

THE EQUALITIES SENSITIVITY RATING LTD (ESRL)

THE EQUALITY ACT 2010



BUSINESS RATIONALE

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Introduction

The Equality Act 2010 asks Crown Ministers and Strategic Decision-takers to advance employers' sensitivity to protected characteristics. So what is the role of different economic agents in society to help employers become sensitivity to the protected characteristics of the Equality Act 2010? Different economic agents have a role to play to address employer insensitivity. ESRL's business role is providing a platform for transparency in employment enabling society to hold employers socially accountable for how they use society's human capital.

The Equality Act 2010 Law

The law:

'require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes'

It itemises the following protected characteristics:

1. Race
2. Sex
3. Gender Reassignment
4. Sexual Orientation
5. Age
6. Pregnancy and maternity
7. Religion or belief
8. Marriage and civil partnership
9. Disability

The Act aligns the protected characteristics as prevalent in employment that can help eliminate anti-equalities behaviour and practice in employment and implores employers to be sensitive to society's protected characteristics.

Abating Employer Insensitivity

Every Employer¹ whatever the size of their workforce has a moral duty, distinct from the legal duty imposed by the Equality Act 2010:

- to become sensitive to all the protected characteristics in employment;
- to become Transparent in their Employment Practices and
- to become Equalities Employers

Different economic agents have different roles to play to help employers to become sensitive to society's protected characteristics.

1. The Role of Employers

Employers should move or dismount, albeit reluctantly from fixation with social responsibility as good enough to that of social accountability. Such Employers who embrace social accountability are more likely to develop policies and practices that advance:

- A secure future of employment that will not rely on society as the employer of last resort.
- Awareness of protecting human resources.
- Eliminate legally non-prohibited but retrogressive behaviours towards human resources.

2. The Role of Employees

Employees must address employer-insensitivity to equalities characteristics. It should be the societally agreed duty/responsibility pathway open to employees to partner with employers to move/go beyond employment as laid out in the Equalities Act 2010.

Indeed some employers who are more socially sensitive such as getting involved in charity work, social afflictions and environmental vagaries have signed up to the phenomena of corporate social responsibility².

The mediating role of employees should be to bring some level/degree of co-determination³ to their employers on the issues of transparency on equalities with specific reference to protected characteristics. It should fall upon employees to mediate the process of ushering in openness/transparency in employment as society's assets at the sharp-end of engaging employers as socially accountable corporate citizens.

¹ This is important because the majority of Employers in the UK are small Employers.

² Infers to obligation to act in benefit of society.

³ Infers to the German model of the Works Council.

Employees should mediate the process of ushering in openness/transparency in employment through rating their employers as having ‘accessible’, ‘available’, ‘acceptable’, ‘appropriate’ and ‘adaptable’ employment practices on one hand and as enjoying employment experiences that are ‘empowering’, ‘efficient’, ‘economic’, ‘equitable’, and ‘effective’ on the other hand.

3. The Role of the Legislature

The Legislature should provide the legal framework for employees to usher in an approach for enabling society to ask questions and all sorts of questions about what is/are being done in society’s name; and about the well-being of society’s human resources.

4. The Business Role of ESRL

ESRL has put in place an e-platform for listing employers and for engaging employers, employees and society in order to advance Transparency in employment.⁴ ESRL will develop indicators and/or products that enable study and revision of the modelling and practices of transparency in employment.⁵

ESRL’s soft role is also to enable employees to rate their employers. In taking on this role, following a successful business launch, ESRL guides employees, of participating employers, to an open-ended duty/responsibility to ensure employers have embedded employment practices that are ‘accessible’, ‘available’, ‘acceptable’, ‘appropriate’ and ‘adaptable’ on one hand and employment experiences that are ‘empowering’, ‘efficient’, ‘economic’, ‘equitable’, and ‘effective’ on the other hand.

⁴ The advantages of the platform are that it enables many to participate and partner in the process of protecting the many yet weak or weakened by employment misuse or abuse. It also facilitates learning from insensitivities about society’s characteristics through asking questions about its human resources and stakeholders through its human resources and stakeholders.

⁵ In the future this should lead to repeal of the caveat in the Equality Act 2010.