence of their identities. There has been a joint study by academics from Plymouth and Cardiff Universities which showed that employees with learning difficulties, like dyslexia or mental health, were most likely to be bullied and harassed by managers and employers. Gay workers and young people were also likely to be treated badly.⁷

There is evidence that, increasingly, employers understand the importance of diversity and equality by the fall in the number of employment tribunal claims in the year 2011/12, in figures released by the Ministry of Justice.⁸ Whereas, in previous years, tribunal claims based on race and (more markedly) age had been growing, these (and other cases based on protected claims) have declined. The reason appears to be that employers are more willing to confront discriminatory practices and help their workforce in raising awareness of the issues, such as promoting staff networks that are based on diversity areas. ▶▶



Mr Ruda, the Polish welder who successfully claimed at an employment tribunal that he had been harassed on the grounds of race by a colleague calling him “Borat”, the name of the film and TV character created by Sacha Baron Cohen.

▶▶ Embracing diversity and equality has three effects for the employer:

- Moral – doing the right thing, by being aware and including the circumstances of employees and customers.
- Financial – improving customer relations; avoiding court costs that arise from discrimination cases.
- Legal – the organisation will be compliant with diversity legislation.

In undertaking these considerations, organisations are identified as employers of choice, attracting job applications from the most suitable and able candidates.

The diversity and equality issue within the work environment has also been seen as engaging with the diverse customer base and the principle that more diverse teams are more effective, innovative, and better equipped to deliver superior performance and growth. The latest Chartered Institute for Personnel and Development (CIPD) report has reported that, of more than 350 organisations surveyed, 83 per cent had diversity and equality strategies and policies, whilst 57 per cent expect this subject to become more important over the next five years. Dianah Worman, the diversity advisor at the CIPD, stated: ‘The overall message from the discussions was simple – a more diverse workforce is one that delivers a superior business performance. This isn’t about ticking boxes or chasing fads, it’s about assembling the best teams, that are effective, innovative, creative and can deliver growth.’⁹

Is it ‘political correctness’?

There are inevitably problems with equality in that the rights of some categories of people seem to conflict with the rights of others.

The most obvious example is the tension between the rights of people with religious beliefs and those with a same-sex orientation, which will be briefly addressed. It is often with this particular aspect that the phrase ‘political correctness’ is applied. It should be noted that in this, as with many other issues, Christians do not always have the same viewpoint.

However, whatever perspective we take on certain equality and diversity issues, we as Christians should be expected to take a more holistic approach and be encouragers of those who face discrimination, harassment and/or victimisation. For example, we should be inspiring people with disabilities or people of different racial origins to be active participants in the workplace, and to be future leaders within both the private and public sector.

The truth is that, if diversity and equality are incorporated sensibly and sensitively, it can enhance the working conditions of the staff members and improve the service delivered to customers.

There has been a growing concern that Christians are being marginalised within the work environment, and that diversity and equality are about being politically correct instead of being equal. Reference is made to the ruling of the European Court of Human Rights (ECHR) on the four Christian employees: Nadia Eweida (who alone succeeded in her case), Shirley Chaplin, Gary McFarlane and Lillian Ladele – the first two related to the wearing of crosses, while the latter two related to their objection to same-sex relations in therapy (for Mr McFarlane) and in civil partnership ceremonies (for Ms Ladele).¹⁰ ▶▶



Nadia Eweida, the check-in clerk at British Airways, who was placed on unpaid leave when she refused to cover up her cross necklace. The European Court of Human Rights said British Airways had not reached a fair balance between Eweida's religious beliefs and the company's desire to have a particular corporate image.

▶▶ In respect of Ms Ladele and Mr McFarlane, the ECHR stated that the policies of the applicants' employers in requiring employees to endorse the organisation's ethos had a legitimate aim 'to secure the rights of others which are also protected under the Convention [i.e. the Human Rights Convention],' such as same-sex relationships. Therefore, in the dismissal of these Christians by their employers, 'it could not be said that the national courts had failed to strike a fair balance' in upholding the dismissal notices against them.

The judgement proceeded to state: 'The Court generally allows the national authorities a wide margin of appreciation when it comes to striking a balance between competing Convention rights.

In all the circumstances, the Court does not consider that the national authorities, that is the local authority employer which brought the disciplinary proceedings and also the domestic courts which rejected the applicant's discrimination claim, exceeded the margin of appreciation available to them.'

It is true that some employers have taken exception to what their employees have said about other equality areas, particularly where Christians have spoken in opposition to same-sex relationships. A court case judgement stated that, if views are expressed appropriately and in a reasoned manner without any detriment to the working environment, the employers should respect those expressed opinions.¹¹

With regard to the cases that had been referred to the ECHR, Elizabeth Oldfield, the Director of the *Theos* think tank, has commented that disputes concerning religious freedom were 'an inevitable part of living in



Elizabeth Oldfield, Director of the *Theos* think tank

a free and diverse society.' However, she continued that the courts appeared to be erring 'on the side of limiting rather than accommodating religious freedom.'

She commented further: 'One does not have to agree with the beliefs of the applicants to support their cases. It should not be beyond the wit of an employer to work with strongly-held religious commitments, rather than dismiss them. However, what we are increasingly seeing is an unwillingness to accommodate them reasonably.'¹²

Comments such as those as expressed by the ECHR have led to some people to suggest that religions or beliefs should have a variant of the 'reasonable adjustment' to enable employers in particular to deal with religious issues that can occur in the workplace. However, it has not found popular support, mainly because of the practicality of the measure and because other groups pressing for equality (noticeably those involved in the sexual orientation area) perceived it as an act of imbalance between them.



Caroline Waters OBE

Caroline Waters, the Director of People and Policy at BT, has stated: 'Inclusion is not about treating people the same, but about embracing, celebrating and learning from the differences between us and responding in a way that ensures our society benefits from our combined abilities. It is important to recognise that we all have biases but not to let them, or our fear of causing offence, get in the way of relationships at work. If we do, we miss the opportunity to enrich our lives and bring success to our businesses through understanding diversity.'



▶▶ ‘The UK workforce is now much more diverse and it’s time for a new, honest conversation about the need to purposely understand the nature of difference.’¹³

It is for employers, in the public and private sectors, to take a measured approach in dealing with the sometimes conflicting issues that arise, usually with regard to religion or belief and sexual orientation but just as applicable between other areas of equality or even within the diversity groups as stated previously (such as Christians taking different views on working practices, like working on Sundays, based on their understanding of the Bible).

The call to a realistic and balanced attitude has been urged by Amanda Jones, who wrote: ‘Common to both the Ladele and McFarlane cases is the fact that colleagues raised concerns over their behaviour, which led to disciplinary action being taken against them. If the issues had been tackled more proactively by their employers, escalation of the disputes all the way to Strasbourg may not have arisen. But the tensions between religion or belief and the sexual orientation strands of equalities law are particularly vexing. In practice, the worst thing employers could do is allow any concerns they may have over managing conflict of rights issues to stifle their reaction to a developing situation.’¹⁴

From a legal perspective, Audrey Williams, the head of discrimination law at solicitors Eversheds, commented: ‘...this [i.e. the ECHR judgement on the Ms Eweida case] is subject to an important caveat: that employers strike a fair balance between the respective interests of religious beliefs and requirements in the workplace.’



Shami Chakrabarti

She added: ‘Far from eroding employer rights to restrict the manifestation of religious beliefs in the workplace, the case preserves the right to the employer to exercise discretion – as long as this is done appropriately and can be shown to be legitimate.’¹⁵

This attitude is echoed in the words of Shami Chakrabarti, the Director of the civil rights movement *Liberty*, who described the positive outcome in the Nadia Eweida case as ‘an excellent result for equal treatment, religious freedom and common sense.’

However she did go on to describe that, in the other three cases, ‘the court was also right to uphold judgements ...that employers can expect staff not to discriminate in the discharge of duties at work.’¹⁶

The Christian Response

There are real opportunities for Christians to be a positive influence in this area. There are organisations such as *Christians at Work*, *Transform Work UK*, *Agape Workplace Ministries* and *the London Institute for Contemporary Christianity* which have the expertise and

experience to help believers grasp the openings that have occurred in recent times as employers seek to promote inclusivity in their organisations. It has been the experience of *Christians in Government* (which encourages Christian civil servants, particularly in Whitehall) and the *BT Christian Fellowship* that employees in these areas of work have been encouraged to worship and read the Bible together as their employers seek to fulfil the



Employees worshipping together at the Heathrow Prayer Room

wording and the spirit of the religion and belief legislation. ▶▶

▶▶ Having stated this, there is often reticence by Christians to be part of the current work landscape. The mindset is illustrated by a Miami University study in 2011, which concluded that people with heartfelt religious convictions have 'higher degrees of self-discipline and self-control' as well as being more agreeable and conscientious. However, when the New Statesman finance columnist Alex Preston interviewed Christians in the City of London, he discovered that none of them would be publicly identified. One of the interviewees told him: 'If my boss thought I was relying on prayer to get me through the day, he'd look down on me. It would make me seem irrational.'¹⁷

In the end, we are reminded that our ultimate employer is not the Chief Executive Officer, Permanent Secretary of a Government Department or the shareholders, but it is God Himself. We are reminded that, in having the mind of God, we should 'Serve wholeheartedly [our employers] as if you were serving the Lord, not them, because you know that the Lord will reward everyone for whatever they do, whether they are slave or free.' (Ephesians 6: 7 – 8, see also Colossians 3: 23 – 24). We have to bear in mind that we should treat our fellow employees with the same attitude that He has – a servant heart, not wanting to put our own interests above those of others (Philippians 4: 8 – 9). In this way, we will be gently showing our work colleagues that we are interested in them as people, reflecting the attitude of our heavenly Father.

However, we should seek discernment as to what to say and when to say it, particularly if we disagree with the viewpoint of another person regarding an equality area. Jesus told us to 'be as shrewd as snakes and as innocent as doves' (Matthew 10: 16).

We are reminded by Paul that 'If it is possible, *as far as it depends on you*, live at peace with everyone.' (Romans 12: 18, my italics).

Indeed, the whole of the passage from Romans 12: 9 to verse 21 is the blueprint of how Christians should act in a diverse and equal workplace, working with those that we do not always agree with but with God's heart for our fellow employees.

We may not agree with a person's beliefs or lifestyle; however, we have been placed by God in our various work environments to live out His kingdom principles which include encouraging others to do their best, regardless of which equality category or



If it is possible, as far as it depends on you, live at peace with everyone

categories they might fall into. It is also important to affirm those in low status roles, reflecting Jesus' attitude toward those who were socially excluded.

We are to proactively acknowledge that all people are created by God in His likeness (Genesis 1: 27) including His creativity in making us diverse, which we should celebrate. As the Apostle Paul stated in his advice to workers: 'Whatever you do, work at it with all your heart, as working for the Lord, not for your employer' (Colossians 3: 23) - with the outcome of Christians inspiring their colleagues to be fully engaged with their employees, when their age, disability, race, sex, etc. will be observed as contributing to the organisation and not as disadvantages. ▶▶

▶▶ It may be that we feel that we cannot support the causes of all equality and diversity areas, but we can show a positive attitude towards those organisations who are promoting the diversity areas we can endorse, such as B & Q who employ older persons in their workforce. There is the temptation to apply the words ‘political correctness’ to all aspects of equality and diversity, whereas we should be making an affirmative contribution to our work environment in supporting those of different ethnicities or racial origins, people with disabilities, people of all ages and women in the workplace.

It may be a surprise to agree with the words of Trevor Phillips, the Chair of the Equality and Human Rights Commission, but I believe that his are sentiments that every Christian should echo: ‘Equality and diversity aren’t things that get in the way of business. People who say that aren’t in the day-to-day business of helping to get this economy back on its feet.



‘It’s not whether we want diversity, but how do we make it real.’¹⁸ ■

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- 1 ‘Reasonable adjustments’ are processes or practices which enable people with disabilities to have the same access as non-disabled people, for example, to property (e.g. by ramps) or information (e.g. using large print).
- 2 John Sentamu, ‘The intolerance toward Christians in the public sector is an affront,’ *Daily Mail*, 13 February 2009.
- 3 ‘Small firms regularly hire people from disadvantaged groups,’ www.workplacelaw.net, 26 September 2012.
- 4 ‘Promoting diversity ‘makes business sense,’ www.workplacelaw.net, 11 January 2012. See also *Business in the Community*, 2012 Benchmarking Trends Analysis Report, December 2012, regarding BAME and gender equality.
- 5 Ben Thompson, ‘Diversity Matters to a 21st century workforce,’ *Personnel Today*, 6 June 2011.
- 6 ‘Work is ‘most unhappy part of life’ finds ONS,’ *People Management*, 1 December 2011.
- 7 ‘Disabled, gay and young workers ‘suffer most bullying’,’ *People Management*, 23 February 2012; see also research by The Clear Company quoted in ‘Disabled candidates reluctant to disclose disability,’ www.workplacelaw.net, 8 November 2011 and survey by Metlife quoted in ‘Two out of five jobless 50 to 60-year-olds blame disability,’ www.workplacelaw.net, 5 December 2012.
- 8 John Eccleston, ‘Tribunal figures show 15% fall in claims,’ *Personnel Today*, 28 June 2012.
- 9 ‘Risk that growth is being hampered by teams that don’t reflect the diverse customer base of modern business,’ CIPD Press Release, 6 December 2012; ‘CIPD says diversity and inclusion plans need to be applied,’ www.workplacelaw.net, 7 December 2012; Michelle Stevens, ‘Diversity and inclusion ‘rising up corporate agenda’,’ *People Management*, 26 November 2012; ‘Are diversity and inclusion now firmly on the agenda?’ www.workplacelaw.net, 27 November 2012; see also the reports Diversity & Inclusion – Fringe or Fundamental? (www.cipd.co.uk/hr-resources/survey-reports/diversity-inclusion-fringe-fundamental.aspx) and Game On! How to keep diversity on track (www.cipd.co.uk/publicpolicy/policy-reports/diversity-progress-on-track.aspx).
- 10 European Court gives verdict on UK discrimination, www.workplacelaw.net, 15 January 2013; John Eccleston, ‘European Court rules on long-running religion cases,’ *Personnel Today*, 15 January 2013.
- 11 *Adrian Smith v Trafford Housing Trust*, in Manchester District Registry, Case Number 11R54453, [2012] EWHC 3221 (CH).
- 12 ‘Three out of four religious freedom cases lost at ECHR,’ www.ionainstitute.ie/index.php?id=2714.
- 13 Unconscious Bias Inhibits Employee Productivity, Employers Network for Equality and Inclusion, 28 September 2012, <http://www.enei.org.uk/news.php/341/unconscious-bias-inhibits-employee-productivity>.
- 14 Amanda Jones, ‘Testing Christian Principles,’ *People Management*, 18 January 2013.
- 15 Claire Churchard, ‘Eweida wins religious discrimination case against British Airways,’ *People Management*, 15 January 2013.
- 16 ‘Religious rights at work must be balanced against rights of others, says European Court of Human Rights,’ www.ekkleisia.co.uk/node/17803, 15 January 2013; ‘British Airways Christian employee Nadia Eweida wins case,’ www.bbc.co.uk/news/uk-21025332.
- 17 Quoted by Robert Jeffery, ‘Does faith make a better employee?’ <http://blog.peoplemanagement.co.uk/2013/01/does-faith-make-a-better-employee>, 29 January 2013.
- 18 Speaking at the launch of the Employers’ Network for Equality and Inclusion (enei), reported by John Eccleston, ‘Equality chief urges employers to focus on diversity’, *Personnel Today*, 19 October 2011.