

Business Case Briefing

What is the business case for addressing sexuality issues?

Lesbian, gay and bisexual people comprise around 6 per cent of the UK population, according to government estimates. That's roughly 3.6 million people, or 1.7 million in the UK workforce. The arguments for ensuring your organisation's diversity policies and practices include lesbian, gay and bisexual (LGB) people have never been stronger. By 2011, only 18 per cent of the UK workforce will be white, male, not disabled, under 35 and heterosexual. Many progressive employers are now recognising that they need to draw on talent from all sections of the population and create a workforce culture that embraces diversity and equality. These employers have four key motivations: reputation, recruitment and retention, and productivity. (Source: Sexual orientation employer handbook. Stonewall)

What does the law require of employers?

Following the 2003 Employment Equality (Sexual Orientation) Regulations 2003 which covered sexual orientation discrimination in employment and the Gender Recognition Act 2004, the Civil Partnership Act 2005 established equal recognition of registered same sex relationships, and The Equality Act (Sexual Orientation) Regulations 2007 make it unlawful to discriminate in the provision of goods, facilities and services on grounds of sexual orientation.

Defining sexual orientation

The term 'gender' tends to be used to refer to males and females. However under the law there is a requirement to also recognise 'sexual orientation' - workers shouldn't be discriminated against because of their sexual orientation or 'perceived' sexual orientation, including orientation towards someone of the same sex (lesbian/gay), opposite sex (heterosexual) or both sexes (bisexual). The law against direct and indirect discrimination, harassment or victimisation at work covers recruitment, terms and conditions, pay and benefits, status, training, promotion and transfer opportunities, through to redundancy and dismissal.

What can employers do?

There are various ways of tackling sexual orientation discrimination and its impact on your company:

- Join the Stonewall's Diversity Champions or Leadership programmes; Master classes for HR managers; video-based learning resources for other staff
- Market research can identify the image that your company represents to potential workers and to customers and clients
- A review of HR policies and practices that may be indirectly discriminatory e.g. equality monitoring procedures

For SMEs meeting sexual orientation legislation is sometimes assumed to involve additional costs. Small businesses however have a great deal to offer their employees in terms of flexibility and a unique working environment where people feel they are really valued as individuals.

Follow the Links below:

ACAS guide to 2003 regulations

http://www.acas.org.uk/media/pdf/e/n/sexual_1.pdf

Guidance on sexual discrimination for employees

http://www.direct.gov.uk/en/Employment/Employees/DiscriminationAtWork/DG_10026540

<http://www.stonewall.org.uk/workplace/1477.asp>

The Employers Forum on Age - Employers guides.

<http://www.stonewall.org.uk/workplace/1473.asp>

Workplace equality index

<http://www.stonewall.org.uk/workplace/1477.asp>

Sexual orientation employer handbook geared to needs of SMEs

<http://www.stonewall.org.uk/workplace/1471.asp>

LGBT Youth Scotland website

<http://www.lgbtyouth.org.uk/lgbtyouthcharterofrights/step2.htm>

Diversity champions video in conjunction with London Transport

<http://www.stonewall.org.uk/workplace/1627.asp>

Stonewall's Lesbian & Gay recruitment guide – Starting Out.

<http://www.stonewall.org.uk/workplace/1468.asp>