

Equality Act 2010: a time for celebration or reflection?

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The Equality Act is 10 years old on 1 October. Is this anniversary a cause for celebration or reflection?

It's impossible to attempt an answer to this question without first considering the world pre and post COVID-19. [The report 'Structurally Unsound'](#) from University College London (UCL) and the Resolution Foundation, published a year ago, states that "inequalities are deeply embedded in our society, permeating throughout our social structures and institutions".

A year later and there is a growing body of evidence to suggest that the health pandemic has further exposed and exacerbated these inequalities – for example, the Equality and Human Rights Commission (EHRC) has stated that the pandemic has "shone a light on long-standing, structural race inequality in Britain" in their [inquiry into the impact of coronavirus on ethnic minorities](#).

It is not only the health pandemic that is making us seriously rethink our attitudes towards equality. As Acas Head of Diversity and Inclusion, [Julie Dennis, said in a recent blog](#), the economic recession is imposing a 'recession tax' on the most vulnerable groups of employees, such as women, people with disabilities, ethnic minority groups and older workers.

The Act has undoubtedly been of great symbolic value, and helped many organisations make progress towards more equal and inclusive workplace cultures, but it is worth pausing to ask ourselves:

- do we expect too much from legislation in the fight against equality?
- what can we do to achieve greater equality in the next 10 years?

The law of behaviour

The UCL report suggests that outlawing discriminatory behaviours, as the Equality Act does, though essential, is not enough to combat structural inequality alone. The Act represents a continuation of the growth of employment law that we have seen in recent decades. A combination of 116 pieces of separate legislation, the onus largely lies with the individual to flag problems they are experiencing. And the solutions in the main are sought through the tribunal to produce individual, rather than collective, remedies.

Yet grassroots movements like #MeToo and #BlackLivesMatter have raised awareness of what some academics call 'horizontal inequalities' – that is, inequalities that apply to entire groups such as women, disabled people, lesbian, gay, bisexual, and transgender (LGBT) individuals, and people of colour, rather than just individuals.

It is perhaps not surprising that some of the proposed amendments to the Equality Act and wider equality legislation reflect a growing awareness of the need to address deeper systemic problems, and a recognition of the fact that these can't be achieved through individual stories alone. For example, reforms to how sexual harassment is tackled would, if enacted, place greater responsibility on employers to prevent harassment and victimisation.

There is also the equally challenging issue of culture. Complacency can settle in when good intentions sit behind a screen of regulations and, in the workplace, policies and procedures. The record on changing deep-rooted attitudes and challenging stereotypes is mixed. For example, the requirement for organisations to complete gender pay reporting has certainly raised awareness of gender politics and promoted greater transparency, but predictions on how long it will take to close the pay gap still make for a depressing read. This is certainly not helped by the fact that, as Business in the Community (BITC) reported, [half of businesses chose not to report this year](#).

Voice and action

As the [Acas response to the government consultation on sexual harassment](#) (PDF, 166KB, 6 pages) states, "creating the right workplace culture" relies upon "open dialogue" between all the main players at work.

Former chair of Acas, Brendan Barber in the [policy paper 'Building back: making working lives better'](#), has suggested this dialogue might be better suited to collective voice channels, through which fairness can be put at the heart of all conversations about change management, working conditions and equality.

The paper also raised the possibility that, despite the huge challenges we face, there may be a growing appetite to 'change the system' and do things differently. This appetite for change has partly been driven by a growing awareness of the issue of vulnerability.

Vulnerability has been on the fringes of the world of work for many years – notably in debates about low pay, balancing business flexibility with workers' protection and the intractable problem of job insecurity. The health crisis and economic recession have brought this issue centre stage – for example, we have all become acutely aware of how many key workers experience higher levels of vulnerability in order to deliver essential services.

And [recent research from Citizens Advice](#) showed that although 1 in 6 (17%) of the working population are facing redundancy right now, the predicted impact of the recession is typically far from equal, with as many as 1 in 4 disabled people facing redundancy, 1 in 2 'clinically vulnerable to coronavirus' facing redundancy, and 2 in 5 with caring responsibilities facing redundancy.

Disappointingly, recent surveys have suggested [diversity and inclusion may be dropping down the priority list for many employers](#). Despite the fact that the recent [report from McKinsey 'Diversity wins: How inclusion matters'](#) found that "the most diverse companies are now more likely than ever to outperform less diverse peers on profitability."

But there is also room for optimism that equality and diversity will remain in the forefront of our collective consciousness. For example, the Chartered Management Institute (CMI) has published a set of [provocations to challenge leaders to try harder at achieving genuine diversity at work](#). One of these includes asking government to extend the protected characteristics to cover carers. The challenges facing carers has certainly come more starkly to the fore during recent months and [Acas found the government proposals on carer's leave very welcome](#).

So, what next?

We will be inviting guest bloggers to reflect on the challenges of achieving equality at work and some of the opportunities for genuine change that have presented themselves in recent months. We are particularly keen to highlight examples of good practice where equality and diversity have thrived in the workplace.