

Diversity hits the mainstream

Equality and diversity practice is undergoing a major rethink. Yet while the public finances could dramatically reshape the landscape, finds **Ruth Keeling**, on the big issues there's a surprising level of political consensus

The Equality Bill currently before Parliament proposes considerable changes in equality and diversity practice for public sector bodies. If it becomes law, policymakers and those delivering services will have to avoid discrimination on the basis of new considerations such as socio-economic circumstances and age; public sector commissioners will be able to use procurement to promote the equality agenda; and managers faced with two candidates equally suited to a role will be able to choose a candidate simply in order to improve the diversity of their workforce (see box for details).

Whether all this will actually become law depends on whether the bill reaches the statute book before MPs turn their attention to electioneering. Mark Harper, the Conservatives' shadow disability minister, says the opposition supports "90 to 95 per cent" of the bill and will work with the government to make sure it becomes law. There are, however, three aspects of the bill that the Tories will not support: the new duty on public bodies to think about the impact of services on all socio-economic groups; the part of the positive action clause covering hiring decisions (which, Harper and his colleagues argue, will legalise positive discrimination); and the requirement for private sector employers to perform equal pay audits. They also oppose the narrowing of the exemption for organised religions on appointing gay staff, recently revealed in the bill's Lords committee stages; equalities minister Harriet Harman has now agreed to drop this provision.

If Labour sticks to its guns on the three points of dispute, the bill will not make it through the horse-trading expected at the end of this parliamentary session. In this case, because the Conservatives do not view the Equality Bill as a priority if they are elected (see news, p1), it might never become law.

Assuming that the Equality Act is passed, however, Harper says the "devil will be in the detail": its effects will depend on the secondary legislation, regulations and guidelines produced for clauses such as those on age discrimination, equal pay and the public sector equality duty. Harper says that the Conservatives' aim, like Labour's, is that equality stops being a 'tick-box' exercise and becomes mainstream to an organisation's thinking – a change in culture, rather than a new single equality strategy that sits, unused, on the shelf.

Harper's comments should reassure any equality and diversity professionals who fear they'll be out on their ear under a Tory government. "If we just drafted the regulations, published them and never spoke about them again, they'd fail," he says. Ergo, there will be a continued need for the work carried out by organisations such as the Government Equalities Office. "I don't think there is any reason to think that any people working on this particular policy area would be any more likely to be hit by savings than anyone in any other area," he says. Within the civil service, the Tories also recognise the need to fund diversity programmes such as those which support under-represented groups accessing management positions.

Equality will not be sidelined by the Tories, Harper argues, because it is so vital to major policy planks such as benefits reform. The Office for Disability Issues' (ODI's) work on personalisation of services and helping employers to accommodate disabled workers "are going to be absolutely critical in delivering our wider policy objectives", says Harper. "They are not add-ons."

Despite the creation of the Equality and Human Rights Commission, much of the work of supporting equality is currently divided between a number of bodies – such as the ODI and the Communities and Local Government department, which handles faith and race. Will they be merged once an Equality Act does away with such divisions and requires an all-encompassing view of equality? The Tories are discussing the options but have made no decision, says Harper, and they don't seem to be champing at the bit to make machinery of government changes. "There is



Cultural unity: Tory leader David Cameron during a visit to the Hindu Shri Swaminarayan Temple in London. His equality policies are little different from Labour's

no getting around the fact that different departments will be covering areas of policy that impact on an equality agenda," he says reassuringly.

All this does not mean there will be no change in the long term. Harper says – as he did at a *Civil Service World* diversity conference last year – that if the Equality Act proves successful, all relevant staff will understand what is expected and "you shouldn't need lots of specific equality and diversity managers to go around telling them what they should be doing."

Equalities minister Maria Eagle believes that the Conservatives "don't understand discrimination in the way that the current government does" and are "much more likely to say it's 'politically correctness'." But Harper dismisses this allegation as "nonsense". He points to a failure to increase the number of female public appointments in the last 12 years, and criticises the Department for Work and Pensions' below-national average employment rate for disabled staff.

Beyond differences in tone, there does not appear to be much division between the two parties. Harper speaks from the same page as many equality professionals. It is, of course, worth remembering that any political party is a broad church; but our research hasn't revealed serious concerns among senior officials about what a Tory government might do, and there is little evidence in cities such as London and Birmingham that Tory councils weaken equality work.

Away from the hypothetical, one thing is certain: whatever colour tie ministers are wearing after the election, there will be less money. This will require equality and diversity professionals to adopt in two important ways: they'll need to start working in areas such as policymaking, not just HR; and they will have to prove that they add value to their organisation.

As Government Equalities Office director-general Jonathan Rees says, equality officials "must get out of their HR ghetto and into the strategy department" to ensure that equality becomes a key – eventually, an instinctive – part of an organisation's thinking. "If they stay in HR, they'll probably be marginalised," he warns.

Equally, says Les Venus, spokesman for the UK Council for Access and Equality, less money means "the important thing now is to create value not cost", showing that work provides measurable benefits. Well-meaning but vague initiatives will not be enough, explains Birmingham Race Action Partnership (BRAP)

chief executive Joy Warmington. It will no longer be good enough to organise Eid celebrations or provide a hospital prayer room, without finding out whether that actually improves the service people receive.

Rather than legislation – which is really just following where the professionals lead – it's finance that's likely to shape the work of equality specialists in the coming years. While the legal details are battled over in Parliament, practitioners should already be knocking on the doors of policy officials and business managers armed with hard facts and figures about how equality will benefit their organisation. ■

How the Equality Bill will affect the public sector; and how the Conservatives differ

New social equality duty: means public sector bodies will have to consider how they can reduce socio-economic inequalities, a development opposed by the Tories

A single equality duty: will replace the existing race, gender and disability duties. The bill covers discrimination on the basis of age, sexual orientation, religion or belief; pregnancy and maternity explicitly; and gender-reassignment in full

Public procurement: public bodies can use spending power to promote equality

Age discrimination: will be banned outside the workplace, not just within, which will require public bodies to think about the way they provide services

Gender pay and equality reports: means ministers can require public bodies to report on equality issues, likely to affect organisations with more than 150 employees. Private sector employers with a staff of more than 250 people may have to do the same from 2013, but this aspect of the bill is also opposed by the Conservatives; pay secrecy clauses will be banned

Positive action: will allow employers to pick someone from an under-represented group when they have two equally suitable applicants. Although the government says positive discrimination will remain illegal, the Tories believe the bill's wording make it a possibility and they therefore oppose this clause

Employment tribunals: will be able to make recommendations that will benefit all of an organisation's workforce, not just the claimant

Carers: will receive protection against discrimination, such as missing out on promotion because they have caring responsibilities