

# Some current political, economic and legal influences on D&I

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THE #METOO CAMPAIGN



# Political influences: Brexit and the Westminster scandal



# Brexit dominating Government agenda

- Brexit agenda overshadowing domestic business
- Government don't have legislative time to consider:
  - caste discrimination
  - social mobility issues
  - enhanced rights for parents: draft child bereavement bill has been produced but unlikely to become law until 2020

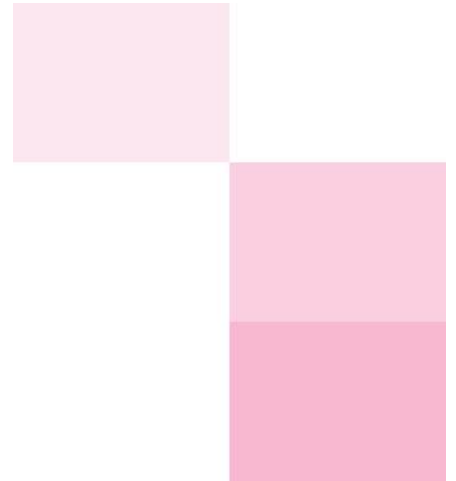
# The right to live and work in the UK

- Current position on the status of EU citizens: No change yet - status quo until 29 March 2019 (withdrawal date)
- EU citizens in UK might want to consider applying for a document confirming the right to live and work in the UK (permanent residence / citizenship)

# How to support EU workers now

- If approached, reassure EU workers that it's business as usual - they can continue to live and work in the UK for the time being
- Consider options for supporting workers to secure their ongoing right to work in the UK
- Employee support workshops / 1-2-1 clinics
- Take steps to avoid discriminatory banter
- Consider doing an audit: how reliant are you on an EU workforce
- Apply to become a sponsor

# Economic influences: making the most of talent in the workplace



## Ill health at work - counting the cost

- 300,000 people with a long term mental health problem lose their jobs each year
- Poor mental health costs the UK economy up to £99 billion a year
- Cost to employers is up to £42 billion a year
- Manager resilience and mental health training crucial: return on investment of £9.98 for each pound spent
- Mental health core standards suggested for all employers: large employers and public sector expected to do more



# Food for thought...

What is your organisation doing to recruit and retain talented individuals with a mental health condition?



# Apprentices - investing in human capital?

- Apprenticeship levy was introduced in April 2017 with aim of creating 3 million apprenticeships by 2020
- Business response: a tax by another name
- The levy is charged at a rate of 0.5% of an employer's annual pay bill where it's more than £3 million
- Last week was national apprenticeship week: take up so far has been limited
- Can also be used for funding MA's -it's not just for young people

# Food for thought...

Can you use money you're  
already paying to bring in  
talent?



Legal



# Abolition of Employment Tribunal fees

- Supreme Court held fees were disproportionately impacting and discriminatory towards females
- More claims, but not yet back to same levels as before fees were introduced
- Where a discrimination claim is successful an ET may make an “appropriate recommendation”
- Will recommendations impact on D&I?
- Whether lost or won more discrimination claims are:
  - costly and resource heavy to defend
  - cause reputational damage
  - leave a negative legacy

# Gender pay reporting

- Toothless legislation?
- By 7 March: 1653 of 9000 employers have reported
- GEO aim was always to shine a spotlight on the issue
- Employers are taking their findings seriously:
  - discussions are now being held about representation of women in the workplace
  - managing the talent pipeline, particularly at mid levels now on the agenda
- Will employers take positive action?
- £1.5 million Government fund to support people back into work after time out caring

# Food for thought...

Extension to other areas  
e.g. race?



# Other legal drivers on D&I

- Case law
  - Did a Christian Bakery discriminate against a gay man by not writing “Support Gay Marriage” on the cake?
  - Is knowledge of the consequences of a disability required for discrimination arising from a disability?
  - Equal pay cases: retail employees comparing themselves with depot employees
  - Should men on SPL be paid the same as women on maternity leave?



# Other legal drivers on D&I

- Procurement: positive impact of requirement for diverse teams serving an organisation/suppliers will contribute to the D&I agenda
- Public sector equality schemes require diversity: diversity of thought prevents group think
- Board diversity regarded by e.g. PRA as part of good governance, but
  - NED's expected to have experience - vicious circle where approvals not being given for younger individuals
- Quotas on Boards bound to be raised again

# The storm around harassment



# #MeToo - the potential D&I fallout

- Firmly on the agenda of Parliament as an employer
- Some media reports have been misleading: assault and harassment are not always the same thing
- Women and Equalities Committee inquiry into sexual harassment looking at:
  - changing workplace cultures
  - protecting staff from sexual harassment by clients and customers
  - pros and cons of using non-disclosure agreements
  - how effective tribunals are as a means of redress

# #MeToo - the potential D&I fallout

- Employers need to:
  - ensure employees know how to raise issues of bullying and harassment
  - investigate any issues promptly
  - take disciplinary action where behaviour has been inappropriate including dismissing the offender
- Managers need to know how complaints can be made
- Managers should step in when they see inappropriate behaviour: how/when = training need
- Everyone needs to play their part: #Thatsnotcool, but harder where inequality of power in a relationship
- Babies and bathwater: mentoring, coaching, networking between the sexes can still happen

# Food for thought...

Are we seeing political and economic consensus on diversity with a legal framework that can deliver it?



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