

6

Equal opportunities and managing diversity

Chapter objectives

This chapter reviews the nature of equal opportunities and managing diversity in the tourism and hospitality industry. The main objectives of this chapter are to:

- Appreciate the differing aspects which drive approaches to equality and diversity.
- Consider the employment experience of socially defined minority groups.
- Discuss the role of legislation in attempting to create greater equality.
- Recognize the importance of managing diversity as a more business-oriented approach to equality.



Introduction

Increasingly when we look at adverts for positions in tourism and hospitality organizations we will see the statement that the employing organization is 'an equal opportunities employer'. Does this mean then that we are likely to find equality of opportunities within organizations? Have we managed to get rid of discrimination? Have we got a just society where sex, race/ethnicity, disability, age, religion and sexuality are no more important than eye colour? Is there equality in relation to issues such as recruitment and selection, training and development, remuneration, career development and promotion? It is these and other questions which we will consider in this chapter. Specifically we will recognize how certain social groups may experience disadvantage in the workplace, regardless of their qualities and abilities. The manner in which organizations are seeking to address the issue of equal opportunities may vary considerably and here it is helpful to recognize the useful distinction offered by Goss (1994) with regard to the issue of equal opportunities. Goss makes a distinction between what he terms a 'short'-term compliance agenda, and a much more proactive 'long'-term agenda. The former agenda is driven largely by the idea of complying with legislation to avoid penalties. For example, there is no upper limit on compensation awarded by an employment tribunal in discrimination cases and whether an employer unintentionally discriminates is no defence. Clearly, this type of agenda is driven by organizational self-interest. In contrast, the long-term agenda is premised on notions of efficient management of human resources, creating a good organizational image, managing diversity and social justice, though some of these aspects may, in reality, also be in the organization's self-interest. In many respects then we can think of equality and diversity in terms of:

- *Legal aspects:* failure to comply with legislation in this area can mean employers facing unwelcome publicity and potentially large payouts as a result of employment tribunal decisions.
- *Ethical aspects:* it is ethically and morally right for organizations to seek to offer equality of opportunity to all.
- *Business aspects:* it makes good business sense to encourage equality and diversity to ensure the organization draws on the widest possible labour market to make sure that they are maximizing the best use of all available resources. Equality also makes good business sense in terms of potentially widening the customer base and also portraying a positive company image.

Of course, in reality, the approach to equality and diversity adopted by organizations may well be informed by all of these aspects. Increasingly though within a more strategic HRM approach it is suggested that many organizations are recognizing the business case for equality and diversity.

Stredwick (2005) suggests that support for the business case is strengthened by recognizing three key issues. First, is the need to recognize demographic changes. With a declining birth rate traditional sources of labour (young, white, qualified and full-time) are in decline so organizations need to think about finding alternative sources of labour. Second, the changing nature of the workplace and specifically the shift from manufacturing to service employment means more and more women are entering the labour market. Consequently organizations have to respond to this change by ensuring they encourage the best applicants through enhanced career opportunities and a supportive environment for all. Lastly, with the shift to a service economy there is now a greater emphasis on customer relations, especially in an ever more competitive environment. By pursuing active approaches to equality and diversity management organizations not only offer opportunity to all segments of the labour market, but may also broaden their customer base by demonstrating such a commitment. That said, discrimination still remains a very real issue within society generally and workplaces specifically, so the chapter will now move on to consider steps which may be taken to eradicate discrimination in all its forms.

The employment experience of socially defined minority groups

A good starting point to further consider the issue of equal opportunities is to recognize some of the barriers that may effect the employment of certain groups of workers, initially considering women, black and minority ethnic people, people with disabilities and older people.

Women

Across the economy as a whole, women now make up 46 per cent of the workforce, though nearly half of all women working work part-time (EOC, 2005). Despite making up nearly half of the workforce women still remain under-represented in

senior and middle management positions. For example, across the economy as a whole although there is now greater representation of women in the boardroom of Britain's leading companies, women still remain 'woefully under-represented' according to Cranfield University's annual survey of women in senior management positions (Cranfield University, 2004). There is also continuing disparity in women's pay, relative to men, with women earning around 82p for every £1 earned by men (EOC, 2005).

These disparities in the economy as a whole are also seen in the tourism and hospitality industry. Although women account for 70 per cent of employees, there are no female chief executives in the FTSE 350 travel, leisure and tourism companies (Rossiter, 2005). Indeed, more generally across Europe travel and leisure has the lowest level of boardroom representation with no representation at all compared to sectors like household goods and services where 18.9 per cent of boards are made up by women (EPWN, 2006). Moreover although the number of women managers in tourism and hospitality is significantly higher than many other industries, it still remains disproportionately low given the overall level of female representation within the workforce (Mayling, 2003). Women may also face particular barriers in the workplace in the tourism and hospitality industry, including (HCIMA, 1999):

- Lack of childcare provision.
- Difficulties of the dual role in maintaining a management career and caring for children and other dependents.
- Lack of flexible, part-time opportunities at higher levels in the industry.
- The macho atmosphere in certain workplaces, such as the kitchen.
- Sexism and sexist attitudes.
- Poor career planning.
- Shortage of positive female role models.

There are a number of ways in which organizations can begin to address some of these issues and HRM in practice 6.1 presents an example of a proactive response to encouraging women's employment.

Black and minority ethnic people

A recent report from the Cabinet Office (2003) noted that members of ethnic minorities are more than twice as likely to be unemployed even when age, sex and

HRM in practice 6.1 Opportunity Now: A proactive response to gender equality

Opportunity Now was originally set up as Opportunity 2000 in October 1991. Its aim was to increase the quality and quantity of women's participation in the workforce. Membership is open to any organization, large or small and by June 2005 over 350 organizations, including British Airways and Jurys Inn's, had signed up. Those organizations joining Opportunity Now commit themselves to overcoming the barriers to recruitment, retention and development of women. Opportunity Now provides advice to employers and shares information on best practice in areas such as developing flexible working arrangements, improving childcare, career break options and training and education to increase women's opportunity at work. To further help organizations Opportunity Now also runs a benchmarking exercise on gender equality, which helps employers to chart progress whilst at the same time providing a checklist for organizational change.

Derived from IDS (2003); Opportunity Now (2005).

level of qualifications are taken into account. Significantly the same report also notes how this disparity in employment has changed little over the last 18 years. This lack of economic activity is particularly pronounced in men from ethnic backgrounds aged 16–24 years. On the question of the progression of black and minority ethnic workers to middle and senior management positions a recent report by the Runnymede Trust (2000) found that only 1 per cent of senior managers and 3 per cent of junior managers were from an ethnic minority, despite the fact that ethnic minorities make up 8 per cent of the population as a whole. Similarly, a recent report from Cranfield University found that just 2.3 per cent of board members in the largest companies listed on the London Stock Exchange came from ethnic minority backgrounds (Smith, 2005). When ethnic minority employees are employed it is noteworthy that they tend to be concentrated in terms of occupational segregation, with a large number employed in the hospitality sub-sector in particular. For example, LRD (2005) notes that 52 per cent of Bangladeshi workers work in the restaurant industry compared with only 1 per cent of white males. In addition, LRD (2005) also notes a disparity in pay, with this 'black pay gap' meaning in some instances that workers from some communities earn an average of £7000 less than white workers.

As we have already noted the black and minority ethnic communities make up around 8 per cent of the UK's population and significantly will account for half

the growth of the working age population in the decade 1999–2009 (LRD, 2005). Consequently, there is a need for organizations to be proactive in their attempts to promote racial equality. IDS (2001) suggest a number of practical steps which can be taken by organizations, including:

- Ensuring fair recruitment practices, such as recruitment schemes targeted at ethnic minority employees and targeted advertising to encourage more applicants from under-represented groups.
- Using images of ethnic minority employees in publicity and advertising material.
- Developing links with ethnic minority communities (often as a way of attracting new employees).
- Undertaking ethnic monitoring.
- Ensuring HR policies are in place to help foster and protect a diverse work environment (e.g. dignity at work and harassment policies).
- Accommodating different religious beliefs in the multicultural workforce.
- Introducing diversity awareness training (particularly for managers).
- Setting up internal networks for ethnic minority employees.
- Taking positive action on training and development.

There has also been a similar type of initiative for black minority ethnic employees as Opportunity Now. Launched in October 1995, Race for Opportunity (RfO) is a business-led initiative organized by Business in the Community and aims to put race and diversity issues higher up the business agenda, by investing in the UK's ethnic communities. RfO publishes an annual benchmarking report which assesses organizations in five key 'impact' areas, including leadership, community involvement and supplier diversity (IDS, 2006).

Disabled employees

Often our perception is that disability is likely to mean that a person is in a wheelchair or visibly impaired. However, of the 8.7 million adults who are registered disabled only 600,000 are in a wheelchair (Anon, 2004). Moreover 2.4 million are of working age and over 70 per cent of this figure are economically active or looking for work. In reality this means that a significant number of disabled people are thought to want to work. It is also instructive to note that 70 per cent of disabled



people who are economically active or looking for work became disabled while in work (LRD, 2000). Thus there would seem a strong moral argument that employers should aim to help disabled people back into the labour market. In a similar vein to Opportunity Now and RfO there is also an attempt to be positive about disabled workers with the 'two-ticks' scheme. Under this scheme any employers using the two-ticks must (LRD, 2003):

- Interview all applicants with a disability that meets the minimum for a job vacancy.
- Ask disabled employees at least once a year what can be done to ensure they can develop and use their abilities at work.
- Make every effort when employees become disabled to ensure they stay in employment.
- Take action to ensure that key employees are aware of the needs of disabled people.
- Each year review achievements towards making the workplace welcoming and accessible for disabled people, plan ways to improve and let all employees and customers know about this progress and future plans.

Whilst the two-ticks campaign is important to changing workplaces practices, campaigners for the disabled are also attempting to shift perceptions about disability (and see HRM in practice 6.2).

HRM in practice 6.2 Perceptions of disability

A letter to *People Management* in 1997 from a representative of Capability Scotland noted how language used to describe disability often shapes attitudes and perceptions. The author of the letter notes how often people with disabilities are described as 'suffering' from the disability, which can lead to misconceptions such as the amount of time they are likely to take off work. The letter also suggests preferred terminology to ensure that people are aware of using pejorative terms like: the disabled, normal, mentally retarded and confined to a wheelchair. The preferred terms are people with disabilities, able-bodied, learning difficulties and wheelchair users.

Source: Bald (1997).



Older workers

Hope (2005) reports that the National Audit Office estimated that cost of stereotyping on the basis of age costs the UK economy £31 billion a year in lost contributions. For older workers it can be especially difficult to gain a new job, especially once they are over 45 years. Arkin (2005: 32) notes how some of the 'ridiculous comments' about older workers have the ring of comments which were often made 30 years ago with regard to sex and race discrimination. For example, he notes that prior to the introduction of the Race Relations Act (RRA) in the 1970s some people argued that employing someone from an ethnic minority in a shop would put customers off. Certainly such attitudes have been prevalent in the tourism and hospitality industry, with one well known restaurateur once famously suggesting that:

I fail to understand why employers ought not to be able to discriminate about potential employees on the basis of age, at least for those who are in contact with the public. We are in a business where image counts as much as content. Of course, it is unfair to turn down older people with the required technical skills to do the job, but so what? It is not a perfect world (Gottlieb, 1992: 20).

Review and reflect

To what extent do you agree with Gottlieb's sentiments and why?

Work by Qu and Cheng (1996) who surveyed 26 hotels in Hong Kong and Magd (2003) who interviewed 21 managing directors in small and medium sized hospitality enterprises in the UK is useful to appreciate how older workers tend to be perceived within tourism and hospitality. From a positive point of view the research suggests that employers tend to see older workers as having: low absenteeism, fewer accidents, low turnover rate, being motivated, hard working and diligent, having a sense of responsibility, good communication skills and credibility with customers. On the other hand, the research also revealed that older workers were perceived as inflexible and reluctant to change, have low productivity, find it hard to adapt to new technology and have difficulties in keeping up with the speed of work. Whilst most age-related discrimination is directed towards older workers, younger workers too can be affected. Smethurst (2004) reports research from the



CIPD which notes that the optimum age in the workplace to be judged as neither too old or too young is 35–40 years. For those under 35, 8 per cent of people had reported being discriminated against for being too young.

The legislative response

The above discussion gives us a sense of some of the issues affecting certain groups of employees. We can now move on to consider how these have been addressed, beginning with the emergence of equal opportunities legislation. There have been a number of laws introduced in the UK which have sought to address the problems of discrimination generally and specifically to reduce such discrimination in the labour market and the workplace.

Review and reflect

How successful is legislation likely to be in addressing equality issues?

Whilst legislation has now existed for over 30 years we should recognize that there is much debate about whether the legislation has been successful, and whether it has simply been embraced as rhetoric but without much success in implementation. For example, many believe that legislation cannot by itself eradicate a whole range of attitudes, which may encourage discriminating behaviour. On the other hand, whilst recognizing that the law cannot change attitudes overnight, it can, and does, effect change slowly. Some people would argue that it has in fact been too slow and its effects have been patchy. In that sense the law requires an end to discrimination; it does not actually require that employers do anything to promote equality. Related to this point there is also the distinction made by many commentators about the differences between the letter and spirit of the law. The former encourages a narrow interpretation of law, which may not be in the best interests of encouraging a more proactive approach to equality and diversity. The latter is potentially more flexible in offering the scope for decisions which encourage greater equality.

Having briefly contextualized the emergence of the legislative agenda we can now go on and examine the actual provisions and what they mean for organizations, starting with Table 6.1, which summarizes the range of anti-discriminatory legislation.



Table 6.1 Anti-discriminatory legislation

Act	Areas covered
Sex Discrimination Act 1975	Sex and marital status (the latter referring specifically to persons who are married)
Sex Discrimination (Gender Reassignment) Regulations 1999	Persons who intend to undertake a sex change, are currently in the process of doing so or have completed treatment
Employment Equality (Sex Discrimination) Regulations 2005	Introduced a new definition of indirect discrimination and added specific definitions covering discrimination on grounds of harassment
Race Relations Act 1976	Race, colour nationality, national or ethnic origin
Race Relations (Amendment) Act 2000	The duty of public authorities to take positive action to promote good race relations
Disability Discrimination Act 1995	Disabled persons
Disability Discrimination Act (Amendment) Regulations 2003	Removal of the exemption for employers of fewer than 15 people; shift in the burden of proof
Disability Discrimination Act 2005	Those with progressive conditions such as HIV and cancer will be treated as disabled from the point of diagnosis. Those with mental illness are no longer required to have their illness clinically recognized
Employment Equality (Sexual Orientation) Regulations 2003	Orientation towards persons of the same sex, of the opposite sex, of both the same sex and the opposite sex
Employment Equality (Religion or Belief) Regulations 2003	Religion or similar beliefs
Rehabilitation of Offenders Act 1974	Persons with 'spent' convictions
Human Rights Act 1998	Prohibition of forced labour and slavery; right to respect for private and family life (<i>inter alia</i>)

Derived from LRD (2006).

The Sex Discrimination Act (SDA) and RRA are particularly important in denoting the first systematic attempt to address discrimination. Both acts refer to the idea of direct and indirect discrimination. Direct discrimination is where employees of a particular sex, race or ethnic group are treated less favourably than other employees. For example, a policy to only recruit men to management posts. Indirect discrimination is where a particular requirement apparently treats everyone equally but has a disproportionate effect on a particular group and the requirement cannot be shown to be justified. For example, requiring a kitchen porter to speak fluent English, which is not a necessary requirement for the job. At present there are three government sponsored bodies which are responsible for promoting equality. With regard to sex and race the commissions are the Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE), which were established in 1975 and 1976, respectively. The EOC and CRE are responsible for working towards eliminating discrimination, promoting equality of opportunity and reviewing how the law works. They also issues codes of practice, undertake formal investigations where there are allegations of discrimination and can, in certain circumstances, support individual legal claims. With regard to disability, as of April 2000 the Disability Rights Commission (DRC) has taken on the same role as the CRE and the EOC (and see the later discussion of the DDA).

Both the SDA and RRA are concerned with prohibiting discrimination in all areas of employment. For example, during the recruitment and selection process organizations should ensure that the right message is conveyed in recruitment advertisements, which as we noted in Chapter 5, should be carefully worded so that there is no indication that people of some backgrounds are preferred to others. Equally, in the selection procedure organizations should be wary of drawing up person specifications that are unjustifiably demanding. As we noted there is also a need to consider whether certain selection tests may discriminate against people from minority backgrounds. Only the EOC or the CRE can instigate proceedings in relation to advertising, but individuals can pursue claims via the employment tribunal system in all other aspects of employment. The legislative threat centres on possible adverse publicity to the organization as well as the direct and indirect costs of tribunal claims or commission investigation. Although in reality a relatively small number of cases actually end up being heard in an employment tribunal. For example, ACAS (2006) notes that it received 9942 cases with regard to either sex or race discrimination. Of these cases, 3283 were settled before the tribunal, 4267 were withdrawn, 1168 were either struck out by the tribunal or out of scope,

HRM in practice 6.3 Jobs for the girls

Legislation was introduced in Norway in 2002 to ensure at least 40 per cent of boardroom seats are reserved for women (Osborn, 2002). The decree initially affected state owned firms, but by 2005 all public companies had to enforce the quota. Whilst equality groups and trade unions were supportive of the move, employers feared that the initiative would make Norway uncompetitive and discourage foreign firms from investing in the country (Walsh, 2004). Indeed, Scandinavian countries generally are trail blazers in increasing the representation of women on boards. By 2006 Norway had the highest percentage of women at boardroom level at 28 per cent. Sweden had 22 per cent, Finland 20 per cent and Denmark 17.9 per cent (EPWN, 2006). These figures can be compared to other selected European countries such as the UK which had 11.4 per cent, Germany 7.2 per cent, Italy 1.9 per cent and Portugal where there are no women at boardroom level (EPWN, 2006).

leaving only 1224 cases ultimately reaching the tribunal to be heard. Nevertheless cases which are concerned with discrimination do not carry an upper limit for compensation, so organizations should aim to avoid such cases, which may prove to be very costly.

Two other points are also important to note with regard to the SDA and RRA. The first is positive action. Positive action may be confused with what is often termed positive or reverse discrimination, or what in the US is known as affirmative action. Positive discrimination seeks to redress previous inequality by giving priority to certain groups in the labour market. For example, an organization appointing a female candidate to a managerial position primarily because of her gender, rather than her managerial skills. Currently such an approach is illegal in the UK, but such approaches have been used in the US and other countries (and see HRM in practice 6.3).

Review and reflect

Outline arguments for and against positive discrimination.

Whilst positive discrimination is unlawful in the UK, positive action is not. Positive action may encompass a range of policy initiatives which aim to promote equality



of opportunity through the provision of facilities, procedures or actions that redress disadvantage suffered by particular groups in the labour market or organization. For example, under positive action both the SDA and RRA make it lawful to encourage and provide training for members of one sex or racial group who have been under-represented in particular work in the previous 12 months. In addition advertisements can explicitly encourage applications from one sex or racial group if that group is under-represented within the organization, though there are no guarantees that they will get the job.

One final point when we are talking about sex or race discrimination is that of genuine occupational grounds, where discrimination is permitted due to sex or race being specified as a *Genuine Occupational Qualification (GOQ)*, which are outlined in sections 7(2) of the SDA and 5(2) of the RRA. A GOQ is likely to be based on things such as authenticity, decency, privacy and the delivery of personal welfare services. For example, a stylish Italian bistro may seek to retain its authenticity by employing only Italian staff. As we noted above the SDA and RRA are particularly important in being the first attempt to establish a legislative framework and also with regard to establishing many of the mechanisms which are now being incorporated in more recent legislative intervention, such as the DDA.

The DDA is similar to the SDA and RRA, though it offers protection only against direct discrimination. The DDA offers a broad definition of disability, with section 1 of the DDA talking of any, 'Physical or mental impairment which has a substantial and long-term adverse effect on his (or her) ability to carry out normal day-to-day activities'. Indeed, LRD (1999) in reviewing a number of employment tribunal decisions note that there is no definitive list of what amounts to psychical or mental impairment and employment tribunals are left to decide what may be considered a disability (and see HRM in practice 6.4).

The DDA initially made it unlawful for any company which had more than 15 employees to discriminate against employees, job applicants and contractors who are disabled. Recent changes though now mean that the provisions of the DDA now extend to all employers, regardless of size. Within tourism and hospitality there are many instances where managers may have to consider their response to potentially sensitive situations under the aegis of the DDA (and see HRM in practice 6.5).

To a large extent the approach to the scenarios outlined in HRM in practice 6.5 will be dictated by the notion of 'reasonable adjustments'. As we noted above although the DDA provides protection against direct discrimination with regard to indirect discrimination employers may set a requirement for use in recruitment

HRM in practice 6.4 Conditions amounting to physical or mental impairment

Employment tribunals have taken a wide view of disability and have ruled that all the conditions below *may* amount to a physical or mental impairment.

Asthma	Bipolar affective disorder
Migraines	Cerebral palsy
Photosensitive epilepsy	Chronic fatigue syndrome
Visual impairment	Colitis
Injuries affecting mobility	Congenital myotonic dystrophy
Abdominal pain	Deafness
Depression	Emphysema
Multiple sclerosis	Diabetes
Post-traumatic stress disorder	

Whilst these conditions have all been accepted as a disability in tribunal decisions they should still not be considered as a wholly definitive list. Other tribunals may not consider them as a disability due to differing circumstances with the individual bringing the case. More recently under the aegis of the DDA, HIV/AIDS, as well as mental illness and progressive conditions such as cancer have all been formally designated as being part of the act. Employees will be deemed disabled as soon as these latter conditions are diagnosed.

Derived from LRD (1999); LRD (2006).

HRM in practice 6.5 An appropriate response to disability?

As a manager think about how you might respond to the following scenarios.

An applicant for a waiting job, who otherwise impresses in the interview, is visually impaired. There may be some concerns about them tripping over furniture, reading blackboard menus to customers or dropping plates on laps and so on.

An applicant for a front line position in a travel agency is facially disfigured and you are concerned about whether their appearance may put off customers.

An applicant for a position as chef who is wheelchair bound.

or promotion processes which might be held to discriminate against people with disabilities. In such cases less favourable treatment can only be justified where it is relevant to the circumstances of the individual case and where the reason for the treatment is felt to be substantial. This is where the notion of reasonable adjustments becomes important. Employers have to consider whether the less favourable treatment can be overcome by reasonable adjustments to premises or the employment arrangements. For example, IRS (2003) notes some of the common adjustments made by employers in response to the DDA, including:

- Allowing absence for rehabilitation and treatment.
- Altering a person's working hours.
- Acquiring or modifying equipment.
- Adjusting premises.
- Transferring a person to another job.
- Assigning a person to other work.
- Providing a reader and interpreter.
- Providing support workers.
- Modifying instruction manuals.

With regard to the scenarios above, in the case of the chef health and safety considerations would mean that the use of a wheelchair within the kitchen would be impractical and it would be considered unreasonable to make significant adjustments to the premises. On the other hand, visual impairment is likely to require a much more proactive response from tourism and hospitality employers (and see HRM in practice 6.6).

A further facet of the DDA which is particularly apposite for tourism and hospitality organizations is the need to ensure that employees are aware of the needs of disabled customers. For example, organizations may develop disability awareness training in-house or use commercially available options such as IndividuALL's self-learning CD-Rom, *Welcoming Disabled Guests*. IndividuALL is part of Tourism for All UK, a national registered charity which aims to provide advice and support to disabled people and tourism providers to enhance the accessibility of tourism provision to the disabled.

As can be seen in Table 6.1 it is only recently that discrimination based on sexual orientation and religion have become explicitly prohibited. There are approximately 1.3 to 1.9 gay and lesbian workers in the UK (LRD, 2003a) and the perception is

HRM in practice 6.6 Responding to the needs of visually impaired employees

Wendy Kerner is visually impaired being completely blind in one eye and having little vision in the other. She works as a purchase ledger clerk at the 37-bedroom Lauriston Hotel in Weston-super-Mare. Her main responsibilities are inputting petty cash, cheques and invoices into the hotel account's system and doing the weekly cheque run for the hotel's suppliers. Additionally, she also maintains the database of suppliers details and occasionally helps out in reception if the hotel is busy. In order to support her at work the hotel secured funding from the Government's Access to Work programme to purchase a range of equipment. The equipment included technology to enable her to print her work in Braille and software that enlarges print and speak while Kerner types. Working practices at reception were also altered slightly to move from a handwritten list of petty cash transactions to printing a Braille version which Kerner can read.

Source: Guild (2002).

that there is a higher proportion of gay and lesbian employees within hospitality and tourism. That said, there has been little research that has explicitly addressed the opportunities and experiences of gay men and lesbians within tourism and hospitality organizations. More generally, research has pointed to the discrimination faced by gay and lesbian employees. For example, LRD (2000a) reports a survey by the TUC which found that 44 per cent of gay or lesbian employees had suffered some form of discriminatory treatment, most commonly name calling and homophobic abuse, but in some cases dismissal. Even with the introduction of legislation in 2003 there still seems to be evidence of continuing discrimination. For example, recent research suggests that nearly half of gay men and lesbian women still fear discrimination if they 'come out' at work (Johnston, 2006). As with much of the other areas of legislation discussed in this chapter the key is for organizations to think about developing appropriate policies and procedures to ensure compliance with the legislation. With regard to sexual orientation Ward (2003) notes how research has highlighted the positive effects on motivation and job satisfaction for lesbian and gay employees who feel able to 'come out' in the workplace. To help gay and lesbian employees to 'come out' the same author outlines a series of appropriate policy responses.

- Understand the effects of the closet – being gay and lesbian and not feeling that the workplace is sufficiently supportive to allow them to come out will often have a negative impact on the individual and their standard of work.
- Recognize the benefits of ‘coming out’ – many gay and lesbian employees describe coming out as the most significant event of their working life, often leading to increased job satisfaction, motivation and enhanced commitment to the organization.
- Know your own people – action may be needed to ensure that the organization is one where staff feel safe to come out. This may require the organization to explore their employees’ attitudes to sexual orientation to determine the appropriate policy responses.
- Raise awareness – as with other forms of discrimination, discriminatory behaviour can often be unwitting. There may be a need to raise awareness of the issues surrounding sexual orientation through things like discussion groups.
- Support a lesbian and gay network – ‘invisibility’ at work is often an issue for lesbians and gay men and an employee network can be useful to provide support and also raise the profile of sexual minorities with colleagues.
- Ensure support from top management – it is important to have a senior manager, who is not necessarily gay themselves, to act as a diversity champion for sexual minorities in the workplace.
- Create a culture where people can come out – much of the above suggests means by which this can be done. There is also a need to train managers to make the right decisions in support of such a culture.

Cooper (2003) reports evidence from 20 organizations in terms of their response to the new regulations on religious discrimination. Only seven of the organizations were conducting a thorough review of policies and making changes to practices, whilst the remaining 13 organizations were simply adding the word ‘religion’ to their discrimination policies. The same author cites several legal experts who suggest that there is a need for organizations to be proactive in their interpretation of the legislation. One legal expert is quoted in Cooper as suggesting that, ‘religion is key to way some people identify themselves – it’s more important than ethnicity or nationality – and they rightly expect companies to accommodate their religious needs and protect them from discrimination’ (p. 27). Advice from the Department of Trade of Industry and Advisory Conciliation and Arbitration Service points to a number of areas that organizations should be considering with regard to religious



HRM in practice 6.7 British Airways responding to the legislation on religious discrimination

RfO (2004) reports how, in response to the new regulations prohibiting discrimination on religious grounds, British Airways consulted with their employees via a series of focus groups and meetings. The intent of the meetings was to ensure that the needs of different groups of employees were managed to conform to the legislation. In discussing the issues with employees some of the key issues raised were: availability of prayer rooms, uniform and dress code regulations, labelling of food and time off for praying and religious festivals. Consideration of these topics was then used to develop a frequently asked question section on the British Airways staff website.

discrimination. For example, they caution against word of mouth recruitment and also suggest employers should examine areas such as the provision of prayer room facilities and the possibility of flexible work to accommodate religious holidays (and see HRM in practice 6.7).

A further piece of legislation which is set to have a significant impact on human resource policies is that concerned with age. On its election in 1997 the Labour Government promised legislation to prohibit age discrimination, a situation that already existed in a number of other countries including large parts of Europe and the US. However, the Government eventually opted for a non-statutory code of conduct called *Age Diversity in Employment*. As a voluntary code, however, the code of conduct lacked teeth. Consequently, when in 2000 the UK decided to support the EU directive on equal treatment, the Government pledged to introduce legislation outlawing age discrimination by October 2006.

In common with the other areas covered by legislation the new legislation on age will aim to ensure that workers are not discriminated against in areas such as recruitment and selection, promotion and the provision of training. IRS (2004) note the unpreparedness of many employers for the age discrimination legislation noting, amongst other things, that one in three employers are unaware that the legislation will take effect in the near future. Indeed, in a more recent overview of the new legislation IRS (2006a, b, c) recognize that experience in other countries suggests that the introduction of the legislation is likely to see a significant number of claims for age discrimination. If organizations wish to avoid such a situation they should aim to develop a more proactive approach to the introduction of the legislation. For

example they could become an Age Positive Employer Champion. Such employers are committed to tackling age discrimination in their own workplace and taking practical steps to change their employment practices. In addition, further steps to achieving an age-diverse workforce include (IRS, 2004: 48):

- Reviewing the employment cycle from recruitment to retirement in order to eradicate any age bias, encompassing areas such as recruitment advertising.
- Clearly communicate with suppliers expectations about creating an age-diverse workforce.
- Use the Age Positive logo on recruitment adverts.
- Remove any reference to date of birth from all application forms.
- Proactively appeal to older workers through recruitment advertising.
- Champion age diversity at a senior level within the business.
- Use external and internal PR to share good practice – feature employees as age-positive role models.
- Adopt a flexible approach to recruitment.

Lastly, there is the Rehabilitation of Offenders Act 1974. The CIPD (2006) suggests that one fifth of the working population has a criminal record, with Drury (2001) recognizing that for men under 35 the figure is one in three. Although some employers may be wary of employing somebody with a criminal record it is important to recognize that the Act enables offenders who received less than a custodial sentence of up to two and a half years to be rehabilitated, and their convictions to be 'spent'. This means that after a certain amount of time potential employees are able to answer no to the question of whether they have got a criminal record or not. The length of time is dependent on the sentence received. It is important to recognize that it is illegal for an employer to discriminate on the basis of a spent conviction. Gledhill (2002) suggests that the hospitality industry, in particular, should look seriously to employing ex-offenders to address labour shortages and recruitment problems. He reports a Prison Service chef training scheme which aims to train inmates to National Vocational Qualification (NVQ) level 2 in food hygiene and food handling. Prisoners on the scheme cook for fellow inmates so get used to the pressure of working to deadlines and a number of ex-offenders were successful in gaining jobs on release.

One final point to note before the chapter moves on to consider managing diversity is the issue of a single equalities body. As we have previously recognized



the EOC, CRE and DRC are responsible for the broad areas of sex, race/ethnicity and disability. Currently there are no bodies that are responsible for sexual orientation and religion. In response to this situation, and the emergence of age legislation in October 2006, the UK Government has now established a single equalities body. This new body will be known as The Commission for Equality and Human Rights (CEHR) and came into being with The Equality Act 2006. In October 2007 CEHR will merge the functions of the EOC and DRC, as well as taking responsibility for sexual orientation, religion and age. Surprisingly, the CRE will not immediately become part of the new organization, but at the time of writing it is envisaged that it will join by 2009.

Managing diversity

In reviewing the debate about equal opportunities, what we have been largely talking about to date is the meeting of statutory requirements to offer equal opportunities to all in the organization, or those who will potentially join the organization. In many respects this can be considered the short-term agenda as outlined by Goss (1994), where the emphasis is on meeting legal obligations to ensure separate groups are not discriminated against in the workplace. A longer-term agenda that aims to move away from such a narrow approach is suggested by the notion of managing diversity.

Managing diversity is also particularly important given that it would be remiss to imagine women or ethnic minorities or people with disabilities as a homogenous group. For example, women are divided by class, ethnicity, age and occupational status. Similarly, ethnic minorities are far from homogenous, for example there may be major differences in the opportunities and employment experience between Asian employees and black African employees. In that sense resistance to equal opportunities policies may not come simply from white, non-disadvantaged men. Opposition to equal opportunities may also be seen from particular groups in society due to the fear of backlash, or being seen to have achieved a position based on grounds other than merit. Of course, the legislative agenda does not necessarily seek to create such perceptions or stereotypes, for example it does not support positive discrimination. Nevertheless, the perception that equal opportunities is primarily driven by a defensive legislative agenda has led to the emergence of managing diversity as a potentially more strategic and business-oriented approach

to engendering equality of opportunity. To consider this point we should consider three questions in relation to managing diversity, these being:

- 1 What is managing diversity?
- 2 How are equal opportunities moved on by managing diversity?
- 3 What action does managing diversity require?

In answer to the first question, Ellis and Sonnenfield (1994: 82) define managing diversity as, 'the challenge of meeting the needs of a culturally diverse workforce and of sensitizing workers and managers to differences associated with gender, race, age and nationality in an attempt to maximize the potential productivity of all employees'. In a similar vein, Kandola and Fullerton (1998: 8) suggest that:

The basic concept of managing diversity accepts that the workforce consists of a diverse population of people. The diversity consists of visible and non-visible differences which include factors, such as sex, age, background, race, disability, personality and workstyle. It is founded on the premise that harnessing these differences will create a productive environment in which everybody feels valued, where their talents are being fully utilized and in which organizational goals are met.

With regard to the second question, Table 6.2 illustrates the manner in which the managing diversity and equal opportunities are suggested as being different.

So the question we can ask ourselves is to what extent are organizations moving to become diverse and multicultural and if not how can organizations address this issue. At one level many would argue that the tourism and hospitality industry is, in all respects, be it unit, locality, clientele or labour market, possibly the most international of industries. Baum (1996: A77), for example, notes how:

Tourism ... is almost unique in providing multicultural interface at a variety of levels and in many situations, simultaneously. It is an everyday experience for a Japanese visitor to London to be checked into a hotel by an Australian receptionist, supervised by an English front office manager of Afro-Caribbean origin, in a hotel owned by Middle Eastern financial interests, managed by an American hotel multinational who have appointed an Italian as general manager to the property.

Table 6.2 Differences between managing diversity and equal opportunities

Managing diversity	Equal opportunities
<ul style="list-style-type: none"> ● Ensures all employees maximize their potential and their contribution to the organization 	<ul style="list-style-type: none"> ● Concentration on issues of discrimination
<ul style="list-style-type: none"> ● Embraces a broad range of people; no one is excluded 	<ul style="list-style-type: none"> ● Perceived as an issue for certain groups in the labour market such as women, ethnic minorities and people with disabilities
<ul style="list-style-type: none"> ● Concentration on issues of movement within an organization, the culture of the organization, and meeting business objectives 	<ul style="list-style-type: none"> ● Less of an emphasis on culture change and the meeting of business objectives, premised more on moral and ethical issues
<ul style="list-style-type: none"> ● Is the concern of all employees, especially managers 	<ul style="list-style-type: none"> ● Seen as an issue to do with human resource practitioners
<ul style="list-style-type: none"> ● Does not rely on positive action/affirmative action 	<ul style="list-style-type: none"> ● Relies on positive action

Source: This material is taken from *Diversity in Action: Managing the Mosaic* by Kandola, R. and Fullerton, J., 2nd edition (1998), with the permission of the publisher, the Chartered Institute of Personnel and Development, London.

However, whilst Baum’s quote is useful in pointing to the multicultural nature of tourism and hospitality we should also recognize that multiculturalism of this nature does not axiomatically equate to genuine opportunity for all in tourism and hospitality organizations. For example, research that has been conducted in the US points to some limited success in diversity programmes. Wilborn and Weaver (2002) investigated diversity management training initiatives (DMTIs) by surveying 139 managers in a range of lodging properties. The managers were questioned about a variety of DMTIs including aspects such as diversity awareness training for managers, cross race/gender training teams, networking groups and minority internships. Nearly half the managers surveyed felt that their organization offered a good diversity management training programme. Significantly, managers who were exposed to DMTIs had more positive feelings towards such initiatives in terms of recognizing their importance towards organizational success. In a similar vein, Speizer (2004) notes the success of Denny’s restaurant chain from being seen as one of the most racist companies in America to being number one on *Fortune*

magazine's list of 50 best companies in America for minorities. To address the problem of racism, Speizer reports how Denny's appointed the first diversity officer to report directly to the CEO. With a budget of over \$1 million dollars a year the diversity officer was able to develop a series of initiatives. For example, they hired over 100 diversity trainers and insisted that all employees – from senior executives to dishwashers – attend diversity awareness classes. Denny's also sought to encourage more customers from ethnic minority groups and also diversified their suppliers going from having no minority suppliers or contractors to spending over \$616 million with minority suppliers between 1995–2000. On the other hand research undertaken by Groeschl and Doherty (1999) on a number of hotels in San Francisco points to a much more reactive approach, what they term a 'reactive diversification strategy'. Such an approach is largely concerned with complying with legislation in areas like affirmative action and training in equal opportunities areas such as the American Disability Act. As they note though, 'the hotels have not been able, so far, to make the next step from tolerating diversity to valuing it' (p. 266).

Clearly, then, managing diversity is something that organizations have to think about in a proactive manner. There are no easy prescriptions as to how this approach can be achieved, though Kandola and Fullerton (1998) offer what they consider to be an integrated and coherent model of the diversity-oriented organization. They also suggest this model can be used as a benchmark to drive organizational initiatives and strategy. The idea of such an organization is underpinned by the notion of the creation of a *mosaic* to encourage diversity in organizations:

Missions and values

Objectives and fair processes

Skilled workforce: aware and fair

Active flexibility

Individual focus

Culture that empowers

These aspects are now briefly discussed.

Diversity-oriented organizations will seek to develop a strong and positive mission and core values statement, which recognizes that managing diversity is an important long-term business objective for the organization. In support of the mission and vision all processes and systems in organizations (e.g. recruitment, selection, performance appraisals, promotion decisions and so on) need to be audited

and re-audited to ensure that no one group predominates. With regard to the skilled workforce Kandola and Fullerton note the importance of ensuring that the entire workforce is aware of and guided by the principles of managing diversity. By understanding why diversity is important employees can act in a manner which ensures their biases and prejudices do not influence the way they make decisions and work with colleagues. Such an approach may also require a proactive approach to equipping managers in particular with the right kind of skills to ensure managing diversity is supported by the requisite managerial capability. Active flexibility is important in ensuring that working patterns, policies, practices and procedures support the approach to diversity. For example, in recognizing the diverse needs of all employees Kandola and Fullerton note the importance of adopting a 'cafeteria' approach to issue surrounding work/life needs. In advocating an individual focus Kandola and Fullerton note how sometimes 'special events' that focus on a particular group can actually serve to reinforce stereotypes or increase hostility to particular groups. Resultantly, things such as cross-cultural training programmes should aim to foster respect for employees as individual actors, rather than treating employees as member of a particular group, with easily categories differences. Finally, underpinning much of the above is the need to sustain the right kind of organizational culture. We have already noted the importance of organizational culture in Chapter 2 and in terms of managing diversity there is a need to ensure the prevailing culture encourages participation and creativity from all organizational members.

Conclusion

At the outset of the chapter we asked whether we are likely to find equality of opportunities within organizations. The simple answer would be no. There was evidence within the chapter to suggest that certain groups in society still continue to face discrimination which has a deleterious effect on their employment experience. That said, the chapter also recognized the manner in which legislation aims to eradicate such discrimination and how managing diversity seeks to encourage organizations to adopt a more proactive response to ensuring opportunity for all. Although equal opportunities and managing diversity may be represented as being dichotomous in their approach, in reality many organizations will adopt an

approach which has elements of both. Many would recognize that valuing and promoting diversity in the workforce probably relies on a delicate balance between legal requirements and a business-driven desire to be an employer of choice and to attract and retain the best employees, regardless of their backgrounds.

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Websites

The various equality commissions can be found at:

Commission for Racial Equality <http://www.cre.gov.uk/>

Disability Rights Commission <http://www.drc.org.uk>

Equal Opportunities Commission <http://www.eoc.org.uk/>

Although it does not come into official existence until October 2007 the CEHR already has a website, <http://www.cehr.org.uk/>

Stonewall is an organization that supports gay people's right to equality [http:// www.stonewall.org.uk/workplace](http://www.stonewall.org.uk/workplace)

The Employers Forum on Age can be found at <http://www.efa.org.uk>

The Apex Trust is a voluntary organization that helps ex-offenders get back into employment http://www.apextrust.com/apextrust/exo_rehabact.shtm

For information on the various world religions see <http://www.bbc.co.uk/religion/religions/index.shtml>