**Equity, Diversity and Inclusion and Unconscious Bias**

Everyone should have equal opportunity to achieve their full potential in working environments free from prejudice and discrimination, which is why the UK government created the Equality Act 2010.

**Equality Act 2010**

Diversity issues can be complicated, especially in the workplace where different cultural backgrounds and beliefs can often conflict with both organisational policies and other employees' beliefs. So, to help organisations and individuals better understand their legal rights about discrimination, the Equality Act 2010 was established.

Replacing previous legislation, by compiling 116 separate pieces into a single act, the Equality Act 2010 was introduced to protect people from discrimination inside and outside of the workplace, advance equal opportunities and promote good relationships between different groups of people.

Under the act it is unlawful for both organisations and employees to discriminate against another individual, with the responsibility for prohibiting prejudice lying with the organisation, rather than the individual.

**Where You Are Protected**

You’re protected from discrimination at work, in education, using public services, or are a consumer, as anyone who provides goods and services must abide by the law. In the workplace, this protection begins during the recruitment process and extends beyond your departure from the company, including future references.

**Public Sector Equality Duty**

The act also details a specific Public Sector Equality Duty, which requires all public bodies, such as councils, hospitals and publicly-funded services, to consider all individuals equally when delivering services, regardless of whether they are employees or consumers. They must work to eliminate discrimination, promote equal opportunities and improve relations between different groups of people, maintaining a record of action taken and setting equality objectives to work towards.

**Reasonable Adjustments**

The act also requires organisations to make reasonable adjustments to ensure disabled employees have the same opportunities as non-disabled individuals.

To assess what adjustments need to be made, employers should ask themselves whether they need to change how things are done, such as alterations to established processes, if they need to physically change the workplace, for example by adding a ramp to improve access, or if they need to provide extra equipment, like a hearing loop system, to assist a disabled employee. However, to establish if the adjustments are reasonable, the employer should consider if they have the resources to pay for the changes, if they’re practical, and whether they would be an effective way of overcoming the disadvantage.

**Liability**

Under the Equality Act, employers can be held responsible for the discriminatory actions of their employees in times or places associated with employment, including work organised social events. They can be named as ‘respondents’ if a case is taken to an employment tribunal. This is known as vicarious or secondary liability, and the employer may have to pay compensation, even if they played no part in the behaviour itself, unless it can prove that it took all reasonable steps to prevent discrimination, harassment and victimisation, for example through an equality policy and staff training.

**Protected Characteristics**

The Equality Act 2010 lists nine protected characteristics making it illegal to discriminate against someone because of their age, race, religion or belief, gender reassignment, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity or disability.

1. **Age** - Anyone can experience age discrimination, with a mix of both young and old employees stating that they’ve been passed over for jobs because they fell into specific age groups. These groups can either be very broad or very specific, with most people assigned to several at the same time …for example, someone aged 75 could be classed as over-70, a pensioner or a senior citizen.
2. **Race** - Race refers to a person’s colour, nationality or ethnic origins… with racial groups featuring individuals who share the same characteristic, for example, Romany Gypsies. This type of discrimination, which could also form a hate crime, arises when societies are systematically divided and organised in a way that disadvantages minority groups and includes the expression of anti-nationality sentiments.
3. **Religion or Belief** - Individuals are protected from discrimination because of their religion, philosophical beliefs, or a lack of such beliefs. Religion is defined as a set of beliefs which involve prescribed communal rituals, while belief is having faith in something or someone. However, for a belief to be protected it must reflect a substantial aspect of human life, be considered worthy in a democratic society and not conflict with the fundamental rights of others… for example belief in climate change.
4. **Gender Reassignment** - Gender Reassignment occurs when an individual, referred to as transsexual in the Equality Act, chooses to live as the gender they identify with… rather than the one they were assigned at birth. Individuals are protected if they propose to transition, are transitioning or have transitioned, regardless of whether they’ve undergone medical treatment.
5. **Sex Discrimination** -Sex discrimination can be experienced by both men and women, and is when you’re treated differently simply because of your gender, either as a one-off or repeated action.
6. **Sexual Orientation** - Sexual orientation is defined as a ‘person’s emotional, romantic and sexual attraction to another person’… with people who are attracted towards individuals of the same sex (gay and lesbian), attracted towards individuals of the opposite sex (heterosexual) and attracted to individuals of either sex (bisexual) protected equally under the Act.
7. **Marriage & Civil Partnership** - Although neither term is defined in the Act, marriage is recognised as a union between partners regardless of sexual orientation, while a civil partnership legally registers relationships between same-sex couples to provide them with similar legal rights including parental responsibilities, financial arrangements and next-of-kin decisions.
8. **Pregnancy & Maternity** - Pregnancy and maternity discrimination is when you suffer a disadvantage because you're pregnant, have recently given birth or are on maternity leave. You’re protected during what is known as the Protected Period, which starts from the moment you become pregnant and ends when you return to work… either after maternity leave or, if you’re not entitled to maternity leave, two weeks after your child is born. However, in the workplace, you are only protected once your employer knows, believes or suspects you’re pregnant.
9. **Disability** – disability is defined as having a physical or mental impairment which has a substantial and long-term effect on your ability to complete day-to-day activities such as walking, hearing or interacting with others. This includes problems with your sight or hearing, learning difficulties, mental health conditions and impairments due to injury, as well as progressive conditions or symptoms which re-occur, even if the effects don’t last a year. If you’re diagnosed with HIV, Cancer, Multiple Sclerosis, or have a severe disfigurement then you also meet the definition

**Types of Discrimination**

Each of the four main types of discrimination… direct, indirect, harassment and victimisation… occur when you’re treated unfairly because of who you are, and can take many forms, including unintentional misunderstandings, lack of awareness and deliberate, malicious acts.

1. **Direct discrimination** - Direct discrimination is when one individual is treated worse than another because of a protected characteristic, for example denying someone a promotion because of their age. This is known as ordinary direct discrimination and could involve a decision not to hire someone, offer poorer terms and conditions, or dismiss them. You’re also protected from discrimination by association, where you’re discriminated against because someone you know, usually a family member, who has a protected characteristic, and discrimination by perception, when you’re discriminated against because people think you have a protected characteristic, regardless of whether or not this perception is correct.
2. **Indirect Discrimination** - Indirect discrimination occurs when an organisational policy applies to everyone, but puts those with a protected characteristic at a disadvantage. Usually less obvious than other types of discrimination, it’s often unintentional. Those who experience it must show how they were disadvantaged and how it could disproportionally affect others with the same protected characteristic.
3. **Harassment** - Harassment can never be justified as it involves unwanted behaviour, which creates an offensive environment by violating an individual’s dignity through humiliation and degradation. To be protected under the act, the behaviour must be related to a protected characteristic (other than marriage & civil partnership or pregnancy & maternity) or be of a sexual nature, such as banter, gossip, exclusion, inappropriate questions, insults and insults physical abuse.
4. Victimisation is when you suffer a detriment because you’ve either made or supported a discrimination claim in the workplace… provided you behaved in good faith and haven’t acted maliciously. A detriment is when you suffer a disadvantage, damage, harm or loss, for example losing out on a promotion because you were labelled a troublemaker as a result of filing a discrimination complaint.

**Encountering Discrimination**

When you experience workplace discrimination, you could take several approaches, including talking about it informally, following formal grievance procedures or filing a claim with an employment tribunal. However, it should be noted that the strength of the claim is based on the victim’s perception of an incident, rather than of the intention of the individual who discriminated, although whether it’s reasonable for them to feel that way will also be taken into consideration.

**Informal Approach**

It’s recommended that you try to resolve the situation informally by approaching your manager or another relevant individual within the organisation and discussing what happened, as it can help maintain positive relationships and prevent the situation escalating. A flexible approach to intervention can depend on both the organisation and individuals involved as to what approach is taken to reach an agreement, for example, mediation.

**Formal Grievance**

If an informal approach is inappropriate or fails, then you should follow your organisation’s internal grievance procedures, making your claim in writing and explaining the situation in detail while remembering to focus on the facts. Your employer should take your complaint seriously, be empathetic to your situation, keep the process confidential and try to remain impartial by avoiding pre-conceptions about the parties involved.

**Outside Intervention**

If all internal options fail, then you can take your complaint to an employment tribunal, although this must be done within three months (minus one day) of the incident occurring. You don’t need to have reached a minimum length of employment to make a discrimination claim, as protection starts from the moment a role is advertised through to your departure from the organisation. A claim can be filed on the grounds of a single protected characteristic or a number of characteristics, although each of these would be treated separately. Some incidents of harassment, such as those related to race or sex discrimination, can also become a criminal matter. However, this shouldn’t stop an organisation carrying out an internal investigation which should run alongside the criminal one.

**Exemptions & Exceptions**

In rare circumstances it is lawful for employers to act in a discriminatory manner provided they objectively justify their intentions as a proportionate means of achieving a legitimate aim. However, it’s often a difficult process.

**Occupational Requirement**

Known as occupational requirements, employers can specify that applicants have a specific protected characteristic, for example asking for a practising Catholic to work as a chaplain in a Catholic school, or that an actor in a play must be a young man for a specific part. However, the requirements must be reassessed each time the position is advertised, as it’s possible that while they were valid in the past, it is no longer the case. Please note, that using occupational requirements as a defence against discrimination claims only works for ordinary direct discrimination, not indirect, harassment or victimisation.

**Proportionate Means of Achieving a Legitimate Aim**

In order to be considered valid, the requirements must be crucial to the role, proportionate and necessary as well as related to a legitimate business aim, although financial gains don’t count. Organisations should consider all options and if there is a less discriminatory way of achieving the same aim they should use it, and at a tribunal, validity will be decided by weighing up the needs of the employer against the discriminatory effect of their actions.

**Positive Action**

The act also allows for positive action, which is where you voluntarily help individuals with a protected characteristic if you believe they have particular needs or are under-represented in the workplace. However, you should show that the positive action, such as inviting job applicants with a protected characteristic to interview, has been reasonably considered and that it doesn’t discriminate against others.

**Two Main Aims:**

Equality and Diversity share two main aims, to ensure everyone has access to equal opportunities and that they receive the same level of treatment:

1. **Equality** focuses on ensuring individuals aren’t treated differently because of a specific protected characteristic by promoting everyone’s right to be different, working to eliminate discrimination and ensuring everyone is valued as an individual.
2. **Diversity**, which means varied and different, involves promoting an inclusive workplace culture. It aims to recognise, respect and value people’s differences for the benefit they bring to individuals, organisations and society.

**Diverse, Inclusive Workspaces**

Diversity in the workplace shouldn’t be seen as a ‘nice to have’, it should be a given, with everyone offered equal opportunities and treated with dignity and respect.

**Diverse Workplaces**

A diverse workforce can give a business a competitive edge as it taps into a wider talent pool and accesses a variety of skills, resources and ideas leading to improved productivity and a raised profile within the marketplace. It can also help you to reach more customers, as a diverse workforce represents and therefore relates to more people.

**Inclusion in the Workplace**

An inclusive working environment ensures that ‘difference’ isn’t an obstacle to career progression and is instead embraced and encouraged, with respect and understanding cultivated to create a more pleasant atmosphere for everyone. After all, everyone deserves the opportunity to reach their full potential in an environment that’s safe and supported, with achievements recognised and fairly rewarded and all individuals given a meaningful voice to address the matters that affect them.

**Equal Opportunities**

Equal Opportunities is an HR term used to describe the actions taken by an organisation to ensure a fair employment process, and it focuses on creating a balanced representation of the community in the workplace. It ensures that all employees are provided with the same set of chances regardless of protected characteristics and means they are treated as individuals without being judged according to stereotypes.

**Effects & Benefits on Staff & Business**

An inclusive workplace which promotes equality and diversity in all areas, can result in a wide range of benefits and successes for both employers and employees. For example, employers can utilise knowledge of different areas of community, market segments and consumer interests to increase productivity, while becoming an employer of choice, known for its representative workforce, can help attract, retain and develop talent. Employees, on the other hand, feel empowered by the knowledge that they’re hired for their skills, experience and aptitude which results in a confidence that they will be given the right tools to do the job properly such as disabled access, flexible working hours and good communication between teams, leading to higher levels of morale and improved performance.

**Workplace Policies**

Policies to prevent discrimination should apply to all aspects of the workplace from recruitment to departure, including salaries, benefits, discipline procedures, promotion opportunities and after work activities.

**Written Down and Shared**

Written down and shared with all employees, these policies make it easier for everyone to support equality and diversity in the workplace and minimise the chance of discrimination occurring anywhere in the organisation.

**Regularly Reviewed**

Once made, the policies should be regularly reviewed to ensure they don’t unintentionally discriminate, as situations can change over time. For example, it should be established policy that all job applications are treated fairly by including a set of criteria in the job description, to evaluate equally and ensuring interview panels feature more than one person to provide a range of perspectives before a decision on who to hire is made.

**Unconscious Bias - What is it ?**

Unconscious bias occurs when you favour one group or person above another, because of your background, experience and culture.

**It’s Natural**

Unconscious bias is entirely natural, the by-product of our brains making thousands of decisions daily. As it’s impossible to rationally think through every choice, our brains unconsciously make quick judgements to stop us from becoming overwhelmed.

**Categorisation**

Quick judgements require categorisations to make evaluating the amount of information related to each person or situation easier. These categories include characteristics such as age, weight, skin colour, gender, education, social status and accent. Although it saves time, this method of processing information leads to assumptions, stereotypes and biases which influence our behaviour even if we don’t consciously believe in them.

**Social Context**

Unconscious bias doesn’t work without a social context…in fact, it needs one as your background, experiences and culture all influence your bias, even if you’re unaware that you hold such opinions. It’s affected by where you live, your childhood, your friendships, your interactions with different social groups and the media, with each impacting how you think and feel about different people and situations.

**How We Are Affected by Bias**

Although unconscious bias occurs naturally, it can still have a negative effect on both yourself and others, which is why it’s important to understand how you can be affected by it.

* **Perception** - Unconscious bias can affect your perception of both people and situations as your opinions are clouded by the assumptions and stereotypes associated with quick judgement categorisation.
* **Attitude & Behaviour** - It can also affect your attitude and behaviour towards others, especially in cases where you assign people certain traits based on only a few characteristics instead of evaluating the whole picture.
* **Attention** - Bias can also affect the level of attention you give to others, as you tend to pay more attention and actively listen to people you feel an affinity with, while unintentionally interrupting those you don’t.

**Types of Bias**

* **Conformity Bias** - Conformity bias results from peer pressure. It occurs when you recognise that the majority of your group are leaning in one direction and decide to join them without voicing your own opinion, even if it differs from theirs.
* **Beauty Bias** - In its simplest form, beauty bias stems from the belief that good looking people are more successful. In the workplace, it’s commonly found in the recruitment and promotion processes with people hiring or promoting someone with similar physical qualities to the person who previously held the role.
* **Affinity Bias** - This is when you share an affinity with someone based on a shared connection, whether it’s growing up in the same town, or having a shared experience. We tend to be more sympathetic to people we have an affinity with meaning we’ll offer encouragement, allow them time to speak and actively listen to what they have to say.
* **Similarity Bias** - We tend to surround ourselves with people who are like us, believing that because we share the same characteristics and abilities, we’ll work better together.
* **Attribution Bias** - This explores how we see both ourselves and others. When we do something well, we tend to believe it’s the result of our abilities and hard work, while our failings result from external factors. However, when others succeed, we associate positive results with sheer good luck; if they fail, we associate it with personality defects or behavioural issues.
* **Confirmation Bias** - Confirmation bias occurs when you decide about a person or situation and subconsciously look for evidence to support the judgement because you want to believe you’re correct. This can be dangerous, if you ignore evidence that suggests you made a bad decision, through fear of being proved wrong.
* **Contrast Effect** - This usually occurs during the recruitment process as it’s when you compare something or someone to what came before, whether that’s individual applications to each other, or candidates to the person who previously had the role.
* **The Halo Effect** - The halo effect occurs when we recognise one great thing about a person or group, whether it’s a physical attribute or achievement, and allow its glow to colour our opinion of the person, ignoring other characteristics that could influence the situation.
* **The Horns Effect** - The horns effect is the opposite of the halo effect, as it's when you allow one bad event or attribute to cloud your judgement of a person or group, ignoring any positive characteristics in the process.

**Unconscious Bias in the Workplace**

Although unconscious bias affects every aspect of your life, it has the biggest impact on the workplace.

**The Impact of Unconscious Bias**

The biggest effect unconscious bias has on the workplace is the creation of less diverse teams, resulting in unconsciously hiring, promoting and effectively managing people you believe you have a connection with. On paper, working with people who are similar to you might sound good, but research has found that the more productive teams feature a diverse range of people.

**The Benefits of a Diverse Team**

Diverse teams are better able to adapt to new situations because of their different backgrounds. They can bring a variety of skills and abilities to the role, which leads to improved customer service. They also see a boost in innovation, as their different perspectives allow them to fully explore situations and uncover a wide range of possible solutions. Finally, it’s easier to recruit and retain employees in a diverse workforce as you can hire from a larger candidate pool, creating a positive work environment, which leads to increased levels of staff loyalty.

**Choose the Best Candidate**

While it’s important to encourage the creation of a diverse workforce, don’t just hire someone to fill a quota. Focus on each candidate’s skills, qualifications and abilities rather than any physical attributes, as it’s about choosing the best person for the role.

**Risk of Discrimination**

It’s also important to understand that unconscious bias can be interpreted as discrimination when against a protected characteristic…whether it’s race, gender or disabilities. In extreme cases this can cause a sense of mistrust to grow within the organisation, causing levels of morale and job satisfaction to drop, resulting in staff departures, and potential grievance cases.

**Mitigating Unconscious Bias**

Organisations can mitigate unconscious bias by introducing clear policies designed to recognise and limit its influence. The Harvard Business Review suggests implementing three strategies… Priming, Reorganisation of Systems and Accountability.

**Priming**

Strategy one is referenced to as priming and involves educating employees about the potential biases they could encounter in the workplace and the safeguards that can be put in place to mitigate against unconscious bias in different workplace scenarios. Only by knowing what to look for will people be able to be more conscious of the influence of potential biases on the decisions-making process.

**Reorganise Systems**

Strategy two involves reorganising the organisation’s systems and strategies to be consistent on reducing bias in all departments. Implement recruitment, promotion and performance management policies that highlight and then combat potential biases, such as name-blind recruitment procedures and structured skills-based interviewing processes in which questions are consistent across candidates.

**Accountability**

Strategy three involves putting new forms of accountability in place to clarify when bias is occurring and when it is appropriate to investigate further whether bias has played a part in a decision-making process. Individuals will need to justify their conclusions by explaining how they considered all available information.

**Workplace Processes**

Unconscious bias in the workplace is prominent during the recruitment, promotion and performance management processes, so it’s important to develop strategies to help you and your organisation combat its influence.

**Recruitment & Promotion**

During the recruitment process, most candidates will provide information about themselves that isn’t directly relevant to the role, but will still be judged, often without the recruiter’s awareness. When looking for a new person to join your organisation or promote someone, it’s important to produce positive images of what you’re looking for and consciously avoid negative associations that could lead to biases against individuals. Where possible, adopt the name-blind technique which involves removing all irrelevant data from the application to limit potential bias and help recruiters focus on the skills and abilities required for the role.

**Performance Management**

It’s important to manage all employees effectively. However unconscious bias can result in people who share an affinity with their manager receiving more attention and being assigned a variety of tasks, giving them an advantage when it comes to promotion. This behaviour can be mitigated by giving each person the same level of support and keeping note of who’s assigned to what projects, so you can recognise when someone is being unconsciously favoured or overlooked.

**Individual Practices**

But what can you do on an individual level to help combat your own unconscious biases?

* **Acknowledge Your Biases** - The first step is to acknowledge the existence of your unconscious biases. Only by admitting that you could be biased can you explore ways to help you recognise when it occurs and how to limit its influence. Once you’re aware of your own potential biases, it’s important to be vigilant in situations where you know they could have influence and actively work to mitigate it.
* **Review Your Decisions** - It’s important to take time to review your decisions to help ensure you’ve avoided unconscious bias influencing the outcome. Ask yourself why you came to the conclusion you did and consider whether you carefully examined all the relevant information presented or made a quick judgement based on preconceived categorisations.
* **Don’t Be Exclusive** - One way to mitigate unconscious bias is to make sure you aren’t being exclusive about who you give your time and attention to. Avoid prioritising people who look like you, are the same age as you, the same gender, or the same race. Instead dedicate the same amount of time to everyone on your team and develop a checklist of what to discuss, ensuring they all receive the same level of attention.
* **Importance of Core Values** - In the rushed, pressured environment of the modern workplace it’s easy to overlook the importance of core values, especially those that focus on ensuring fair treatment and respect for everyone regardless of who they are. Try to prioritise these and allow them to influence your behaviour, attitude and decisions.
* **Positive Messages** - Expose yourself to positive images and messages about people you know you are biased against. This will remind you of any successful experiences you’ve previously had with the individual or group. If you haven’t had a successful encounter try imagining one, as research shows this can have as much of an impact on your behaviour as actually experiencing it.
* **Words & Wording** - One of the most effective ways to combat unconscious bias is to state your intentions out loud, as this will help inform your unconscious mind of what you want to achieve, and has the added bonus of notifying your team. It’s also important to consider how you word documents for internal and external publication. Avoid prioritising one group over another by keeping things positive, simple and all inclusive. For example, write ‘he or she’ to mitigate any potential gender bias.
* **Time** - Never rush a decision…always take your time to ensure you’ve considered all available information before forming a conclusion to avoid the influence of unconscious bias. When rushed, you’re more likely to resort to quick judgements, based on preconceived categories that allow assumptions and stereotypes to impact the outcome.
* **Perspective** - One of the most effective ways of reducing unconscious bias is to consider the situation from another person’s perspective… to walk a mile in another person’s shoes figuratively. Detach the person or group from the negative situation as this will reduce the influence of bias and enable you to show empathy, leading to a better understanding of their position and a more informed decision-making process.