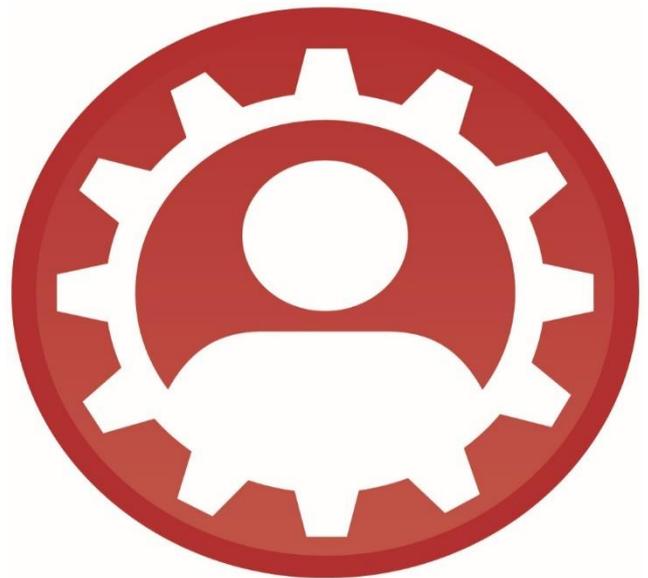


# An Evidence Base for Shaping Welcoming and Inclusive Workplaces

**April 2019**



**LITERATURE REVIEW**

**Equality Commission**

FOR NORTHERN IRELAND

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# Executive Summary

The Commission's Statement on Key Inequalities in Employment highlighted that prejudice in society is persistent<sup>1</sup>. It can seep into the workplace environment through conscious and unconscious biases and prejudicial attitudes of employers and employees and influences a wide range of experiences and relationships in the workplace.

This literature review highlights a number of factors that shape the working environment and help promote a good and harmonious work environment.

In 1989, the Fair Employment Code of Practice recommended that employers, in order to advance equality of opportunity, should aim to "*promote a good and harmonious environment*"<sup>2</sup>.

A good and harmonious work environment has been defined as a workplace "*where all workers are treated with dignity and respect, and where no worker is subjected to harassment by conduct that is related to religious belief or political opinion*"<sup>3</sup>. These principles also apply to the promotion of a good and harmonious working environment on other equality grounds including sex, race, disability, sexual orientation and age<sup>4</sup>.

This literature review presents evidence of a number of barriers to the enjoyment of welcoming and inclusive workplaces by equality groups, from a review of relevant literature. Its purpose is to raise awareness of these barriers and encourage action to address. These barriers for equality groups can be summarised as follows:

- Societal prejudice in the workplace;
- Workplace relationships and behaviours; and
- Workplace culture.

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<sup>1</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>2</sup> ECNI (1989) Fair Employment in Northern Ireland Code of Practice. ECNI: Belfast p.16. Updated version available at: <https://www.equalityni.org/Employers-Service-Providers/Large-Business/Registration-and-monitoring/Fair-Employment-Code-of-Practice>

<sup>3</sup> ECNI (2009) Promoting a Good and Harmonious Working Environment. ECNI: Belfast p.4.

<sup>4</sup> ECNI (2009) Promoting a Good and Harmonious Working Environment. ECNI: Belfast p.4.

Key themes in the evidence are the importance of *effective leadership* and *management* to shaping a welcoming and inclusive workplace and the importance of a culture that values equality and diversity. In addition, *mainstreaming* of equality throughout the organisation's policies, procedures and practices should ensure the robust regulation of behaviours, effectively keeping unwanted behaviours outside of the workplace.

To build a positive workplace culture and a good and harmonious work environment, the evidence suggests employers need to show leadership by recognising the positive benefits of workplace flexibility and diversity for their organisation and promoting these benefits within their wider business networks and communities. This approach involves going beyond legislative compliance or a rigid 'tick box' approach; it involves embracing good practice within organisations.

The information in this literature review is presented as one element of the Commission's wider work to gain an insight into welcoming and inclusive workplaces in Northern Ireland. The Commission is collecting specific evidence and examples for Northern Ireland and all the information will be used to further support employers in the promotion of welcoming and inclusive workplaces.

# 1 Introduction

1.1 The Commission's Statement on Key Inequalities in Employment in Northern Ireland highlighted prejudicial attitudes as a **key inequality**, as follows:

*'Prejudicial attitudes both within and outside the workplace are experienced by people with disabilities, women, Trans people, lesbian, gay and bisexual people, people from minority ethnic groups, migrant workers and those of different religious beliefs'<sup>5</sup>.*

1.2 The **purpose** of this literature review is to provide:

- **additional evidence** to what was presented within the Commission's Statement on Key Inequalities in Employment in Northern Ireland<sup>6</sup>;
- an assessment of common **barriers** that are experienced; and,
- **potential solutions** to the barriers, both general and specific to equality groups.

1.3 The evidence for this literature review was garnered from sources relating to both Northern Ireland and Great Britain. This has enabled a comprehensive and general exploration of the issues in workplaces, extending beyond the key inequality identified within the Commission's Statement on Key Inequalities in Employment in Northern Ireland. The literature review presents the evidence under a number of themes. However, further evidence of the experiences of Northern Ireland workplaces, with practical examples, will be required to better understand the specific issues relating to Northern Ireland. The literature review is one element of a wider process to gather more information and enhance the Commission's understanding of workplace experiences and potential solutions.

1.4 The evidence presented from the literature often refers to discrimination and harassment, but also uses categories such

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<sup>5</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast p. xi. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>6</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

as unfair treatment. In the literature, these terms were often used inter-changeably, without defining what they mean. While some behaviours may be considered ‘unfair treatment’, they may not fall within the legal framework of regulated behaviours that are protected under equality and anti-discrimination legislation in Northern Ireland. This literature review presents information about the understanding and experiences of unfair treatment and discrimination, both within and beyond that defined in the legal framework in Northern Ireland.

- 1.5 The Commission’s roles include the provision of advice to individuals, and those with responsibility for the workplace, on protections and rights within the equality and anti-discrimination legal framework in Northern Ireland.

## **Context**

- 1.6 The Commission’s Statement on Key Inequalities in Employment in Northern Ireland<sup>7</sup> highlighted that prejudice can have a negative impact on the workplace environment and workplace relations. It is clear that prejudice is not conducive to a welcoming and inclusive workplace environment.

- 1.7 Recent high profile testimonies and social media campaigns such as the #MeToo movement<sup>8</sup> have highlighted the pervasiveness of gender-based prejudicial behaviours, including sexual harassment. It has resonated across many different countries and contexts, and has highlighted the barriers that women experience in reporting such behaviour.

- 1.8 A recent report by the Equality and Human Rights Commission in Great Britain highlighted that:

*“No workplace is immune to sexual harassment, and a lack of reported cases does not necessarily mean they have not occurred<sup>9</sup>”.*

- 1.9 The Commission’s Statement<sup>10</sup> highlighted that similar prejudicial attitudes and behaviours are also experienced by

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<sup>7</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>8</sup> See: <https://metoomvmt.org/>

<sup>9</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. p.2. EHRC: Manchester.

<sup>10</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

other equality groups based upon their race, religious belief, sexual orientation, gender identity and disability.

- 1.10 Northern Ireland has benefited from a range of legislative requirements which have been central to creating a good and harmonious working environment. These legislative provisions provide protections from particular workplace behaviours, such as unlawful discrimination and harassment on the grounds set out in statute.
- 1.11 Under anti-discrimination legislation, discrimination and harassment are prohibited on the grounds of sex (including transgender)<sup>11</sup>, disability<sup>12</sup>, religious belief and political opinion<sup>13</sup>, race and ethnicity<sup>14</sup>, sexual orientation<sup>15</sup> and age<sup>16</sup> in employment.
- 1.12 Harassment is also prohibited more generally under the Protection from Harassment (Northern Ireland) Order 1997<sup>17</sup>. In addition, hate crime with a religious belief, race, sexual orientation or disability can be prosecuted under the Criminal Justice (No 2) (Northern Ireland) Order 2004<sup>18</sup>. Similarly, stirring up hatred or arousing fear on the grounds of religious belief, sexual orientation, disability, colour, race, nationality (including citizenship) or ethnic or national origins can be prosecuted under the Public Order (Northern Ireland) Order 1987<sup>19</sup>.
- 1.13 Public authorities in Northern Ireland have statutory duties under Section 75 of the Northern Ireland Act 1998 (Section 75) to have due regard to the need to promote equality of opportunity on nine equality grounds<sup>20</sup> and to have regard to

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<sup>11</sup> Equal Pay Act (NI) 1970 and Sex Discrimination (NI) Order 1976: See <http://www.legislation.gov.uk/apni/1970/32/contents> and

<http://www.legislation.gov.uk/nisi/1976/1042/contents>

<sup>12</sup> Disability Discrimination (NI) Order 2006: See <http://www.legislation.gov.uk/nisi/2006/312>

<sup>13</sup> Fair Employment and Treatment (NI) Order

1998: <http://www.legislation.gov.uk/nisi/1998/3162/contents>

<sup>14</sup> Race Relations (NI) Order 1997: See <http://www.legislation.gov.uk/nisi/1997/869>

<sup>15</sup> Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006: See <http://www.legislation.gov.uk/nisr/2003/497/contents/made> and <http://www.legislation.gov.uk/nisr/2006/439/contents/made>

<sup>16</sup> Employment Equality (Age) Regulations (NI) 2006:

<http://www.legislation.gov.uk/nisr/2006/261/contents/made>

<sup>17</sup> <http://www.legislation.gov.uk/nisi/1997/1180/contents>

<sup>18</sup> <http://www.legislation.gov.uk/nisi/2004/1991/introduction>

<sup>19</sup> As amended by the Criminal Justice (No 2) (Northern Ireland) Order 2004. See

<http://www.legislation.gov.uk/nisi/1987/463/contents>

<sup>20</sup> Section 75 of the Northern Ireland Act 1998 <http://www.legislation.gov.uk/ukpga/1998/47/section/75>

the desirability of promoting good relations on three grounds: religious belief, political opinion and race<sup>21</sup>. They also have statutory duties, under Section 49 of the Disability Discrimination (NI) Order 2006, to have due regard to the need to promote positive attitudes towards disabled people and encourage their participation in public life<sup>22</sup>.

- 1.14 In 1989, the Fair Employment Code of Practice recommended that employers, in order to advance equality of opportunity, should aim to:

*“promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion”<sup>23</sup>.*

- 1.15 In 2009, the Commission’s guide to ‘Promoting a Good and Harmonious Work Environment’ highlighted:

*“While the focus of this guidance is on religious belief and political opinion, it is hoped that the overarching principles for helping to promote and sustain a good and harmonious working environment may also be considered in terms of all aspects of identity where similar legal duties apply. For example, the principles may apply to harassment that is related to race, gender, disability, sexual orientation and age”<sup>24</sup>.*

- 1.16 This guide also notes progress made in relation to religious belief and political opinion following the introduction of the fair employment legislation:

*“in the intervening years, times have undoubtedly changed and much has been achieved. Indeed, in many workplaces these matters are no longer areas of significant contention”<sup>25</sup>.*

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<sup>21</sup> Ibid

<sup>22</sup> The ‘Disability Duties’: Section 49 of the Disability Discrimination (NI) Order 2006: <http://www.legislation.gov.uk/nisi/2006/312>

<sup>23</sup> ECNI (1989) Fair Employment in Northern Ireland Code of Practice. ECNI: Belfast p.16. Updated version available at: <https://www.equalityni.org/Employers-Service-Providers/Large-Business/Registration-and-monitoring/Fair-Employment-Code-of-Practice>

<sup>24</sup> ECNI (2009) Promoting a Good and Harmonious Working Environment. ECNI: Belfast p.2.

<sup>25</sup> ECNI (2009) Promoting a Good and Harmonious Working Environment. ECNI: Belfast p.2.

- 1.17 However, in 2018, the Commission’s Statement highlighted that prejudicial behaviours remain “*sectarianism is still present in the workplace in Northern Ireland*”<sup>26</sup> and “*people of the Muslim faith are at risk of prejudice both inside and outside the workplace*”<sup>27</sup>.
- 1.18 The Commission’s Statement also identified prejudicial behaviours towards people from other equality grounds as a key inequality, such as people with disabilities, women, Trans people, lesbian, gay and bisexual people, people from minority ethnic groups, and migrant workers<sup>28</sup>.

### ***Structure of Literature Review***

- 1.19 In order to enhance understanding of the issues and to identify barriers and solutions, this literature review summarises relevant evidence under the following themes:
- Societal prejudice and the workplace;
  - Workplace relationships and behaviours;
  - Workplace culture.
- 1.20 These themes are not mutually exclusive, with multiple barriers, for a range of equality groups, impacting the implementation of welcoming and inclusive workplaces in Northern Ireland.

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<sup>26</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. p.108. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>27</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. p.110. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>28</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. p.xi-xiii. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

## 2 Societal Prejudice in the Workplace

- 2.1 Societal prejudice and stereotyping is a structural inequality<sup>29</sup> that can have a major impact on the work environment and workplace culture.
- 2.2 The Commission's Statement on Key Inequalities in Employment in Northern Ireland highlighted the **key inequality**:  
*'Prejudicial attitudes both within and outside the workplace are experienced by people with disabilities, women, Trans people, lesbian, gay and bisexual people, people from minority ethnic groups, migrant workers and those of different religious beliefs'<sup>30</sup>.*
- 2.3 The following points illustrate evidence of how prejudicial attitudes and behaviours, including discrimination and harassment, affects particular groups within Northern Ireland society and may be brought into the workplace.

### ***Travellers, Other Ethnic Minorities and Newcomer Groups***

- 2.4 The Commission's recent "Equality Awareness Survey" (EQAS)<sup>31</sup> identified that, in Northern Ireland, negative attitudes were most likely to be held about those with minority ethnic or newcomer status, including, Travellers (19%); Roma (18%); asylum seekers and refugees (15%); migrant workers (11%); and minority ethnic groups (10%). Moreover, respondents were more likely to have negative attitudes toward having a Traveller as a work colleague (25%), a neighbour (33%) or a close relative (33%) than any other equality group.
- 2.5 In May 2018, the Police Service for Northern Ireland identified that reported racist incidents (n=1,025) and crimes (n=609) constituted the largest number of hate-related incidents and

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<sup>29</sup> Structural inequality refers to inequalities that are rooted and embedded in dominant social structures based on institutionalised notions of difference. See European Institute of Gender Equality's (EIGE) definition of structural gender inequality <http://eige.europa.eu/rdc/thesaurus/terms/1399>

<sup>30</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast p. xi. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>31</sup> ECNI (2018) Equality Awareness in Northern Ireland: General Public. ECNI: Belfast. Available at: <https://www.equalityni.org/Delivering-Equality/Equality-Awareness-Survey>

crimes between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018. However, the reporting of racist incidents and crimes had decreased overall from a peak of 1,356 incidents and 920 crimes in 2014/2015<sup>32</sup>.

## **Religious Belief**

- 2.6 The Commission's Statement highlighted that prejudicial attitudes toward those of different religious beliefs is present in Northern Ireland, particularly sectarianism<sup>33</sup> and islamophobia<sup>34</sup>,  
<sup>35</sup>
- 2.7 The EQAS demonstrated that the vast majority of people surveyed in 2016 held positive attitudes towards people of a different religious belief than them<sup>36</sup>. However, the Northern Ireland Life and Times (2017) survey reported that almost one in five (19%) respondents would prefer to live in a neighbourhood with people of only their own religion, if they had the choice. Almost 10 percent would also prefer a workplace with people of only their own religion if they were working and had to change your job<sup>37</sup>. Overall, the number of reported sectarian hate incidents and crimes has declined in the last decade<sup>38</sup>. Sectarianism represented the second most commonly reported hate incident or crime in Northern Ireland<sup>39</sup>; with 879 incidents and 576 crimes reported in 2017/18.
- 2.8 The Commission's Statement examined data from the 2007, 2015 and 2016 Northern Ireland Life and Times Surveys to

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<sup>32</sup> Police Service for Northern Ireland (2018) Incidents and crimes with a hate motivation recorded by the police in Northern Ireland: Quarterly update to 31 March 2018. PSNI: Belfast. Available at: <https://www.psni.police.uk/inside-psni/Statistics/hate-motivation-statistics/>

<sup>33</sup> Trademark ICTU Anti-sectarian Unit (2012) Sectarianism in the Workplace. Research on Sectarianism in the Private Sector Workplace. ICTU: Belfast.

<sup>34</sup> ARK. Northern Ireland Life and Time Survey, 2007. Attitudes to Minority Ethnic People. ARK, June 2008 and ARK. Northern Ireland Life and Time Survey, 2015. Attitudes to Minority Ethnic People. ARK, June 2016. See also Weller P (2011) Religious discrimination in Britain: A review of research evidence, 2000-10. EHRC: Manchester.

<sup>35</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. pp xiii. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>36</sup> ECNI (2018) Equality Awareness in Northern Ireland: General Public. ECNI: Belfast. Available at: <https://www.equalityni.org/Delivering-Equality/Equality-Awareness-Survey>

<sup>37</sup> ARK. Northern Ireland Life and Time Survey, 2017. Module: Community Relations. ARK, [https://www.ark.ac.uk/nilt/2017/Community\\_Relations/](https://www.ark.ac.uk/nilt/2017/Community_Relations/).

<sup>38</sup> Police Service for Northern Ireland (2018) Incidents and crimes with a hate motivation recorded by the police in Northern Ireland: Quarterly update to 31 March 2018. PSNI: Belfast. Available at: <https://www.psni.police.uk/inside-psni/Statistics/hate-motivation-statistics/>

<sup>39</sup> Police Service for Northern Ireland (2018) Incidents and crimes with a hate motivation recorded by the police in Northern Ireland: Quarterly update to 31 March 2018. PSNI: Belfast. Available at: <https://www.psni.police.uk/inside-psni/Statistics/hate-motivation-statistics/>

ascertain the levels of prejudice toward Muslims in Northern Ireland. Over a third (37%) of respondents stated that they would not accept Muslim as a colleague at work<sup>40</sup>. This represented an increase in negative attitudes of 10 percentage-points from 27% in 2007, but a decrease of 13 percentage-points from 50% in 2015<sup>41,42</sup>.

## ***Lesbian, Gay and Bisexual People***

- 2.9 Lesbian, gay and bisexual (LGB) people also experience prejudice and hostility in Northern Ireland<sup>43</sup>. However, between 2008 and 2016 positive attitudes toward LGB people have increased in Northern Ireland from 57% to 83%<sup>44</sup>. That said, around one in ten respondents to the EQAS reported negative attitudes toward having an LGB person as a work colleague (9%), a neighbour (10%) and 14% reported negative attitudes toward having an LGB person married to a close relative<sup>45</sup>.
- 2.10 While Northern Ireland society has become less negative toward LGB people, aspects of society can still appear quite hostile, with 15% of LGB respondents in Northern Ireland, surveyed in 2016, reporting that they have experienced a hate-related crime<sup>46</sup>. This survey also identified that LGB&T respondents are less likely to report hate crime than non-hate-related crime<sup>47</sup>.

## ***Trans People***

- 2.11 The Commission's Statement also identified that Trans people face ignorance and hostility within and outside the workplace<sup>48</sup>.

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<sup>40</sup> ARK. Northern Ireland Life and Time Survey, 2016. Attitudes to Minority Ethnic People. ARK, June 2017.

<sup>41</sup> ARK. Northern Ireland Life and Time Survey, 2007. Attitudes to Minority Ethnic People. ARK, June 2008.

<sup>42</sup> ARK. Northern Ireland Life and Time Survey, 2015. Attitudes to Minority Ethnic People. ARK, June 2016.

<sup>43</sup> ECNI (2018) Equality Awareness in Northern Ireland: General Public. ECNI: Belfast. Available at: <https://www.equalityni.org/Delivering-Equality/Equality-Awareness-Survey>

<sup>44</sup> ECNI (2018) Equality Awareness Survey 2016: General Public. ECNI: Belfast.

<sup>45</sup> ECNI (2018) Equality Awareness Survey 2016: General Public. ECNI: Belfast.

<sup>46</sup> O'Doherty J (2016) OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project: Belfast.

<sup>47</sup> O'Doherty J (2016) OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project: Belfast.

<sup>48</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

In 2012, the Trans Mental Health Study<sup>49</sup> reported that over 90% of Trans respondents had been told that they were “*not normal*”, 80% had experienced silent harassment, while 73% had been verbally harassed.

- 2.12 The EQAS identified prejudice toward Trans people, with a minority of respondents holding negative attitudes about having a Trans person married to a close relative (22%), as a neighbour (15%) or a work colleague (14%). However, between 2011 and 2016 attitudes toward Trans people have become substantially more positive<sup>50</sup>.
- 2.13 Nevertheless, in 2016, O’Doherty identified that over half (57.1%) of Trans respondents to an online survey in Northern Ireland reported having experienced a hate crime in the last three years. While based on a small sample size (n=28) these results are consistent with a 2017 survey of Trans people<sup>51</sup> in Great Britain (n=871) which identified that two in five Trans people (41%) and three in ten non-binary people (31%) have experienced a transphobic hate crime or incident in the last twelve months.

## ***People with Disabilities***

- 2.14 The Commission’s Statement<sup>52</sup> identified that people with disabilities experience prejudice and discrimination both within and outside the workplace.
- 2.15 Previous research has indicated that prejudice toward people with disabilities is often based on stereotyping them “*as suffering personal tragedies, being unable to care for themselves and consequently in need of care and protection*”<sup>53</sup>. Further, the evidence suggests that people with disabilities are

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<sup>49</sup> McNeil J, Bailey L, Ellis S, Morton J and Regan M (2012) Trans Mental Health Study 2012. Scottish Transgender Alliance: Edinburgh. Available from [www.scottishtrans.org](http://www.scottishtrans.org)

<sup>50</sup> In 2011, a large minority of respondents held negative attitudes toward having a trans person as a work colleague (35%) and a neighbour (40%); while over half (53%) of respondents held negative attitudes toward having a trans person as a close relative by marriage.

<sup>51</sup> Identified as part of a large-scale survey of 5,375 LGB&T people across Great Britain. Stonewall (2017) LGBT in Great Britain: Trans Report. Stonewall: London. Available at: <https://www.stonewall.org.uk/lgbt-britain-trans-report>

<sup>52</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. p.31. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>53</sup> Fickelstein V (1980) Attitudes and Disabled People: Issues for Discussion. Monograph Number 5. International Exchange of Information in Rehabilitation. World Rehabilitation Fund: New York.

perceived to be of lower social status<sup>54</sup> and attitudes toward them include pity, admiration, awkwardness and low expectations<sup>55</sup>.

- 2.16 The Commission's Statement<sup>56</sup> highlighted that such stigma and prejudice may represent a major barrier to disabled people's participation in employment. Moreover, attitudes towards people with particular disabilities, including mental ill health and learning disabilities, can be particularly negative and associated with a lack of understanding and fear<sup>57</sup>.
- 2.17 The Equality Awareness Survey identified that respondents were more likely to hold negative attitudes toward a person with mental ill health as a work colleague (10%), neighbour (11%), or if married to a close relative (14%) than people with a physical or learning disability (both 3%, 2%, 3% respectively).

## **Women**

- 2.18 Prejudice toward women is often under-pinned by traditional stereotypes and gendered social values and norms<sup>58</sup>. The proportion of women in work has increased in the last decade<sup>59</sup>. However, evidence from across Europe suggests that society continues to associate women with the role of homemaker and carer, and stereotypically perceives women as less capable and competent in other socioeconomic and political spheres of life<sup>60</sup>. The Commission has highlighted that women remain

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<sup>54</sup> See National Disability Authority (2006) Literature Review on Attitudes towards Disability. Disability Research Series 9. NDA: Dublin; and Fickelstein V (1980) Attitudes and Disabled People: Issues for Discussion. Monograph Number 5. International exchange of Information in Rehabilitation. World Rehabilitation Fund: New York.

<sup>55</sup> See Abrams D (2010) processes of prejudice: Theory, evidence and intervention. Equality and Human Rights Commission: Manchester

<sup>56</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. p.32. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>57</sup> For example, see Scope (2014) Current attitudes towards disabled people. Scope: UK, p.11.

<sup>58</sup> See Abrams D (2010) processes of prejudice: Theory, evidence and intervention. Equality and Human Rights Commission: Manchester

<sup>59</sup> See ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>; and NISRA (2017) Women in Northern Ireland 2017. NISRA: Belfast. Available at: <https://www.nisra.gov.uk/news/women-northern-ireland-2017>

<sup>60</sup> See European Institute for Gender Equality (EIGE) (2013) A study of collected narratives on gender perceptions in the 27 EU Member States - Synthesis report. EIGE: Lithuania.

under-represented in elected positions in Northern Ireland and within government appointments<sup>61</sup>.

- 2.19 Research<sup>62 63</sup> has indicated a slow shift in gender stereotypes over the last decades throughout Europe, with a move towards the dual earner/dual carer model, greater respect for women and a rejection of negative models of masculinity by men. This is reflected in the emergence of global movements such as ‘#TimesUp’<sup>64</sup> and ‘#MeToo’<sup>65</sup>, which reject sexual harassment and violence against women, particularly in the workplace.

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<sup>61</sup> ECNI (2018) Statement on Key Inequalities in Participation in Public Life. ECNI: Belfast. Available at: <https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Participation-in-public-life/Research-investigations>

<sup>62</sup> European Institute for Gender Equality (EIGE) (2017) Gender Equality Index 2017: Measuring gender equality in the European Union 2005-2015. EIGE: Lithuania.

<sup>63</sup> European Institute for Gender Equality (EIGE) (2013) A study of collected narratives on gender perceptions in the 27 EU Member States - Synthesis report. EIGE: Lithuania, p.185.

<sup>64</sup> See: <https://www.timesupnow.com/>

<sup>65</sup> See: <https://metoomvmt.org/>

## 3 Workplace Relationships and Behaviours

- 3.1 The Commission's Statement highlighted that for many equality groups the experience of prejudicial attitudes is a key inequality impacting on their participation in employment.
- 3.2 The previous section briefly outlined the societal prejudices and stereotypes placed upon a range of equality groups. As prejudice and stereotyping are pervasive throughout society, they may lead to, often unintentional, biases within the workplace<sup>66</sup>; including structural institutional biases<sup>67</sup>. In addition, where prejudice and negative attitudes remain unchallenged, they may act as seedbeds for the growth of discrimination, inequality, and sometimes hostility within the workplace<sup>68</sup>.
- 3.3 This section highlights issues related to:
- unintentional bias based on stereotyping;
  - discrimination and harassment;
  - fear of disclosure and afraid to speak out; and
  - 'chill factors' in the work environment.
- 3.4 It also highlights evidence which focuses on how the ineffective management of attitudes and behaviours within the workplace tends to impact on equality groups.

### ***Unintentional Bias Based on Stereotyping***

- 3.5 Hidden or unintentional bias arising from negative stereotypes or the prejudicial attitudes of employers may impact on the employment experiences of many different equality groups.

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<sup>66</sup> Smith AN, Brief AP and Collela A (2010) Bias in Organisations. In Davidio JF, Hewstone M, Glick P and Esses VM (2010) The Sage Handbook of Prejudice, Stereotyping and Discrimination. Sage Publishing Ltd: London

<sup>67</sup> Institutional bias is defined as "those established laws, customs, and practices which systematically reflect and produce group-based inequities in any society". See Henry PJ (2010) Institutional Bias. In Davidio JF, Hewstone M, Glick P and Esses VM (2010) The Sage Handbook of Prejudice, Stereotyping and Discrimination. Sage Publishing Ltd: London.p.427.

<sup>68</sup> Abrams, D (2010) Processes of prejudice: Theory, evidence and intervention. Equality and Human Rights Commission: Manchester.

- 3.6 The Commission's Statement identified prejudicial attitudes among some employers as a key barrier to people with disabilities participating in and progressing in employment<sup>69</sup>. British and UK-based studies<sup>70 71 72</sup> have highlighted that employer attitudes to people with disabilities reflect prejudice in society, with employers perceiving people with disabilities to be less capable and less productive compared to people without disabilities. In 2011, a quantitative study of small and medium employers (SME) in Great Britain found employers highlighted risks to productivity as one key factor in their uncertainty around employing (more) disabled people<sup>73</sup>.
- 3.7 Women also experience bias from employers and/or managers in the workplace based on stereotyping. The Commission's Statement<sup>74</sup> highlighted that many pregnant workers and mothers in Northern Ireland reported negative or inappropriate comments directed at them by employers or managers. Many of these comments reflected stereotypical assumptions about a women's commitment to work and career, given the traditional role of women as homemaker and carer<sup>75</sup>.
- 3.8 The Commission's formal investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces highlighted that negative attitudes have the potential to impact on employer or manager behaviours. Many women reported being overlooked for promotion or otherwise sidelined in their employment because of their pregnancy or childcare responsibilities<sup>76</sup>.

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<sup>69</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.31-33. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>70</sup> Staniland, L. (2009) Public perceptions of disabled people: Evidence from the British Social Attitudes Survey 2009. ODI: London.

<sup>71</sup> Scope (2014) Current Attitudes towards disabled people. Scope: UK.

<sup>72</sup> See Abrams D, Swift HJ and Mahmood L (2016) Prejudice and unlawful behaviour: Exploring levers for change. Research report 101. EHRC: Manchester.

<sup>73</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people's experiences. EHRC: Manchester p64.

<sup>74</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.57. Available at <https://www.equalityni.org/KeyInequalities-Employment>

<sup>75</sup> ECNI (2016) 'Expecting Equality - Summary Report: A Formal Investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces' Equality Commission for Northern Ireland, Belfast. p.80-85.

<sup>76</sup> ECNI (2016) Expecting Equality - Summary Report: A Formal Investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces

- 3.9 Hidden bias elicited by physical difference has been found to impact on the employment of ethnic minority and migrant workers.
- 3.10 The Commission’s Statement<sup>77</sup> highlighted that one of the key barriers to employment among Travellers was perceived bias from employers, with these ascribed to prejudicial attitudes inferred from an Irish Traveller’s ‘*accent, address and name*’<sup>78</sup>. Cemlyn et al. (2009) reported that “*evidence from across the UK indicates that Gypsies and Travellers who live on a site, or who are known to be members of local Gypsy or Traveller families, encounter discrimination when applying for paid work*”<sup>79</sup> and “*examples abound of people not being called for interviews or of jobs being mysteriously filled*”<sup>80</sup>.
- 3.11 Visible differences can be sufficient to ascribe bias against ethnic minority and migrant worker groups. Irwin, McAreavey and Murphy (2014) identified that “*visible ethnic markers such as skin colour, dress and language were perceived to result in differential treatment among the ethnic minority population as compared to the majority communities*”<sup>81</sup>.
- 3.12 Unintentional bias arising from prejudicial attitudes may also impact on the recruitment of ethnic minority people and/or migrant workers and refugees. Wood and Wybron (2015) report that ‘*prejudice, stereotyping or hidden biases within recruitment processes*’<sup>82</sup> can act as a barrier to employment for migrant workers and minority ethnic people. Their research cites an example from a study conducted by the Department for Work and Pensions in 2009, which found that ‘*a CV with a white British name secured an interview in every nine applications, compared with one in every 16 applications for more obviously ethnic minority names*’<sup>83</sup>.

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<sup>77</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.82-83. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>78</sup> British-Irish Parliamentary Assembly (2014) [Report from Committee D \(Environmental and Social\) on Travellers, Gypsies and Roma: access to public services and community relations](#). Page 4.

<sup>79</sup> Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z. and Whitwell C. (2009) [Research Report 12: Inequalities experienced by Gypsy and Traveller Communities: A review](#). Page 41.

<sup>80</sup> Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z. and Whitwell C. (2009) [Research Report 12: Inequalities experienced by Gypsy and Traveller Communities: A review](#). Page 41.

<sup>81</sup> Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.

<sup>82</sup> Wood, C. and Wybron, I. (2015) [Entry to, and progression in, work](#). Page 3.

<sup>83</sup> Wood, C. and Wybron, I. (2015) [Entry to, and progression in, work](#). Page 6.

## ***Discrimination and Harassment***

3.13 The Commission's Statement<sup>84</sup> highlighted prejudicial behaviours in the workplace that could be considered unfair or hostile toward equality groups, with some that could fall within the legal definition of discrimination, harassment and victimisation under anti-discrimination law.

### Unfair Treatment and Discrimination

3.14 In 2015, Winterbotham, Oldfield, Stewart and Rossiter identified that, despite the high proportion of small to medium employers (SMEs) reporting they understood their legal obligations, over half (55%) said that they would take certain equality characteristics such as disability (37%), age (29%) and pregnancy (17%) into account when recruiting<sup>85</sup>.

3.15 The Commission's Statement highlighted that between 20% and 50% of people with a disability feel that they faced unfair treatment and discrimination in employment<sup>86</sup>. Disability-related discrimination complaints represent the highest number of enquiries, with respect to employment, to the Equality Commission's Discrimination Advice Team<sup>87</sup>.

3.16 In 2013, Coleman, Sykes and Groom highlighted that "*unfair treatment of and discrimination against disabled people takes a variety of forms, most commonly: the type of work disabled people are given, being ignored, working hours, assessment of work performance or appraisal and workload*"<sup>88</sup>. In addition, they found<sup>89</sup> that the vast majority of respondents<sup>90</sup> named an employer or manager as the person responsible for unfair treatment at work.

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<sup>84</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>85</sup> Winterbotham M, Oldfield K, Stewart G and Rossiter H (2015) Fairness, dignity and respect in SME workplaces. Equality and Human Rights Commission: Manchester.

<sup>86</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.33. Available at [www.equalityni.org](http://www.equalityni.org)

<sup>87</sup> Between April 2017 and March 2018, the Commission received 1048 employment-related legal enquiries on the grounds of disability (excluding SENDO). Enquiries on the grounds of disability represented 42.9% of total employment enquiries (n=2441) received during this period and the highest number of enquiries received on any of the equality grounds.

<sup>88</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people's experiences. EHRC: Manchester p.46.

<sup>89</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people's experiences. EHRC: Manchester p. 52.

<sup>90</sup> 68% to the Fair Treatment at Work Survey and 78% to the Life Opportunities Survey.

- 3.17 The Commission’s Statement highlighted that among people with disabilities, experiences of unfair treatment and discrimination have included: being treated differently to non-disabled work colleagues, being denied equal opportunity to development and promotion opportunities in their career, and being unfairly assessed in terms of their performance<sup>91</sup>.
- 3.18 This can be amplified in particular circumstances, for example, Wilkes (2017) noted that several respondents reported that they had experienced unfair treatment as a result of disclosing their disability to their manager and colleagues. This included “*several cases of negative comments and abusive language being directed towards participants by colleagues*”<sup>92</sup>. Moreover, the research found that people with mental health conditions or progressive illnesses who had been off on long-term absence “*felt that they were victims of gossip and often felt isolated and uncomfortable in the presence of colleagues*”<sup>93</sup>.
- 3.19 Women also experience unfair treatment from, and discrimination by, employers. The Commission’s Statement<sup>94</sup> noted that the second highest number of enquiries / applications for legal assistance received by the Commission in relation to employment complaints are in relation to sex discrimination, particularly pregnancy and maternity<sup>95</sup>.
- 3.20 The Commission’s formal investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces<sup>96</sup> highlighted that 36% of the pregnant women and mothers who responded believed that they had been treated unfairly or disadvantaged at work as a result of their pregnancy or having taken maternity leave. This included: being overlooked for promotion or otherwise side-lined; dilution of work responsibilities; being denied training; and actions which impact

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<sup>91</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.33. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>92</sup> Wilkes M (2017) Let’s talk: Improving conversations about disability at work. Scope and Leigh Day: London.

<sup>93</sup> Adams L and Oldfield K (2012) Opening up work: The views of disabled people and people with long-term health conditions. EHRC Research Report No. 77. EHRC: Manchester p26.

<sup>94</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.57. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>95</sup> Between April 2017 and March 2018, the Commission received 712 employment-related legal enquiries on the grounds of sex. Enquiries on the grounds of sex represented 29.2% of total employment enquiries (n=2441) received during this period and the second highest number of enquiries received on any of the equality grounds.

<sup>96</sup> ECNI (2016) Expecting Equality - Summary Report: *A Formal Investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces*

negatively on earnings such as, changes to working hours, non-payment or reduction of pay rise or bonus payments. In addition, some women who reported unfair treatment and discrimination in the Commission's investigation also faced negative and inappropriate comments<sup>97</sup>.

- 3.21 Furthermore, the Commission's investigation found that many pregnant women and mothers experienced unfair treatment that was often systematic and subtle, such as being "*removed from specific projects*" or "*sidelined from responsibilities, key clients and important areas of work they had previously been tasked with*"<sup>98</sup>. Unlike male colleagues, those who failed to gain promotion or were sidelined believed they "*were expected to accept that there was a choice to be made between parenthood and a rewarding career path*"<sup>99</sup>.
- 3.22 The Commission's Statement<sup>100</sup> highlighted that there is a perception by ethnic minority communities and migrant workers that they are treated unequally by employers, managers and supervisors as "*evidenced through less access to overtime or an expectation that they would do more difficult chores than others or being offered unwanted shifts*"<sup>101</sup>.
- 3.23 Research has indicated that for many people who experience unfair treatment in the workplace, an unsupportive workplace environment has been a particular issue, with work colleagues not challenging unfair treatment by employers<sup>102</sup> and/or employers not being effective at challenging unfair treatment within their organisation<sup>103</sup>.

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<sup>97</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.57. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>98</sup> ECNI (2016) 'Expecting Equality-Summary Report *A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces*' Equality Commission for Northern Ireland, Belfast p71

<sup>99</sup> ECNI (2016) 'Expecting Equality-Summary Report *A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces*' Equality Commission for Northern Ireland, Belfast p82.

<sup>100</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.82-83. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>101</sup> McAreavey (2014) Poverty, ethnicity and international migrants to Northern Ireland: new opportunities or new vulnerabilities? KESS. Northern Ireland Assembly: Stormont. p4.

<sup>102</sup> See Irwin J, McAreavey R and Murphy N (2014) *The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland*. JRF: York.

<sup>103</sup> See EHRC (2018) *Turning the Tables: Ending sexual harassment at work*. EHRC: Manchester.

## Hostility and Harassment

- 3.24 Emotions are a key component of prejudice and can motivate different behavioural manifestations of prejudice<sup>104</sup>. It has been suggested that people who feel anger or threat associated with a prejudice are more likely to act aggressively and punitively, whereas fear results in avoidance of contact with a group<sup>105</sup>.
- 3.25 In 2018, the Equality and Human Rights Commission (EHRC) in Great Britain highlighted that “*sexual harassment in the workplace reflects power imbalances based on gender and is part of a spectrum of disrespect and inequality that women face in everyday life*”<sup>106</sup>.
- 3.26 An Irish survey of 210 Trans people by Transgender Equality Network Ireland (TENI) found: “*43% of respondents*<sup>107</sup> *reported experiencing problems in work due to being trans or having a trans history*”<sup>108</sup>; 14% of respondents reported “*workplace harassment or discrimination*”; 9% had “*been unfairly fired, dismissed or laid off*”; while, a further 9% had “*left a job due to harassment or discrimination with no other work to go to*”<sup>109</sup>.
- 3.27 Harassment on the grounds of race and religious belief is also present in the workplace<sup>110</sup>. A study of employees in a private sector retail organisation reported that 44% of those who had experienced some form of harassment experienced sectarian harassment, while nearly a quarter (23%) experienced racially based harassment<sup>111</sup>. Minority ethnic groups are subject to hostility and harassment<sup>112</sup>, with ethnic minority workers

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<sup>104</sup> Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.

<sup>105</sup> Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.

<sup>106</sup> EHRC (2018) Turning the Tables: Ending Sexual Harassment at Work. EHRC: Manchester p3.

<sup>107</sup> McNeil J, Bailey L, Ellis S and Regan M. (2013) Speaking from the Margins: [Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland. Page 42

<sup>108</sup> McNeil J, Bailey L, Ellis S and Regan M. (2013) Speaking from the Margins: [Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland. Page 42

<sup>109</sup> McNeil J, Bailey L, Ellis S and Regan M. (2013) Speaking from the Margins: [Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland. Page 42

<sup>110</sup> For example, Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.p36. and Hudson M and Radu D (2011) The role of employer attitudes and behaviour. JRF programme paper: Poverty and Ethnicity. JRF: York.

<sup>111</sup> Trademark ICTU Anti-sectarian Unit (2012) *Sectarianism in the Workplace. Research on Sectarianism in the Private Sector Workplace*.

<sup>112</sup> For example, Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.p36. and Hudson M and Radu D (2011) The role of employer attitudes and behaviour. JRF programme paper: Poverty and Ethnicity. JRF: York.

describing fear and intimidation at work, discrimination, a lack of employment rights and poor and sometimes unsafe working conditions.

- 3.28 Lesbian, gay and bisexual (LGB) employees may also be at risk of hostility and harassment in the workplace<sup>113</sup>. Around half of female (52%) and male (49%) respondents to an online survey of LGBT people reported, *“having heard negative comments about LGB&T people in the workplace”*<sup>114</sup>.

### Victimisation

- 3.29 Victimisation is defined in anti-discrimination legislation and protections as discrimination where a person (“X”) treats another person (“Y”) less favourably than they treat or would treat other persons because: Y has made allegations, brought or given evidence or done anything, under or with reference to equality statutes against X or another person; or because X suspects that Y, has done or intends to do any of the above<sup>115</sup>.
- 3.30 Victimisation of employees who have made a complaint may be associated with a negative workplace culture where discrimination and harassment is normalised and reporting is inhibited<sup>116</sup>. It may also reflect the existence of a power imbalance as fear of victimisation is *“particularly acute where the alleged perpetrator held decision-making power”*<sup>117</sup>.
- 3.31 The EHRC (2018) in Great Britain reported that a number of respondents to its study on sexual harassment described, *“being threatened that their career could be damaged if they pursued their complaint, or said they had been disciplined or lost their job as a direct consequence of reporting. In a number of incidences, people said they were blamed for the harassment taking place or felt punished by being moved to another department or role when the alleged perpetrator was left in their existing role”*<sup>118</sup>.

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<sup>113</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. p.131-136. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>114</sup> O’Doherty J (2016) OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow project: Belfast. p.66.

<sup>115</sup> ECNI (2009). Appendix 3: Definition of Victimisation (all equality characteristics). In: *A unified guide to promoting equal opportunities in employment*. p88. ECNI: Belfast.

<sup>116</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. p8. EHRC: Manchester.

<sup>117</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. p5. EHRC: Manchester.

<sup>118</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester p6.

- 3.32 People with disabilities also experience what has been described as victimisation due to disclosure. Wilkes (2017)<sup>119</sup> indicated that several respondents to Scope's study had experienced being '*passed over*' for promotion, negative comments and abusive language as a result of telling their manager and colleagues they had a disability.

### ***Fear of Disclosure and Afraid to Speak Out***

- 3.33 Fear of disclosure reflects a negative workplace culture, in that an individual's silence reflects a lack of trust in their employer or workplace environment and a fear of being treated unfairly treated or victimised if they disclose<sup>120</sup>.
- 3.34 The Commission's Statement<sup>121</sup> highlighted that lesbian, gay and bisexual people and Trans people were often reluctant to reveal their sexual identity or gender identity respectively in the workplace due to fears of victimisation. In 2016, O'Doherty revealed that over a third (35.3%) of male respondents and over a fifth (21%) of female respondents in Northern Ireland felt that being open about their sexual orientation would have a negative impact on career progression<sup>122</sup>. LGB&T respondents living in rural areas were almost twice as likely (41%) to report that being open about their sexual orientation and/or gender identity would have a negative impact on their workplace progression<sup>123</sup>
- 3.35 Fear of discrimination and harassment may also lead to lack of disclosure among people with disabilities. Research has found that fears of negative reactions from colleagues sometimes prevented people with disabilities requesting reasonable adjustments or created anxiety for people returning to work after sick absence.<sup>124</sup>

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<sup>119</sup> Wilkes M (2017) Let's talk: Improving conversations about disability at work. Scope and Leigh Day: London.

<sup>120</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester

<sup>121</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. Page 105. Available at [www.equalityni.org](http://www.equalityni.org)

<sup>122</sup> O'Doherty J (2016). [OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project](#): Belfast, Page 65.

<sup>123</sup> O'Doherty J (2016). [OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project](#): Belfast, Page 65.

<sup>124</sup> Adams L and Oldfield K (2012) Opening up work: The views of disabled people and people with long-term health conditions. EHRC Research Report No. 77. EHRC: Manchester p27.

- 3.36 In 2017, a study by Scope<sup>125</sup> found that nearly half of disabled people (48%) have worried about telling their employers about their impairment because of risks to employment opportunities, negative attitudes, underestimation of capability, and being singled out or treated differently.
- 3.37 However, disclosure is often necessary to enable an employer to manage that employee effectively. Coleman, Sykes and Groom (2013) reported that “*some employers fear that disclosure of disability occurs only when something ‘goes wrong’ in the workplace when it might be too late for a solution to be found*”<sup>126</sup>, noting that “*disclosure is necessary for employers to make adjustments*”<sup>127</sup>. In 2017, Wilkes also highlighted that “*by establishing an environment where disabled people staff feel able to start conversations about disability, employers will be better placed to support their staff to reach their potential*”<sup>128</sup>.
- 3.38 The Commission’s Statement on employment inequalities highlighted that people who experience discrimination or harassment in employment are often afraid to speak out about their experiences<sup>129</sup>.
- 3.39 Rogers and Scullion (2014) reported that many respondents from minority ethnic groups, who had negative experiences in the workplace, were either afraid or unable to voice their concerns “*whether due to fear of losing their job, negative reactions or a lack of English language skills*”<sup>130</sup>.
- 3.40 A Trademark (2012) study of employees in the private sector in Northern Ireland reported: while some employees felt intimidated by low level sectarianism in the workplace, they were reluctant to speak up about the harassment they received

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<sup>125</sup> Wilkes M (2017) Let’s talk: Improving conversations about disability at work. Scope and Leigh Day: UK.

<sup>126</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p63

<sup>127</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p63

<sup>128</sup> Wilkes M (2017). Let’s talk: Improving conversations about disability at work. Scope: UK p10.

<sup>129</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. Available at [www.equalityni.org](http://www.equalityni.org)

<sup>130</sup> Rogers, S. and Scullion, G. (2014) [Voices for Change. Mapping the views of black and minority ethnic people on integration and their sense of belonging in Northern Ireland](#). Page 40.

believing it was “*hard to prove and held the potential for further victimisation*”<sup>131</sup>.

- 3.41 Respondents cited that the situation was negatively affected “*where management do not just collude but support and encourage, [where] it is entirely acceptable to isolate, exclude and harass minority workers*”<sup>132</sup>.
- 3.42 The Commission’s Statement highlighted that some employees are fearful of potential discrimination due to societal prejudice or past negative experiences. For example, fears of discrimination and harassment present a barrier to employment for Trans people. McNeil et al. (2013) reported that 14% of Irish respondents had been “*unfairly turned down for a job*” and 8% had “*not applied for certain jobs due to fears of workplace harassment or discrimination*”<sup>133</sup>. Further, 7% of respondents had “*not provided references from a previous job because of gender history*” and 3% had “*declined a job offer due to fears of workplace harassment or discrimination*”<sup>134</sup>.

### **‘Chill’ Factors in the Work Environment**

- 3.43 The Commission’s guidance on *Promoting a Good & Harmonious Working Environment*<sup>135</sup> recognises that aspects of the work environment may create a ‘chill’ factor, where employees feel uncomfortable, unwelcome or intimidated due to membership of a particular equality group.
- 3.44 The Commission’s guidance on promoting a good and harmonious working environment in Northern Ireland, noted that for some there are “*some individual emblems and symbols that, through their history and associations, and whether intended or not, have come to have a significance that has the potential to make those of a different identity feel uncomfortable or unwelcome*”<sup>136</sup>. The display of such symbols and emblems

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<sup>131</sup> Trademark ICTU Anti-sectarian Unit (2012) *Sectarianism in the Workplace. Research on Sectarianism in the Private Sector Workplace*. Page 15.

<sup>132</sup> Trademark ICTU Anti-sectarian Unit (2012) *Sectarianism in the Workplace. Research on Sectarianism in the Private Sector Workplace*. Page 16.

<sup>133</sup> McNeil J, Bailey L, Ellis S and Regan M. (2013) Speaking from the Margins: [Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland. Page 42.

<sup>134</sup> McNeil J, Bailey L, Ellis S and Regan M. (2013) Speaking from the Margins: [Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland. Page 42.

<sup>135</sup> See ECNI (2009) providing a good and harmonious working environment. ECNI: Belfast

<sup>136</sup> See ECNI (2009) providing a good and harmonious working environment. ECNI: Belfast.p.4. For example: Football shirts, e.g. Rangers and Celtic; badges and insignia linked to paramilitary or

may create a workplace environment which may not be overtly discriminatory but still may be intimidating due to its symbolism.

- 3.45 ‘Chill’ factors in the workplace are not limited to symbols and emblems, other factors can create an intimidating work environment, such as workplace “*banter*”<sup>137</sup>. Some respondents to the EHRC’s 2018 report on sexual harassment<sup>138</sup> described a “*laddish*” culture in the workplace, including highly sexualised language and behaviour. The report highlighted that such an environment encourages sexual harassment and inhibits reporting, with sexualised behaviour considered as “*merely ‘a bit of fun’ or ‘as boys being boys’*”<sup>139</sup>.
- 3.46 In addition, everyday prejudice and subtle discrimination may impact on the workplace environment, influencing everyday interactions and creating a ‘chill’ factor or negative workplace experience for many equality groups.
- 3.47 Everyday prejudice is commonly articulated by the concepts of ‘everyday sexism’ and ‘everyday racism’. Hudson and Radu (2011) described ‘everyday racism’ as involving “*systematic and recurrent practices that can be hidden from view*”<sup>140</sup>. They indicated that examples of ‘everyday racism’ “*include hiring ‘token’ blacks and making assumptions that minority job applicants lack confidence*”<sup>141</sup>.
- 3.48 Irwin et al (2014) reported that ethnic minorities in Northern Ireland perceive “*significant levels of racism*” in the workplace and this “*was not necessarily something that was overt*”<sup>142</sup>. For example, this may involve organisations directing ethnic minorities or migrant workers toward employment below their skill level. Irwin et al. (2014) suggested, “*this leads to a perception among the majority ethnic communities that these*

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political organisations, e.g. buttonholes, tattoos; badges and insignia, e.g. Easter Lillies, Orange symbols; posters, displays, tracts, emblems, screensavers, ringtones etc. linked to the above.

<sup>137</sup> ECNI (2009) Providing a good and harmonious working environment. ECNI: Belfast. p.4.

<sup>138</sup> ECNI (2016) ‘Expecting Equality-Summary Report A Formal Investigation into the treatment of pregnancy workers and mothers in Northern Ireland workplaces’ Equality Commission for Northern Ireland, Belfast

<sup>139</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester.

<sup>140</sup> Hudson M and Radu D (2011) The role of employer attitudes and behaviour. JRF: York. p7.

<sup>141</sup> Hudson M and Radu D (2011) The role of employer attitudes and behaviour. JRF: York. p7.

<sup>142</sup> Irwin, J., McAreavey, R. and Murphy, N. (2014) [The economic and social mobility of ethnic minority communities in Northern Ireland](#). JRF: York p38.

*are the types of jobs that ethnic minority communities are content to undertake*<sup>143</sup>.

### ***Ineffective Management***

- 3.49 This section has highlighted the impact societal prejudices and stereotypes may have on workplace relationships and how these may impact the workplace environment, particularly for Trans people, women, ethnic minorities and migrant workers, people with disabilities and those with caring responsibilities.
- 3.50 The final part of this section highlights issues relating to the management of working environments on the workplace experiences of equality groups. In almost all cases, the evidence illustrate the effects of ‘ineffective management practices’ as follows:
- knowledge and understanding of diversity in the workforce;
  - managing relationships in a diverse workforce;
  - managing incidents of bullying, harassment and discrimination; and
  - managing customer and client prejudice.

### **Knowledge and Understanding of Diversity in the Workforce**

- 3.51 The Commission’s Statement highlighted that ignorance of Trans issues and lack of knowledge among employers of how to handle issues that arise with employees, customers and clients can impact on the experiences of Trans people in the workplace<sup>144</sup>. UK-based research conducted with employers by Metcalf and Rolfe (2011) reported that *‘in general, there is substantial ignorance about transgender and hostility towards transgender people’* and that employers are often at a loss as to how to proceed with Trans issues in the workplace<sup>145</sup>.
- 3.52 In 2013, Coleman, Sykes and Groom reported that employers in a study of SMEs *“lacked detailed information and knowledge*

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<sup>143</sup> Irwin, J., McAreavey, R. and Murphy, N. (2014) [The economic and social mobility of ethnic minority communities in Northern Ireland](#). JRF: York p40.

<sup>144</sup> See ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. p.65-66. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>145</sup> This research conducted qualitative interviews with 27 employers. Metcalf, H. and Rolfe, H. (2011) [Barriers to employers in developing lesbian, gay, bisexual and transgender - friendly workplaces](#).

*on specific health conditions which they thought made it difficult for them to judge the ability of a disabled applicant to carry out any specific role”<sup>146</sup>.*

- 3.53 The level of competency in managing equality issues can also impact on the workplace environment and culture experienced by ethnic minorities, migrant workers and refugees. Irwin et al (2014) reported that ethnic minority and migrant worker employees had both positive and negative experiences of cultural competency by employers<sup>147</sup>. Although employers interviewed were “*mindful of the need for awareness of cultural competency and to avoid ‘cultural blindness’.....there was little evidencing of any practical measures or steps that were being taken to ensure the organisation remained ‘culturally competent’*”<sup>148</sup>.

### Managing Relationships in a Diverse Workforce

- 3.54 Ineffective management can also lead to negative relationships between employees.
- 3.55 Women and people with caring responsibilities report a lack of understanding and even resentment from colleagues with regards to flexible working due to caring responsibilities<sup>149</sup>.
- 3.56 Research in Great Britain<sup>150</sup> has indicated that resentment may result from ineffective management of flexible working teams with negative feelings caused by “*the frustrations with ‘taking up the slack’ created by flexible workers*” and sometimes a perceived lack of fairness and consistency in the provision of flexibility by management.
- 3.57 Similarly, in regard to pregnancy and maternity, a survey undertaken by YouGov (2017) on behalf of the EHRC found that over half (51%) agreed that there is *sometimes resentment*

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<sup>146</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p63.

<sup>147</sup> Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York. p52.

<sup>148</sup> Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York. p53.

<sup>149</sup> See ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast; CarersUK (2016) State of Caring 2016. CarersUK: London p14 and Clarke S and Holdsworth L (2017) Flexibility in the Workplace: Implications of flexible work arrangements for individuals, teams and organisations. ACAS: Manchester.

<sup>150</sup> Clarke S and Holdsworth L (2017) Flexibility in the Workplace: Implications of flexible work arrangements for individuals, teams and organisations. ACAS: Manchester. p.31.

*among employees within the company towards women who are pregnant or on maternity leave*<sup>151</sup>.

- 3.58 In 2012, Adams and Oldfield's<sup>152</sup> research on the experiences of disabled people in the workplace in Great Britain found that people with disabilities "*often felt that colleagues were resentful of modifications that had been made, or of periods of absence, and that these were seen as evidence of favouritism*". This could make the workplace very uncomfortable for disabled people or those with long-term health conditions.

### Managing Incidents of Bullying, Harassment and Discrimination

- 3.59 A report on sexual harassment in Great Britain by the Equality and Human Rights Commission (EHRC) (2018) highlighted "*the impact of negative workplace cultures in normalising sexual harassment and inhibiting reporting. In these workplaces, sexual harassment was accepted as part of workplace culture and anyone complaining about it was viewed negatively and often ostracised*"<sup>153</sup>.
- 3.60 In these workplace cultures, the EHRC (2018)<sup>154</sup> found that inexperienced, unsupportive managers were seen as barriers to reporting sexual harassment.
- 3.61 In addition, where an employer or senior manager was the perpetrator, many individuals believed that these people were not appropriately challenged by HR departments or other colleagues due to their position of influence within organisations, with some describing these individuals as 'untouchable'<sup>155</sup>.
- 3.62 It is interesting to note that over half of respondents to the survey who had experienced harassment had not reported it, because of a perceived lack of employer competency. For example, respondents said they did not report harassment because: they believed that the organisation would not take the issue seriously; that alleged perpetrators, particularly senior staff, would be protected; because they feared victimisation, or

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<sup>151</sup> YouGov (2017). Available at: <https://www.equalityhumanrights.com/en/our-work/news/employers-dark-ages-over-recruitment-pregnant-women-and-new-mothers>

<sup>152</sup> Adams L and Oldfield K (2012) Opening up work: The views of disabled people and people with long-term health conditions. EHRC Research Report No. 77. EHRC: Manchester p26.

<sup>153</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p8.

<sup>154</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p5.

<sup>155</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p5

because there was a lack of appropriate reporting procedures<sup>156</sup>.

- 3.63 The EHRC (2018) reported that in half the cases where respondents did report harassment, employers took no action, tried to minimise the complaint or silence the complainant, did not take the complaint seriously or engaged in victim blaming<sup>157</sup>. In addition, managers or HR discouraged some people from reporting incidents of harassment<sup>158</sup>.
- 3.64 The EHRC (2018) reported that lack of competency in managing sexual harassment, often led to the complainant feeling punished or victimised, with a number of complainants describing *“significant negative impact on their physical and mental health as a result of the manner in which their complaint was handled”*<sup>159</sup>.

### Managing Customer and Client Prejudice

- 3.65 Employer management of customer and client stereotypes and prejudices is also important to ensuring a good work environment and workplace culture. The Commission’s Statement highlighted<sup>160</sup> that the stereotypes and prejudices of customers, clients and service users might contribute to a negative workplace environment, particularly for Trans and lesbian, gay and bisexual employees.
- 3.66 Research carried out by the EHRC (2018)<sup>161</sup> revealed that a third of respondents, particularly from the hospitality industry, reported sexual harassment by customers and clients. The research reported: *“A common theme was a lack of management support, with sexual harassment and assault apparently being viewed by some employers as a ‘normal’ part of the job”*<sup>162</sup>.

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<sup>156</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p6

<sup>157</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p6.

<sup>158</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p5.

<sup>159</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p6.

<sup>160</sup> See ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. p.64; 133.

ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>161</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p4

<sup>162</sup> EHRC (2018) Turning the Tables: Ending sexual harassment at work. EHRC: Manchester. p4

## 4 Workplace Culture

- 4.1 The previous sections briefly outlined the societal prejudices and stereotypes placed upon a range of equality groups. Due to their pervasiveness throughout society these attitudes may be expressed through negative behaviours, such as unintentional bias in recruitment and selection processes, or acts of discrimination or harassment within the workforce.
- 4.2 The culture of a workplace can often impact on workers and their ability to participate in and sustain employment.
- 4.3 This section highlights, from the available research, what elements of workplace culture can contribute to, or reinforce, welcoming and inclusive workplaces. The evidence shows these can include:
- leadership within an organisation;
  - understanding the business case for equality and diversity within the workplace; and
  - policies, practices and procedures to promote good and harmonious workplaces.
- 4.4 This section also highlights some of the general recommendations made by the Commission in its guidance and its other research reports, and from other research reports, on how to address workplace cultures to shape welcoming and inclusive work environments.

### ***Leadership***

- 4.5 Leadership has a key role in promoting a welcoming and inclusive workplace through shaping the structures (policy, procedures and practices) of an organisation and promoting a culture that values equality and diversity.
- 4.6 Previous research has indicated that, “*while many organisations have an equal opportunities policy and/or make explicit their commitment to diversity in their aims and mission statement, there was still some work to do to ensure that diversity was embedded in all aspects of the organisations’*

*work*<sup>163</sup>. Key to ensuring that equality and diversity is embedded in all aspects of an organisation's work is for equality and diversity to be driven by the most senior people in the organisation<sup>164</sup>.

- 4.7 A survey of the academic literature by the UK Department for Business Innovation & Skills indicated that in order for the positive business benefits of equality and diversity to be successful, leadership at the strategic level is required: "*Strategic approaches are likely to be more successful: equality and diversity need to be embedded in the business organisational strategy, not ad-hoc additions to the business*"<sup>165</sup>.
- 4.8 Disability Action (2017)<sup>166</sup> reported that in order to ensure disabled people in Northern Ireland have equality of opportunity in employment, employers must "*lead the pack*" by promoting employment for disabled people and sharing their good practice with the business community.
- 4.9 To ensure that equality is mainstreamed throughout an organisation, leadership must be shown at the strategic level. Therefore, board members, senior officials and senior management within an organisation have a crucial strategic role in championing the development and implementation of equality policy and practice within an organisation<sup>167</sup>.

## ***Understanding the Business Case for Equality and Diversity within the Workplace***

- 4.10 Research<sup>168 169</sup> has shown that equality and diversity can bring about positive business benefits for organisations as well as employees. These benefits include the acquisition and retention of talented employees; increased productivity,

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<sup>163</sup> Olmec (2008) The Case for Equality and Diversity. In Olmec (2008) A Guide to Equality and Diversity in the Third Sector. National Equality Partnership: UK.

<sup>164</sup> See Olmec (2008) The Case for Equality and Diversity. In Olmec (2008) A Guide to Equality and Diversity in the Third Sector. National Equality Partnership: UK.

<sup>165</sup> Department for Business Innovation and Skills (2013) The Business Case for Equality and Diversity: A survey of the academic literature. Government Equalities Office: London.

<sup>166</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Disability Action: Belfast.

<sup>167</sup> For example, see ECNI (2018) Section 75: Demonstrating Effective Leadership. ECNI: Belfast

<sup>168</sup> Olmec (2008) The Case for Equality and Diversity. In Olmec (2008) A Guide to Equality and Diversity in the Third Sector. National Equality Partnership: UK.

<sup>169</sup> Department for Business Innovation and Skills (2013) The Business Case for Equality and Diversity: A survey of the academic literature. Government Equalities Office: London.

motivation and commitment of employees; increased creativity and problem solving; better organisational flexibility; global marketing opportunities; and, avoidance of tribunal and other workplace costs for failure to comply with legislation.

- 4.11 however, the evidence suggests that employers and senior managers often perceive that “*equality costs*”, and this may have a negative impact on the workplace environment and culture. Coleman, Sykes and Groom (2013) highlighted that employers perceive a range of barriers to making reasonable adjustments for people with disabilities in the workplace, including “*financial implications of doing so, the nature of the work premises and possible resentment from other staff members*”<sup>170</sup>.
- 4.12 McKeown and Nzeba (2017) indicated that some people with disabilities have had experiences of managers who were reluctant to make exceptions in their ways of working, such as not allowing working at home or flexibility in the amount of time taken for specific tasks. McKeown and Nzeba (2017) concluded “*this inflexibility towards working practices meant respondents took longer to complete specific tasks or were working in a way that was detrimental to their health*”<sup>171</sup>. In such circumstances, *failure* to make reasonable adjustments may have financial and practical implications for the organisation.
- 4.13 Studies highlighted by Coleman, Sykes and Groom (2013) found that the majority of employers (73%) had found reasonable adjustments relating to the provision of flexible working patterns or hours relatively easy to make. Similar proportions found it easy to change the location of a job (64%) and to allow for special leave or extra time off (68%). In addition, the majority of employers said there were no direct financial costs associated with doing so<sup>172</sup>. Coleman, Sykes and Groom (2013) concluded, “*the concerns expressed by*

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<sup>170</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p64

<sup>171</sup> Mckeown A and Nzeba A (2017) Working for all? Experiences of employment support amongst disabled people with high support needs. Scope: UK.

<sup>172</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p65

*employers in previous studies may reflect their perceptions of likely costs, rather than actual experience*<sup>173</sup>.

- 4.14 There is a strong legal, moral and business case for employers to be favourable toward promoting equality and diversity within the workplace<sup>174</sup>. Promoting the business benefits of equality may be a useful tool in persuading and influencing those employers who hold less favourable attitudes towards equality in the workplace.
- 4.15 Equality of opportunity is more likely to be successfully implemented where an employer has a favourable attitude toward equality and human rights and a good knowledge of their legal requirements under anti-discrimination and equality legislation<sup>175</sup>.
- 4.16 In 2015, Winterbotham, Oldfield, Stewart and Rossiter found that 13% of the small and medium employers (SME) they surveyed in Great Britain fell into this category. These “*Business Champions*” displayed favourable attitudes toward equality and human rights, a good understanding of equality and anti-discrimination legislation and a “*higher appetite for information and change*”.<sup>176</sup>
- 4.17 The research highlighted the importance of making the business case for equality, with the majority (59%) of employers not wanting to do more because either it would “*take up too much time and resource*” or “*there would be no business benefit in doing more*”<sup>177</sup>.
- 4.18 Winterbotham et al. (2015) highlighted that employers can be engaged on the business case in that, “*while most SMEs are not inclined to do more proactively, SMEs are responsive to*

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<sup>173</sup> Coleman N, Sykes W and Groom C (2013) Barriers to employment and unfair treatment at work: a quantitative analysis of disabled people’s experiences. EHRC: Manchester p65

<sup>174</sup> Olmec (2008) The Case for Equality and Diversity. In Olmec (2008) A Guide to Equality and Diversity in the Third Sector. National Equality Partnership: UK.

<sup>175</sup> Winterbotham M, Oldfield K, Stewart G and Rossiter H (2015). Fairness, dignity and respect in SME workplaces. EHRC: Manchester.

<sup>176</sup> Winterbotham M, Oldfield K, Stewart G and Rossiter H (2015). Fairness, dignity and respect in SME workplaces. EHRC: Manchester. p79.

<sup>177</sup> Winterbotham M, Oldfield K, Stewart G and Rossiter H (2015). Fairness, dignity and respect in SME workplaces. EHRC: Manchester.p87.

*issues that arise, and where there is a ‘business case’ to do so”<sup>178</sup>.*

### ***Employment Policies, Practices and Procedures***

- 4.19 A welcoming and inclusive workplace needs to be underpinned by robust policies to ensure compliance with rights and responsibilities under equality and anti-discrimination legislation and to effectively deal with unwanted behaviours, discrimination and harassment within the workplace environment.
- 4.20 To ensure the robust development and implementation of policy, employers need to be aware of their responsibilities under equality and anti-discrimination legislation and should ensure that policy is effectively mainstreamed into practices throughout the organisation.

### **Awareness of Rights and Responsibilities**

- 4.21 An employer’s knowledge of rights and responsibilities under equality and anti-discrimination laws may impact on the work environment and culture. Knowledge of equality and anti-discrimination legislation is reported as high among employers in Northern Ireland.
- 4.22 In 2012, the Commission reported that prompted awareness of equality and anti-discrimination legislation among respondents to the Employer and Service Providers Satisfaction Survey (2011) was found to be extremely high (range 94 -99% awareness)<sup>179</sup>.
- 4.23 However, Disability Action (2017)<sup>180</sup> reported a lack of awareness among employers of rights and responsibilities in relation to reasonable adjustments under the Disability Discrimination Act 1995<sup>181</sup>, with the vast majority of queries to Disability Action’s Employment Advocacy Service related to reasonable adjustments.

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<sup>178</sup> Winterbotham M, Oldfield K, Stewart G, Rossiter H (2015) Fairness, dignity and respect in SME workplaces. EHRC: Manchester. p88.

<sup>179</sup> Social Market Research (2012) Satisfaction of employers and service providers with business support provided by the Equality Commission. ECNI: Belfast. Available at: [www.equalityni.org](http://www.equalityni.org)

<sup>180</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland  
Disability Action: Belfast

<sup>181</sup> As amended by the Disability Discrimination (NI) Order 2006.

## Policy and Practice

- 4.24 To ensure a good harmonious working environment the Commission's Unified Guidance<sup>182</sup> recommends that employers demonstrate their commitment to equality by developing written Equal Opportunities Policies and written harassment policies, which should also include procedures for addressing employees' grievances about harassment. When formulating these policies, employers should consult with the relevant trade union(s) or workplace representatives.
- 4.25 However, studies show that the experiences of many different equality groups is that the awareness of rights and responsibilities, and the existence of written policies alone, are often not enough to develop welcoming and inclusive workplaces; and that the mainstreaming of policy into workplace culture through good practice and effective procedures were key to the implementation of good and harmonious working environments.
- 4.26 In 2017, the Commission's investigation<sup>183</sup> into the treatment of pregnant women and new mothers found that most employers understood the benefits of a family friendly policy, understood equality legislation and developed policies, which acknowledge the needs of working mothers. However, the Commission highlighted "*that in many women's experience the existence of good organisational policies does not necessarily mean that they are implemented by employers/managers. In addition, some women believed that the implementation of certain workplace policies meant they were treated unfairly due to having taken maternity leave or worked reduced hours*"<sup>184</sup>.
- 4.27 Research<sup>185</sup> has indicated that the attitudes and behaviours of employers, and individual managers, is key to the implementation of workplace policies and practices that are either positive or negative.

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<sup>182</sup> ECNI (2009). A unified guide to promoting equal opportunities in the workplace. ECNI: Belfast. Available at: [www.equalityni.org](http://www.equalityni.org)

<sup>183</sup> ECNI (2017) Expecting Equality. A formal investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces. ECNI: Belfast.

<sup>184</sup> ECNI (2017) Expecting Equality. A formal investigation into the treatment of pregnant workers and mothers in Northern Ireland workplaces. ECNI: Belfast. p237.

<sup>185</sup> For example, Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York. p40.

- 4.28 In relation to the experiences of people with disabilities, McKeown and Nzeba (2017)<sup>186</sup> highlighted that *“the successful implementation of reasonable adjustments is dependent on the employer considering them to be a priority”*<sup>187</sup>. They reported that *“managers as decision makers are ‘gatekeepers’ to enabling people with high support needs can (sic) do their jobs by confirming reasonable adjustments should be made”*<sup>188</sup>.
- 4.29 Given the role of attitudes and behaviours, an employer’s visible commitment to implementing their legislative obligations, both in policy and practice, is key to providing a positive workplace culture that is also a welcoming and inclusive workplace. A report by the Rainbow Project (2016) highlighted that *“employers which take their legislative obligations seriously and mainstream equality of opportunity for LGB&T employees, including making verbal and visible commitments to equality, not only increase the positive workplace experiences of LGB&T employees but increase the productivity of their organisation by making employees feel more valued and reducing sick leave”*<sup>189</sup>.

#### Terms and Conditions and Flexibility

- 4.30 The terms and conditions under which people work, including the provision of flexible working can have positive benefits for providing a welcoming and inclusive workplace. Research<sup>190</sup> has shown that these benefits include increased personal and team effectiveness, greater commitment and a willingness to ‘give back’ to the organisation. Further benefits may include better organisational skills, higher productivity, less occupational stress, less work-life conflict, less commuting stress and interruptions, and improved organisational performance.
- 4.31 Conversely, a rigid workplace culture would be one in which there is limited flexibility or support provided to employees in

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<sup>186</sup> McKeown A and Nzeba A (2017) Working for all? Experiences of employment support amongst disabled people with high support needs. Scope: UK. p20.

<sup>187</sup> McKeown A and Nzeba A (2017) Working for all? Experiences of employment support amongst disabled people with high support needs. Scope: UK. p20.

<sup>188</sup> McKeown A and Nzeba A (2017) Working for all? Experiences of employment support amongst disabled people with high support needs. Scope: UK. p20.

<sup>189</sup> O’Doherty J (2016) OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project: Belfast. p8.

<sup>190</sup> Clarke S and Holdsworth L (2017) Flexibility in the Workplace. Research paper. ACAS: UK. See [www.acas.org.uk/researchpapers](http://www.acas.org.uk/researchpapers)

relation to working arrangements; reasonable adjustments; and/or exceptional circumstances, such as, emergency situations, illness or bereavement<sup>191</sup>.

- 4.32 Managers who are less supportive of flexibility in the workplace may over-estimate the financial and practical implications of flexible working and/or may under-value workers who do work flexibly, perceiving them to be lacking in ambition<sup>192</sup>. Clarke and Holdsworth (2017) highlighted that this “*can lead to organisations missing out on having these talented and committed individuals in their senior management teams because they work flexibly*”<sup>193</sup>.
- 4.33 The Commission’s Statement<sup>194</sup> highlighted that workplace flexibility was a key issue affecting the ability of people with dependents, particularly women and lone parents, and those with caring responsibilities, to participate in and sustain employment.
- 4.34 Due to attitudes, working part-time can impact on a women’s progression in employment. In 2015, an Employers for Childcare survey<sup>195</sup> reported that some working mothers, who have asked for flexible working such as part-time hours, have experienced a negative workplace culture, including being perceived as less committed, being viewed as not interested in career progression and being side-lined as a result.
- 4.35 Jopling (2016) highlighted that many carers want to remain in work for financial, health and wellbeing reasons. However, they faced barriers such as a lack of flexibility in the workplace and attitudinal barriers. These strains resulted in some carers giving up work, and consequentially negative impacts on their finances, health and wellbeing<sup>196</sup>. CarersUK<sup>197</sup> have highlighted

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<sup>191</sup> For example of rigid workplace behaviours see case study ‘Anna’s story’ in Irish Congress of Trades Union (2018) Better Work, Better Lives. ICTU: Belfast.

<sup>192</sup> Clarke S and Holdsworth L (2017) Flexibility in the Workplace. Research paper. ACAS: UK. p. 9. See [www.acas.org.uk/researchpapers](http://www.acas.org.uk/researchpapers)

<sup>193</sup> Clarke S and Holdsworth L (2017) Flexibility in the Workplace. Research paper. ACAS: UK. See [www.acas.org.uk/researchpapers](http://www.acas.org.uk/researchpapers)

<sup>194</sup> ECNI (2018) Statement on Key Inequalities in Employment. ECNI: Belfast. Available at [www.equalityni.org](http://www.equalityni.org)

<sup>195</sup> Employers for Childcare (2015) Striking the Balance: The impact becoming a parent has on employment, working life and career. Employers for Childcare: Belfast

<sup>196</sup> Jopling K (2016) Walking the tightrope. The challenges of combining work and carer in later life. London: Carers UK and Age UK cited in Devine P and Gray A M (2016). The impact of caring. *Research Update. Number 109*. ARK: Belfast.

<sup>197</sup> CarersUK (2018) State of Caring 2018. CarersUK: London p22.

that “*carers need to be supported so that they are able to juggle work and care and to enable them to return to work if they wish*”.

- 4.36 UK-based research conducted by Carers UK (2016)<sup>198</sup> found that flexibility in the workplace is also a key issue for carers with the majority (70%) of working carers using their annual leave to care and almost half (48%) using overtime to make up hours spent caring. Moreover, many working carers face a lack of understanding from colleagues and managers<sup>199</sup>.
- 4.37 Lack of flexibility in the workplace is also an issue for people with disabilities. While the Disability Discrimination Act 1995<sup>200</sup>, contains a duty on employers and service providers to make reasonable adjustments, employers need to be open and flexible to a range of reasonable adjustments, as adjustments are specific to the individual and there is no “one size fits all” approach<sup>201</sup>.
- 4.38 Adams and Oldfield (2012)<sup>202</sup> highlighted that the work environment can shut out people with disabilities due to overall ethos, lack of adherence to legislation, an intimidating and rigid culture, inaccessible management and fear of disclosure. Alternatively, getting the best from disabled employees can be achieved through developing a workplace culture that goes beyond the legislation, has a strong and confident management and creates an open and flexible workplace culture<sup>203</sup>.

## ***Shaping Welcoming and Inclusive Workplaces***

- 4.39 To ensure a welcoming and inclusive workplace, actions are required across a range of areas and themes identified in the literature review. The Commission has provided advice and guidance across a number of these; and this section also identifies recommended actions from the literature to challenge

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<sup>198</sup> Includes Northern Ireland region. See CarersUK (2016) State of Caring 2016. CarersUK: London.

<sup>199</sup> CarersUK (2016) State of Caring 2016, p14. CarersUK: London.

<sup>200</sup> As amended by the Disability Discrimination (NI) Order 2006

<sup>201</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Employment and Disability in Northern Ireland. Disability Action: Belfast.

<sup>202</sup> Adams L and Oldfield K (2012) Opening up Work: The views of disabled people and people with long-term health conditions. EHRC: Manchester p76

<sup>203</sup> Adams L and Oldfield K (2012) Opening up Work: The views of disabled people and people with long-term health conditions. EHRC: Manchester p76

the attitudes of employers, manager, and employees in the workplace.

- 4.40 The Commission's '[A] Unified Guide to Promoting Equality of Opportunity in the Workplace' has recommended that employers should provide support and training for employees and line managers to increase awareness and understanding of their rights and responsibilities in relation to discrimination and harassment in the workplace; including on the grounds of disability, gender, gender identity, sexual orientation, race, religion and political opinion<sup>204</sup>.
- 4.41 Given the role of leadership in driving and reinforcing workplace environment and culture, it is also necessary to ensure employers, senior managers, board members, partners and/or business owners receive appropriate training and support, particularly in relation to mainstreaming equality within their organisation. In this way, organisations can ensure that they show leadership in challenging and changing negative stereotypes and prejudicial attitudes in the workplace.
- 4.42 There is also a need to encourage positive attitudes among employees in the workplace. For example, research has found that a supportive workplace environment can encourage positive experiences in the workplace. Irwin *et al.* (2014) found that often migrant workers experienced encouragement and support from individual colleagues and managers in the form of practicing their language skills, basic financial and welfare help, advice on completing paperwork and help with finding housing. Irwin *et al.* (2014) argued, "*the importance of the behaviours and attitudes of individual managers and workers cannot be emphasised enough*"<sup>205</sup>.
- 4.43 O'Doherty (2016), in reference to LGBT people, stated that to tackle 'chill' factors in the workplace it is important that employers make verbal and visible commitments to equality<sup>206</sup>; while Wilkes (2017) in regard to disabled people, concluded that employers confront and tackle negative and prejudicial

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<sup>204</sup> See ECNI (2009) A Unified Guide to Promoting Equality of Opportunity in the Workplace. ECNI: Belfast

<sup>205</sup> See Irwin J, McAreavey R and Murphy N (2014) The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland. JRF: York.

<sup>206</sup> O'Doherty J (2016). OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow project: Belfast,

attitudes within the workplace and “*encourage all colleagues to contribute to developing an inclusive working environment*”<sup>207</sup>.

- 4.44 Employers should ensure that employees are aware of the consequences of discrimination, harassment or victimisation of another employee, through communication and effective implementation of disciplinary policies and procedures<sup>208</sup>.
- 4.45 The Commission’s ‘[A] Unified Guide to Promoting Equality of Opportunity in the Workplace’ highlights it is crucial that employers ensure that managers and employees are made aware that victimisation amounts to unlawful discrimination “*if an employer subjects an employee to disciplinary action or otherwise treats him or her unfairly under such procedures in retaliation for that person having exercised, or having assisted other persons to exercise, their rights under anti-discrimination laws*”<sup>209</sup>.
- 4.46 It is essential that employers ensure that they are aware of their responsibilities under equality and anti-discrimination law and act accordingly. Disability Action (2017) research highlighted this point by stating that employers should “*review their HR policies and practices to ensure they are compliant with the law, adopt good practice and promote positive action measures for disabled people*”<sup>210</sup>.
- 4.47 It is important that employer talk with and listen to their employees. In respect to employees with disabilities, Disability Action (2017) recommended that employers talk to disabled employees regarding any adjustments, as they are the experts in relation to their disability.<sup>211</sup> Respectively, Disability Action (2017) and Action for Hearing Loss (2017) also recommended that employers should research and provide the appropriate assistive equipment<sup>212</sup>, and seek advice and support from other

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<sup>207</sup> Wilkes M (2017) Let’s talk: Improving conversations about disability at work. Scope and Leigh Day: London.

<sup>208</sup> ECNI (2009) A Unified Guide to Promoting Equal Opportunities in Employment. ECNI: Belfast p.75.

<sup>209</sup> ECNI (2009) A Unified Guide to Promoting Equal Opportunities in Employment. ECNI: Belfast p.75.

<sup>210</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Disability Action: Belfast p11.

<sup>211</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Disability Action: Belfast p11.

<sup>212</sup> Action on Hearing Loss (2017) Inequality of Opportunity. Action on Hearing Loss: Belfast p15.

sources<sup>213</sup>. These sources include the Equality Commission, disability organisations, government departments, and trade unions.

- 4.48 The Commission provides a range of advice and guidance<sup>214</sup>,<sup>215</sup>, to employers in relation to equality and anti-discrimination legislation, and can assist an employer in developing appropriate employment equality policies and action plans.

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<sup>213</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Disability Action: Belfast p11.

<sup>214</sup> [www.equalityni.org](http://www.equalityni.org)

<sup>215</sup> For example ECNI (2009) A Unified Guide to Promoting Equal Opportunities in Employment. ECNI: Belfast. Available at: [www.equalityni.org](http://www.equalityni.org)

## 6 Conclusions

- 6.1 The Commission's Statement on Key Inequalities in Employment highlighted that prejudice in society is persistent<sup>216</sup>. It seeps into the workplace environment through conscious and unconscious biases and prejudicial attitudes of employers and employees and influences a wide range of experiences and relationships in the workplace.
- 6.2 This literature review has highlighted a number of factors that shape the working environment as well as those that help promote welcoming and inclusive workplaces.
- 6.3 Key themes identified are the importance of *effective leadership* and *management* to shaping a welcoming and inclusive workplace and the importance of a culture that values equality and diversity. In addition, *mainstreaming* of equality throughout the organisation's policies, procedures and practices, will ensure the robust regulation of behaviours, effectively keeping unwanted behaviours outside the workplace.
- 6.4 To build a positive workplace culture and a good and harmonious work environment, the evidence suggests employers need to '*lead the pack*'<sup>217</sup> by recognising the positive benefits of workplace flexibility and diversity for their organisation and promoting these benefits within their wider business networks and communities. This approach involves going beyond legislative compliance or a rigid 'tick box' approach and embracing good practice within organisations.
- 6.5 The information in this literature review is presented as one element of the Commission's wider work to gain an insight into welcoming and inclusive workplaces in Northern Ireland. The Commission is collecting specific evidence and examples for Northern Ireland and all the information will be used to further support employers in the promotion of welcoming and inclusive workplaces.

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<sup>216</sup> ECNI (2018) Statement on Key Inequalities in Employment in Northern Ireland. ECNI: Belfast. Available at: <https://www.equalityni.org/KeyInequalities-Employment>

<sup>217</sup> Disability Action (2017) Hard at Work. Hard at Work: Employment and Disability in Northern Ireland Disability Action: Belfast/

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**April 2019**

