

# CFG Conference

## Positive action and inclusive workplaces



# What we will cover today

1. Positive action
2. Balancing competing rights in the workplace
3. Building an inclusive work environment
4. Questions



# The Equality Act 2010

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It is unlawful to discriminate against someone:

Direct

Indirect

Harassment

Victimisation

On the grounds of a protected characteristic

Age

Disability

Gender  
reassignment

Marriage or  
civil  
partnership

Pregnancy  
and maternity

Race

Religion or  
belief

Sexual  
orientation

# What the Equality Act allows...

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## Positive Action

Lawful in some circumstances:  
*taking specific steps to improve  
equality for people in the  
workplace who share a protected  
characteristic*



## Positive Discrimination

Unlawful: *giving preferential treatment  
to members of a disadvantaged or  
under-represented group*

# General Positive Action – s158

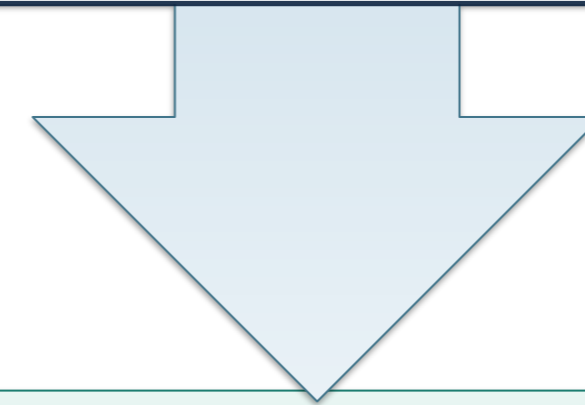
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**Where an employer reasonably thinks people who share a protected characteristic:**

Suffer a disadvantage

Have different needs

Have disproportionately low participation



**Then the employer may take such action as is proportionate to meet one of these aims:**

Enable persons to overcome disadvantage

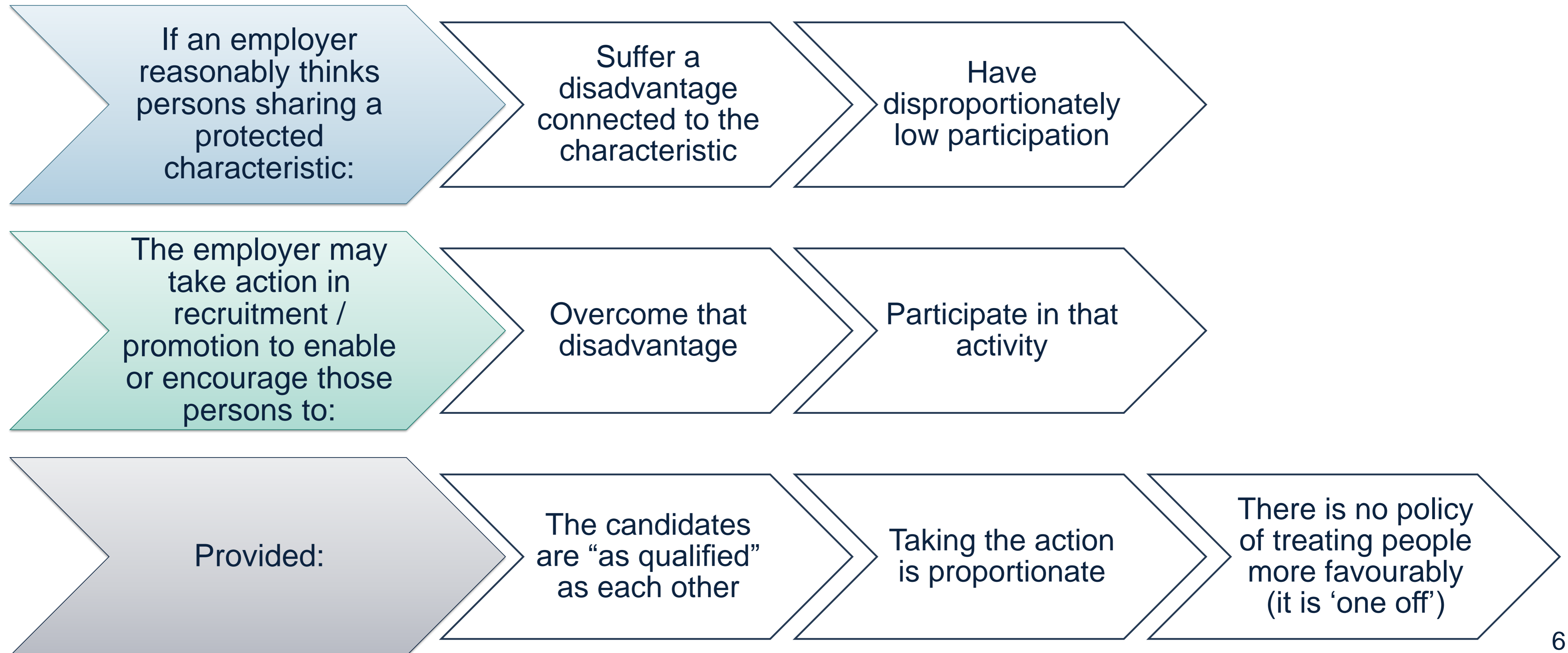
Meet those different needs

Enable or encourage participation

# Positive Action in Employee Recruitment and Promotion – s159

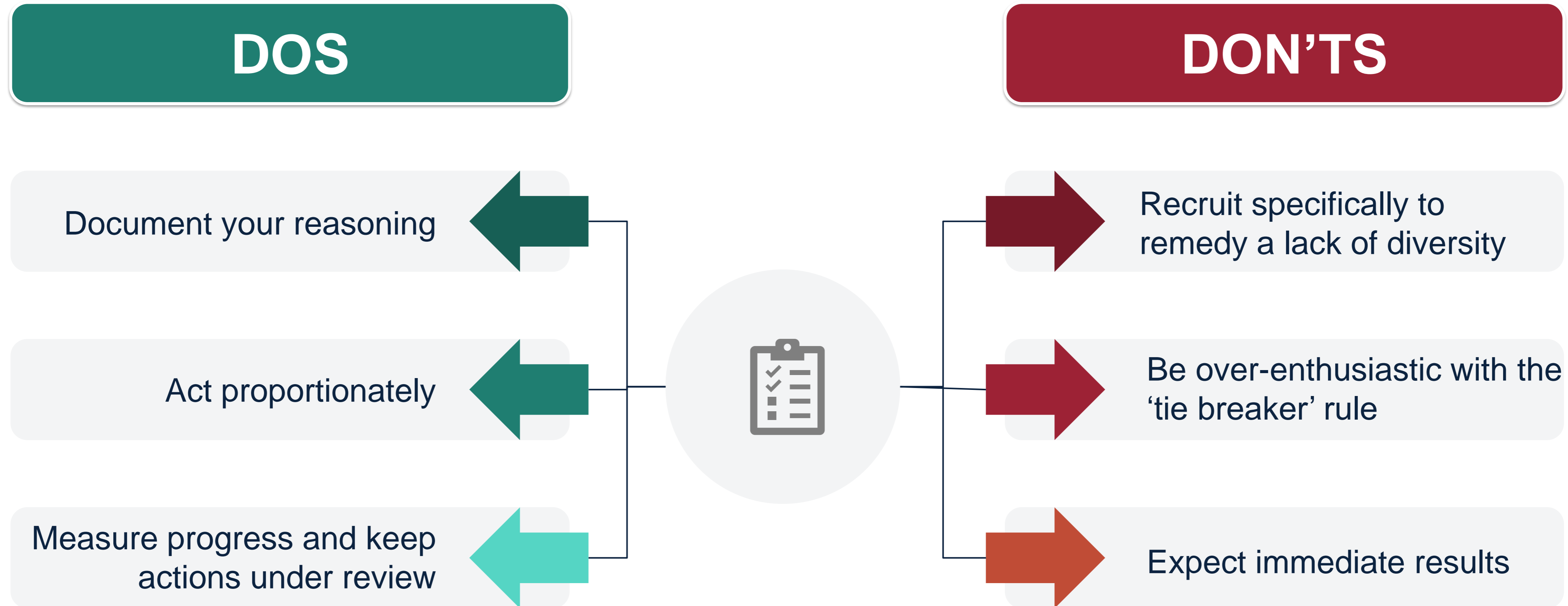
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Positive action in recruitment / promotion can be lawful in a “tie-breaker” situation:



# Key takeaways: dos and don'ts of positive action

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# Balancing competing rights in the workplace

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The bar is low when it comes to whether a belief is protected

Even offensive beliefs may be protected

Inappropriate manifestation of a belief will not be protected

Avoid a knee-jerk reactions. Action should be proportionate.

Encourage a culture of tolerance – set clear expectations around conduct





# Building an inclusive work environment: practical steps

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## MANAGE PROBLEMS

Create a safer culture in which allegations are taken seriously

## EDUCATE

Invest time in high-quality training for leaders and staff

## PLAN AND MONITOR

Identify and implement steps to address issues



## EDI STRATEGY

Set clear objectives tailored to your organisation

## DATA

Take stock of your starting position

## TRANSPARENCY

Demonstrate genuine commitment

# Any questions?

- Sign up to our **Worklife blog** to receive weekly updates on employment issues:  
<https://www.farrer.co.uk/subscribe/>
- Please get in touch with your specific employment questions or training needs. We would be happy to help.



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