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thrive

The Business Case for Gender Equality

Thrive CIC

This guide is written for businesses operating in the UK and is not intended to provide legal advice.

1. What is gender equality?

Gender equality refers to the absence of discrimination, where all people are equal regardless of their gender.

The **UK Equality Act 2010** establishes nine protected characteristics of which three are specifically relevant to gender equality: **sex, gender reassignment, and pregnancy and maternity**. Related characteristics that also interact with gender equality and can make it harder to achieve equality can include **age, disability, marriage and civil partnership, race** (including ethnic or national origins, colour and nationality), **religion or belief** (including lack of belief) and sexual orientation.

The UK Equality Act 2010 seeks to recognise the diversity of experiences and identities, under intersectional terms, that must be considered in order to advance equality.

This idea has developed over the years:

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- "All human beings are born free and equal in dignity and rights" UN Charter
- "If women are expected to do the same work as men, we must teach them the same things." Plato, *The Republic*
- "Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance." Kofi Annan
- "A gender-equal society would be one where the word 'gender' does not exist: where everyone can be themselves." Gloria Steinem
- "Freedom cannot be achieved unless women have been emancipated from all kinds of oppression." Nelson Mandela
- "A world full of empowered women isn't one where men are marginalized. It's a world where everyone thrives." Purnima Mane, President and CEO of Pathfinder International
- "No country can every truly flourish if it stifles the potential of its women and deprives itself of the contribution of half its citizens." Michelle Obama
- "Equality is not just the right thing to do. It's smart economics. How can an economy achieve full potential if it ignores, sidelines, or fails to invest in half its population?" Robert Zoellick
- "We cannot succeed when half of us are held back." Malala Yousafzai

Evidence and statistics to support the case for gender equality at work.

- *\$12 trillion (or an 11% increase) could be added to the global GDP by 2025 by advancing women's equality and that the public, private and social sectors need to act together to close the gender gap*



- In a full potential scenario where women played an identical role in labour markets to men this increase rose to \$28 trillion (26%)

- Companies in the top quartile for gender diversity on their executive teams were 15% more likely to experience above average profitability than companies in the fourth quartile. In expanded 2017 data this rose to 21%
- Fair employment practises in relation to gender are important to consumers. 53% of consumers are likely to complain when disappointed by a brand's stance on a social issue. A quarter of UK consumers won't return to a brand after they have been disappointed by their practises
- An inclusive culture in the workplace boosts morale and opportunity and these workplaces tend to have higher staff retention rates representing major savings in terms of time and money spent on recruitment
- 85% of women surveyed said an employer with a strong record on diversity was important to them when looking for a job
- By 2050, improving gender equality would lead to an increase in EU GDP per capita by 6.1-9.6% (around 1.95-3.15 trillion euros). Improvements to gender equality would lead to 10.5 million additional jobs by 2050
- Gender gaps cost the economy around 15% of its GDP
- According to American Express, in the last 20 years the revenue of women-owned US companies has increased by 103%

- Increased gender equality in the workplace and job access for women (in terms of earnings and bargaining power) has positive spill over effects on poverty reduction through greater spending on children's health and education
- Closing the gender pay gap in the UK would increase female earnings by £92 billion – a 20% increase of its current value
- A study sponsored by Weber Shandwick and KRC Research in 2015 asked 327 executives in 55 global markets to identify reasons for being involved in creating greater gender equality in the workplace
- 17% cited improving corporate reputation 46% cited it as 'improving our ability to attract and retain talented women' 35% cited that 'women make good leaders'

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3. What are the benefits of gender equality to your business?

- *It's easy to establish the moral case for gender equality. After all, if we accept that no one should be held back on account of their race, ethnicity, gender, or where they come from, then there can be no principled objection to gender equality in the workplace too. Further to these moral arguments, there are cogent economic reasons why promoting gender equality in the workplace provides a benefit to everyone in society, including business owners:*



GENDER EQUALITY IS GOOD FOR THE ECONOMY

1

If women were able to play an identical role in the labour market to men, as much as \$28 trillion could be added to global GDP

2

GENDER EQUALITY INCREASES CONSUMER SPENDING POWER.

By paying women more, we create a new audience of customers for products and services.

3

GENDER EQUALITY FACILITATES INNOVATION.

A diversity of opinion and life experience creates innovation whilst a lack of it, where all your people have the same background and identities, leads to blind spots

GENDER EQUALITY HELPS TO RECRUIT AND RETAIN TOP TALENT.

4

Employees don't stick around if they feel the workplace takes them for granted, or fails to give them opportunities to advance. Promoting gender equal policies in the workplace can ensure that a business doesn't lose their top talent to competitors who do have such policies in place. A report in 2014 by ACAS suggested that replacing a single employee can cost an employer more than £30,000, accounting for the recruitment process, training and loss of productivity.

GENDER EQUALITY INCREASES CONSUMER SPENDING POWER.

5

Investing in free child and elder care would enable those with caring responsibilities, which tends to be undertaken by women, to return to work quicker and more effectively leading to greater levels of productivity in the workplace.

POLICIES WHICH PROMOTE GENDER EQUALITY CAN IMPROVE A BUSINESS'S REPUTATION AND CUSTOMER LOYALTY.

Consumers care more about issues beyond just product and price. Increasingly, consumers want to patronise businesses whose values they see as aligning with their own.

Demonstrating that your business has a forward-thinking and intersectional approach to gender-equality doesn't only have the effect of all the foregoing points - it can also have the effect of enhancing your reputation, differentiating your business in a crowded marketplace, doing good in society, and attracting new consumers to your company.



4. The economic costs of gender inequality

Gender inequality not only concerns discriminatory social institutions, but also hinders economic growth.

According to OECD, it costs the global economy up to \$12 trillion (USD) due to gender-based discrimination in social institutions. However, if this inequality slowly decreases there may possibly be an annual average increase in the world GDP growth rate of 0.03 to 0.6 percentage points by 2030.

The losses in human capital wealth due to gender inequality in earnings could amount to \$23,620 per person globally. These losses are based on the 141 countries studied in the World Bank report, which is estimated to a total of \$160 trillion. This is approximately double the value of GDP around the world. In other words, human capital wealth could increase by 21.7 percent globally, and total wealth by 14.0 percent with gender equality in earnings, according to the report.

Additionally, violence against women has cost the UK approximately £40 billion. This considers the loss of financial output of women who have experienced this violence, as well as the cost to public services. According to UK Home Office Research, domestic abuse costs the UK £40 billion each year in lost output. Within this, an approximated £1.9 billion is lost by employers because of sick pay, reduced productivity, strains on administration from unplanned time off, and lost wages. 54% of employers said that domestic abuse caused the quality of an employee's work to suffer, 56% of employers said domestic abuse led to absenteeism and 58% of abused women miss at least three days of work a month. In January 2021, Business Minister Paul Scully published an open-letter to all businesses in the UK to put policies in place to address domestic abuse and raise awareness amongst their people.

5. What legal obligations are businesses under?

It's essential for employees and employers to know how the Equality Act 2010 applies in the workplace, as it's everyone's responsibility to ensure discrimination never occurs. There are also procedures that need to be followed when questions are raised over possible discriminatory conduct.

Equal treatment in the workplace applies when an individual applies for a job, in the terms and conditions of their work, during part time and flexible working arrangements, to pay and benefits, training, development, promotion, appraisals, dismissal, redundancy and retirement. All people within an organisation are entitled to be treated equally regardless of their gender.

3

Across all three areas in relation to gender equality the law forbids:

- **Direct discrimination**, where because of your sex someone treats you worse than someone of the opposite sex who is in a similar situation
- **indirect discrimination** where an organisation has a particular policy or way of working that applies in the same way to both sexes but which puts you at a disadvantage because of your sex. However, this particular discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the policy.
- **Harassment** where someone makes you feel humiliated, offended or degraded, where someone undertakes 'unwanted conduct of a sexual nature' and when someone treats you unfairly because you refused to put up with sexual harassment.
- **Victimisation** where you are treated badly because you have made a complaint of sex related discrimination under the Equality Act 2010.

There are some notable exceptions:

- **Occupational requirement** where being a particular sex is essential for a job
- **Positive action** where an act is used to encourage or develop people of a sex that is under-represented or disadvantaged in a role or activity.
- **Single sex services** where in all the circumstances it can be justified e.g. offering a women-only support service to victims of domestic violence.

Positive action applies to all protected characteristics. Positive action provisions mean that it is not unlawful discrimination to take special measures aimed at alleviating disadvantage or under-representation experienced by those with any of these characteristics.

Current positive action provisions in employment relate to training or encouragement such as mentoring schemes for women where they are under-represented in senior roles, or open days to encourage women applicants in male-dominated sectors. The existing forms of positive action cannot be used as part of the actual appointment process. The Act contains new provisions to allow positive action specifically in the process of recruitment and promotion, in limited circumstances.

Positive action is entirely voluntary. There is no requirement for an employer to use either the general provisions or those relating to recruitment and promotion. Further guidance on positive action is available [here](#).

Sex is addressed under the Equality Act 2010 s.11 "In relation to the protected characteristic of sex - (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman; (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex."

Gender reassignment is addressed at s.7 Equality Act 2010 "A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."

If you are absent from work because of gender reassignment, your employer cannot treat you worse than you would be treated if you were off due to an illness, injury or some other reason.

Pregnancy and Maternity at work is addressed at s.18 Equality Act 2010
"A person, A, discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably because of the pregnancy or because of illness suffered by her as a result of it, because she is on compulsory maternity leave, because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.

"In addition, the Equality Act 2010 establishes two critical rights for the purposes of enforcing the right to **equal pay**:

- s.77 establishes that a term of a person's work that restricts them from disclosing or seeking to disclose their own or a colleague's pay is unenforceable
- s.78 may require employers to publish information relating to the pay of employees to show if there are any differences in the pay of male and female employees.



Duty of care

Employers have a duty of care to their employees, which means that they should take all steps which are reasonably possible to ensure their health, safety and wellbeing. Legally, employers must abide by relevant health & safety and employment law, as well as the common law duty of care. They also have a moral and ethical duty not to cause, or fail to prevent, physical or psychological injury, and must fulfil their responsibilities with regard to personal injury and negligence claims.

Requirements under an employer's duty of care are wide-ranging and may manifest themselves in many different ways, such as:

- Clearly defining jobs and undertaking risk assessments
- Ensuring a safe work environment
- Providing adequate training and feedback on performance
- Ensuring that staff do not work excessive hours
- Providing areas for rest and relaxationProtecting staff from bullying or harassment, either from colleagues or third parties
- Protecting staff from discriminationProviding communication channels for employees to raise concerns
- Consulting employees on issues which concern them.

For example, where an employee is experiencing domestic abuse, the employer has a duty of care to protect that employee and colleagues who may be affected by the abuse and the abuser whilst they are at work. 75% of domestic abuse victims receive abuse whilst on workplace grounds and 33% of all domestic abuse murders take place on workplace grounds. Therefore, there is a significant risk of the abuser entering the workplace environment either physically or digitally and employers must consider how to protect their employees if this happens. Whilst 86% of HR leaders agree that employers have a duty of care for employees experiencing domestic abuse, only 5% of organisations have specific policies or guidelines on the issue.

6. What are the costs and consequences of not meeting the minimum legal obligations?

Legal penalties for breaches of the Equality Act 2010:

There is no limit in the amount of compensation that can be awarded in discrimination cases. There are two significant categories for penalties: injury to feelings and loss of earnings.

The “Vento Bands” provide guidelines for how much an employer must compensate an employee when there is injury to feelings (*Vento v West Yorkshire Police*). This guidance suggests that a lower band of £900 to £9000 (for less serious cases); a middle band of £9000 to £27,000 (for cases that do not merit an award in the upper band); an upper band of £27,000 to £45,000 (the most serious cases — eg where there has been a lengthy campaign of harassment), with the most exceptional cases capable of exceeding £45,000.

Employers should also be aware that the employee could receive aggravated or exemplary damages where the employer has acted in a "high-handed, malicious, insulting or oppressive manner" (*Alexander v Home Office*).

Where a tribunal finds that an employer has failed to consult adequately or not at all with the representatives of the affected employee, they may make a Protective Award which is of up to 90 days' pay per employee. The award is designed to be punitive.

Litigation costs

When an employer fails to meet the minimum standards set out in the Equality Act, they open themselves up to the risk of an employee taking legal action. As a business it is best to avoid litigation and the fees that accompany it. In addition, there are costs in terms of time, resources and even reputation.

The British Chamber of Commerce has previously estimated that it costs UK employers £8,500 on average to defend a case, and £5,400 on average to settle a claim.

Moreover, if a case is lost, the employer will also have to account for any remedy costs. Though the compensation available for unfair dismissal is capped at £88,519 (*Employment Rights Act 1996, s124(1)*), the compensation available for discrimination cases is unlimited. This means that failure to comply with the minimum standards for gender equality set out in the Equality Act can open up a company to huge financial payouts, that may also draw attention and bad press to a company. This could not only affect its public image in relation to consumers and customers, but impact on stakeholders and share prices (where a company is public).

7. Mitigating the disproportionate impact of COVID-19 on women in the UK.

Health impact

Carers UK has calculated that the economic value of the unpaid care provided by women in the UK is estimated to be a massive £77 billion per year. This is significant. People in these roles are more likely to be exposed to COVID-19.

In October 2020, an estimated 750,000 of young woman had been made to come to work despite concerns about their safety due to COVID-19.

Economic impact

58% of care-givers are women. Decisions to close schools and nurseries affects primary caregivers and their ability to work more than those who are not in caregiving roles. 69% of childcare providers anticipate running at a loss for at least the rest of the year.[3] 25% of childcare providers believe they will close within a year.[4]

Sutton Trust research shows that the lack of formal childcare provision during COVID has had 'the biggest impact on the poorest childcare' with potentially lasting impacts on the attainment gap.[5] They also highlight that 1 in 3 nursery closures will be in poorer areas.[6] 81% of mothers require formal childcare to go to work, yet in July only half had access to childcare, 33% of employed mums had lost a childcare place since March, rising to 48% for self-employed mothers. 46% of mothers being made redundant said that lack of childcare was a factor in their selection for redundancy and 72% have worked fewer hours and cut their earnings due to lack of childcare.[7]

Women are more likely to be employed in the service sectors (evidence) that have been most affected by social distancing measures and lockdown restrictions which means women are more likely to have been furloughed or have had a reduced income due to COVID-19. (evidence). Furthermore, employees working in the service industries are more likely to be working on insecure zero-hours contracts.

The pandemic economic impact has hit young women's employment the hardest, as a third of all young women were employed in shutdown sectors like hospitality, leisure and tourism. In May 2020, 84 per cent of young women surveyed were concerned about their future finances, 64 per cent expected to lose money because of the crisis, and a quarter said they expected to lose more than £100 a week. In October 2020, an estimated 1.5 million young women had lost income since the coronavirus pandemic began. 69% of young women claiming Universal Credit since March 2020 reported they had done so for the first time.

Almost half of working class women (43 per cent) did no hours of work in April compared to just 20 per cent of women in professional or managerial roles. By June fewer than half of all women in work (48 per cent) were still working full-time hours. Those working class women still at work are far less likely to be working from the relative safety of home than women in managerial or professional roles – 80% of working class women said they were "never" working from home in June.

Domestic Abuse

Since the beginning of the COVID-19 crisis, the difficulties faced by domestic abuse victims has been exposed, as well as the government's strengths and failures to tackle a rise in numbers. "The pandemic has exposed longstanding flaws in the UK government's approach to domestic violence," said Hillary Margolis, senior women's rights researcher at Human Rights Watch."

The UK government introduced emergency funding for victims: "Communities Secretary announces £76 million extra funding to support survivors of domestic abuse, sexual violence and vulnerable children and their families and victims of modern slavery", specifically £28 million for domestic services.

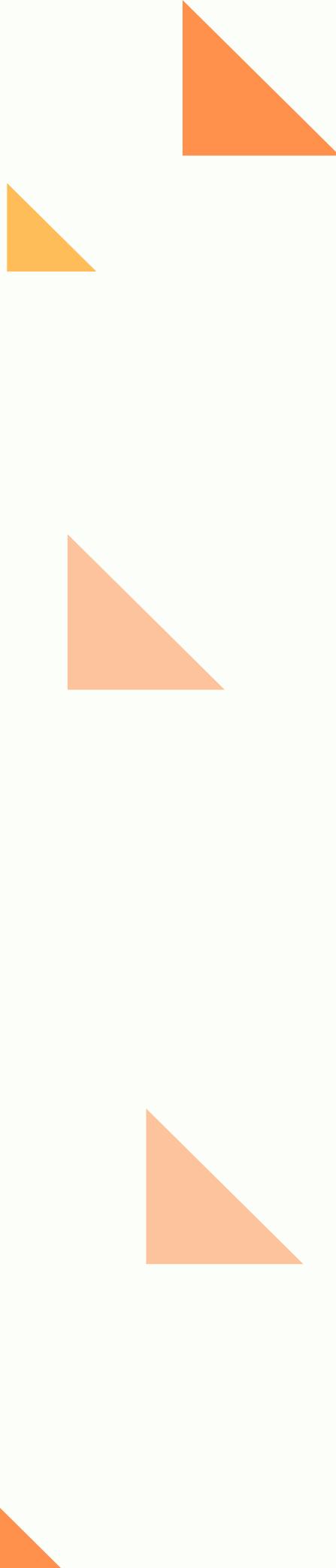
The charity Refuge reported on May 27 that average weekly calls and contacts to the National Domestic Abuse Helpline for England and Wales had risen by 66 percent and visits to the website – where people can request a safe time to be contacted – had jumped by 950 percent compared with levels before the pandemic.

November 2020 Spending Review

On pay, work, social security, social infrastructure, violence against women and girls, and equality impact assessments, the Chancellor has not done enough for women. Therefore, a significant role must be played by employers and businesses to retain female talent in the workplace.

8. What steps should businesses take to achieve gender equality?

1. Education to raise awareness amongst staff.
2. Training to upskill your workforce.
3. Induction specific training so new employees are up to date with education the rest of the organisation has benefited from.
4. Policies to consolidate the processes taught in training and facilitate a uniform response throughout the business.
5. Appoint ambassadors throughout the organisation, who can undertake more detailed training, and disseminate information to their teams.
6. Undertake a gender pay gap assessment and implement the recommendations that flow from it.
7. Undertake risk assessments on relevant issues e.g. domestic abuse
8. Partner with local charities and support services so employees can receive specialist support if they need it.



Businesses and employers are not expected to become gender experts but should recognise the problems, respond in a supportive way and refer to the appropriate help. Thrive CIC can provide this expertise and guide businesses in implementing a gender equality plan.

Thrive CIC

9. Research and Evidence

McKinsey research

A 2014 study by McKinsey of 1,000 companies across 12 countries found that companies in the top quartile for gender diversity on their executive teams were 15% more likely to experience above-average profitability than companies in the fourth quartile. Almost exactly three years later, this number rose to 21% and subsequently rose to 25% in 2019 and seems to continue to rise further. Additionally, companies within the top-quartile for gender diversity on executive teams are also 27% more likely to have superior value creation when compared to their less gender diverse competitors.

Boston Consulting Group study

Likewise a 2017 study by the Boston Consulting Group found that companies with the greatest gender diversity (8 out of every 20 managers were female) generated about 34% of their revenues from innovative products and services in the 2014-2017 period. Companies that have the least gender diversity (only 1 in 20 managers were female) only generated 25% of their profits from innovative revenues. On top of this suggests that having a high percentage of female managers is positively correlated with disruptive innovation, (a new product, service, or business model fully replaces the version that existed before).

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