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**Recent developments in the equality and diversity agenda in the UK: the ‘big society’ under austerity**

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**Introduction**

The UK labour market and society are characterised by a vibrant diversity generated by a combination of factors. These factors include *migration* associated with the country’s post-colonial legacy and to its more recent membership of the EU. It includes the relatively recent *demographic shifts* related to feminisation of the labour market and with an ageing population. It also includes the increased *visibility* of religious and sexual minorities and of disabled people. Yet, inequalities and disadvantage continues to persist for members of some demographic groups spanning gender, ethnicity, age, disability and sexuality. According to the report published by the EHRC (2011a), the employment rate for people with disabilities was as low as 38 percent in 2000s; employment rates for Muslim men were only 47 percent and an appalling 24 percent of Muslim women. Beyond the simple employment figures, labour market inequalities and disadvantage are also experienced in the form of horizontal and vertical segregation, and earning penalties. For example, 1 in 4 Pakistani males work as a taxi driver and black graduates face a 24 percent earnings penalty. Similarly, gender continues to be a significant source of pay gap as well as occupational segregation (Women and Work Commission, 2006). 77 percent of administration and secretarial jobs and 83 percent of personal services jobs are occupied by women whereas only a small fraction of professional and technical jobs such as engineering or architecture (6 %), planning and surveying (14%) are held by female employees (EHRC, 2011a). Moreover, gender disadvantage constitutes a significant barrier for women to progress in the corporate ladder. In 2011 Lord Davies conducted an inquiry into women on company boards and concluded that women are significantly underrepresented in boardrooms, constituting only 12.5 percent of directors of FTSE 100 companies and only 7.8 percent of FTSE 250 companies (BIS, 2011).

The key aim of this chapter is to assess the recent changes in the UK equality and diversity landscape. In order to do that we first present an overview of the equality and diversity field in the UK, explaining the legal and regulatory framework of anti-discrimination at work. We then discuss and evaluate the recent changes that have been occurring in the politics of equality and diversity in relation to perceptions, policies and regulations.

**Overview of the equality and diversity field in the UK**

The UK has a well-established equality legislation, covering provisions against discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, race and ethnicity, religion or belief, and sexual orientation (Equality Act, 2010). In addition, public sector organizations are legally bound by a secondary legislation, the Equality Duty (which came to force in April 2011, replacing the previous Gender, Race and Disability Duties), to produce equality schemes and monitor specific aspects of employment (EHRC, 2011b). Conley (2012) identifies the general equality duty and the specific duties as reflexive legislation, where organisations need to reflect on how to implement the legislation in their particular case. The general equality duty contains specific duties on the procedural requirements of the implementation of the law.

The broad equalities landscape of the UK approach to equality and diversity at work is explored in more detail by Tatli (2010), but the following summarises the key elements. Until recently, the consolidated approach to equality and diversity issues in the UK has been the ‘business friendly’ equalities approach adopted by consecutive New Labour governments. This policy agenda, which was characterized by its emphasis on marrying business needs with equality, was an unsurprising outcome of the wider post-1980s’ trend towards deregulation and individualism in the country (Noon and Ogbonna, 2001). As noted by Colling and Dickens (1998), one result of the business friendly policy agenda has been the privatisation of the responsibility for equality at work. Consequently, diversity management has become a popular management approach in the UK.Kandola and Fullerton (1998: 7) who have been influential in introducing the concept in the UK defined diversity management as:

The basic concept of managing diversity accepts that the workforce consists of a diverse population of people. The diversity consists of visible and nonvisible differences which will 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 everyone feels valued, where their talents are being fully utilised and in which organisational goals are met.

The emphasis on individualism and voluntarism in diversity management approach has attracted criticism (e.g. Dickens, 1999; Noon 2007; Lorbiecki and Jack 2000). However, others have urged for a more cautious approach questioning the depiction of diversity management and equal opportunities as opposing poles (Lawrence 2000; Liff 1996). Still others emphasise that the differences between these two approaches are not as clear-cut as the scholars would have made (Klarsfeld et al. 2012). Similarly, Tatli’s (2011) research shows that in British private sector organisations, the shift from equal opportunities to diversity management has been only at a rhetorical level.

Despite the emphasis on voluntarism in the diversity management paradigm, legal enforcement has the most significant influence on organizations in the UK when organisations plan, design and implement equality and diversity policies and programmes. Findings of a survey of diversity managers suggest that organizational equality and diversity efforts are driven by legal compliance in both public and private sectors (Tatli 2010). Organisational equality and diversity practice in both public and private sectors targeted group-based differences protected by the anti-discrimination legislation, and few organisations offered any equality and diversity provision for categories that fall outside of the legal framework - such as social and economic background (16.5 %); physical appearance (10.9%); weight (3.2%); postcode (2.8 %); accent (2.5 %). However, legal pressures are significantly more influential for the public sector organisations then the private sector organisations. This finding also lends support for the key role of legal enforcement for promoting equality and diversity at work because equality was much more strongly enforced and monitored in the public sector through the equality duties (Corby, 2007). Furthermore, the same survey demonstrated that equality and diversity practices in the public sector were more systematic and more sophisticated in terms of depth and breadth of activities.

To summarise, organizational responses to equality and diversity are overwhelmingly shaped by legal compliance concerns in the UK. The academic literature as well as policy debates tend to present business case and legal case arguments in dichotomous terms. However, organisations use business and legal case arguments side by side, e.g. organisations which have legal case arguments also have business case arguments and vice versa (Tatli, 2010). Furthermore, strong legal provision in itself may strengthen the business case for diversity through rewarding compliance and punishing non-compliance (Jonsen et al. in press).

The key regulatory body in the UK for enforcement of the legislation is the Equality and Human Rights Commission (EHRC), which replaced the Commission for Racial Equality (CRE), the Equal Opportunities Commission (EOC) and the Disability Rights Commission (DRC) in 2007. The Commission has the mandate to ensure the implementation of the equality legislation and powers to carry out inquiries into unlawful discrimination practices, conduct investigations of employers and take organizations to court. It provides information and support on the legislation by publishing non-statutory guidance on the Equality Act for public and private sector, and statutory codes of practice on the Equality Duty for the public sector organizations. However, enforcing the law is also a resource issue for the EHRC and therefore the Commission is more likely to invest its resources to high profile cases (See Dickens, 2006). In that context, the government policies have a direct impact on the enforcement power and resources of the EHRC (Ozbilgin and Tatli, 2011).

Alarmingly, the Conservative led Coalition Government decided to eviscerate both the budget and remit of the EHRC in a recent move. The Government announced in May 2012 that reforms are to be carried out to ensure the EHRC to focus on its core functions. Despite the strong opposition during the consultation period, the Government claimed that the reforms are necessary to ensure ‘value for money,’ reduction in red-tape and increased efficiency (Home Office, 2012). The Equality Minister stated that further reforms are likely in the future with “more fundamental, structural changes to the EHRC's remit including some functions being done elsewhere, or splitting its responsibilities across new or existing bodies” (Guardian, 2012). The reforms removes EHRC’s wider remit on good relations, human rights and equality for all, and restricts its powers of providing legal assistance, information, advice, and conciliation services, and as well axing its grant making powers, which is used to fund local equality groups and services through legal and community grants (Home Office, 2012). As a result of the reforms, the EHRC will see its budget more than halved from £70m at its inception in 2007 to £26m by 2015. For many, including civil society organisations, trade unions and academics, this Government move is a fundamental set back to the progress towards greater equality and diversity in the UK because the reforms may transform the country’s Equality watchdog into little more than a think-tank.

Dickens (2004) claims that both Conservative and New Labour policies in relation to equality and diversity was based on light touch regulation rather than strong enforcement. Yet, the most recent developments in relation to equality and diversity in the UK remind us the importance of attending to the nuances of variants of neoliberalism and their differential impact on the equalities agenda. The neo-liberalism of the New labour, which was sometimes described as a ‘social-democratic variant of neo-liberalism’ Hall (2003, p.22), has been considerably more progressive in promoting equality and diversity when compared to its Conservative counterpart. In the remainder of this chapter, we assess the recent changes that occurredin terms of politics of equality and diversity in the UK.

**Politics of equality and diversity: ‘big society’ under austerity meets equality agenda**

Ozbilgin and Tatli (2011) note that “the state is a meta actor which shapes the power balances, trends, change and position takings in the equality and diversity field”. In terms of state policy, the employment equalities agenda in the UK had, by 2008 settled into a relatively consistent pattern. Broadly, ‘diversity’, delivered through an individualist, utilitarian business-friendly narrative, was the means by which government was promoting equality. At around this juncture, however, political and economic factors coincided resulting, by the latter part of 2012, the entire equalities agenda in a new state of flux. The events contributing to this state of affairs were a conjunction of (a) the responses to the global financial crisis and (b) the positioning and repositioning of the major political parties to the issue of employment regulation and equalities and (c) the consequences of the 2010 general election in relation to the first two elements. This part of the chapter identifies the key developments in relation to the politics of equality and diversity, evaluating the shifts in the governmental policy and discourse.

***2005-2010: Detoxifying the Tory Brand***

The British Conservative Party, in common with most centre-right political parties internationally, have always been more hostile than their centre-left equivalents to equality agendas, due to the somewhat tautological issue that redistributing rights or resources to the less advantaged are likely to be at the expense of the Conservative demographic base. In the UK, this has additionally been bolstered by the domination of “Thatcherist” ideology within the party, from 1975, over more consensual variants of Conservatism in the past (Gamble, 1994; 2004; McInness, 1987). The emphasis, here, has been the supremacy of free markets, the politics of individualism and hostility to state regulation on behalf of any perceived disadvantaged group. Following three successive election defeats, however, some re-adjustment began to take place in the party. The accession of David Cameron to the leadership Conservatives in 2005 was followed by serious attempts to re-orientate the image of the party away from being seen as – in the words of senior Conservative politician Theresa May – “the Nasty Party”. The attempt at finding a new narrative was achieved through a new emphasis on a communitarian view of conservatism, most closely associated with the self-proclaimed “Red Tory”, Phillip Blond (2010) and later linked to the notion of “the Big Society”.

Among a variety of repositioning statements and reviews, the change in narrative on issues of equality and diversity was significant. The new leadership made symbolic announcements apologising for Conservatives’ previous stances on equality-related issues. For example, in 2006 apologies were issued for its position on apartheid South Africa in the 1980s and 1990s (it was publically opposed to the ANC in general and Nelson Mandela in particular). It apologised for its position on homosexuality (Section 28 of the Local Government Act 1988, banning “the promotion of homosexuality” in schools, created a particularly toxic image). Cameron also declared that that the party should shed its reputation for its default opposition anything associated with an employment rights agenda and that he “...didn’t go into politics to be the mouthpiece of big business” (Observer 2006).

With these themes in mind, the policy review process that was undertaken included the Conservative Womens Policy Group (2008) which proclaimed that a future Conservative government would retain the inherited measures aimed at equalising women’s equitable participation within the labour market. This would include retaining the range of parental leave rights established by the Labour government – including a qualified *extension* to parental rights to request flexible working hours and a strengthening of the equal pay audit system. It was proclaimed from some within the party, that it was possible to be a Conservative and a feminist – despite this seeming to be inherently implausible (Bryson and Hepple, 2010) – and that as a demonstration of intent, the whole issue of short-lists and quotas was being discussed as a means of increasing women and minority representation among Conservative parliamentary candidates (Campbell et al (2006).

***The Coalition Agreement and Policy Aspirations***

The manifestos of the three main parties at the 2010 general election, displayed both contrasts and consistencies on the issue of equality. The incumbents, Labour, entered into the election on the back of an apparent new enthusiasm on equality that had laid somewhat dormant in previous years. Thus, the consolidating Equalities Bill was progressing through parliament, where much emphasis was placed on the duty of public bodies to promote equality and where the issue of class (in the form of income inequality) was re-entering the agenda (see above). In addition, Labour were committing to make further incremental enhancements to rights for working parents. There was, however, little mention of equality on other dimensions.

By the time of the 2010 general election, however, the full impact of the global financial crisis was being felt. The aim of the Conservative leadership offering a vision aligned to a remodelling of society into a less state-dependent, more socially liberal, communitarian one, was now tempered by the instinct to revert back to pseudo-monetarist fiscal conservatism: hostile to public expenditure on universal welfare; hostile to any variant of Keynesian demand management to stimulate economic growth. The election massage was therefore a mixed one of making ‘tough decisions’ to shrink the state, combined with the narrative of voluntarist self-help citizenship within a ‘big society’ narrative. The latter part of this message still enabled some adherence to diversity themes. The message that was trying to be conveyed in the election was that, in contrast to the enduring reputation of the Thatcherist Conservative past (“there is no such thing as society”) that now “there *is* such a thing as society; [but that] its not the same as the state” (BBC 2005). With these points in mind, the Conservative manifesto contained promises to “...promot[e] equality and tackl[e] discrimination” (Conservative Party 2010: 35). More specifically it pledged to extend the right to request flexible working time to all parents with a child under the age of 18, to all employees in the public sector and eventually to everyone in the workforce. Jarring with this, however, were commitments elsewhere in the manifesto, to free employers from regulatory employment “burdens” and to, therefore, opt-out of EU social chapter obligations on employment regulation – with all their associated equality components.

As it turned out, the election resulted in a coalition between the Conservatives and the Liberal Democrats. The Liberal Democrats (LibDems) had never, in their current incarnation, been in power. As Liberals, they were last in Government in 1923. As the “third party” in British politics the LibDems had shifted away from their more social-democratic orientation of recent years to something more recognisable as traditional liberalism with the ascent of new leader Nick Clegg in 2007 and under the influence of the “Orange Book Liberals” (Marshall and Laws, 2004). This reorientation, it seemed, put the LibDems much closer to the communitarianism of the “Cameroonian” Conservatives. In particular, there was convergence on the ideas about the relative undesirability of the direct role that the state should play in aspects of social engineering.

The coalition agreement between the Conservatives and LibDems, that allowed the formation of the new government in 2010 contained a number of equality-related themes and reflected, perhaps, a policy area where the high degree of convergence existed between the *Big Society Conservatives* and *Orange Book Liberals*. Under the heading of equalities, the agreement states:

The Government believes that there are many barriers to social mobility and equal opportunities in Britain today, with too many children held back because of their social background, and too many people of all ages held back because of their gender, race, religion or sexuality. We need concerted government action to tear down these barriers and help to build a fairer society (Coalition Agreement 2010).

More specifically the agreement pledges to:

* promote equal pay and take a range of measures to end discrimination in the workplace.
* extend the right to request flexible working to all employees
* undertake a fair pay review in the public sector
* promote gender equality on the boards of listed companies
* enhance opportunities minority ethnic communities, via public sector internships and an enterprise mentoring scheme

Outside of the employment arena equality and diversity was also to be championed through the support for gay civil rights abroad and that the risk of persecution as a result of sexuality to be incorporated as just clause for asylum into the UK. On immigration, more generally, though, the line was one of large targeted reductions.

***The Coalition and Equalities in Action: Early Indicators***

Early on, indicators of the new government’s likely approach regarding equality-specific policy agendas, seemed relatively benign. The Coalition honoured the Equality Act 2010 – passed through most parliamentary stages at the end of the Labour government, but requiring Royal Ascent. They did honour, for example, the extension of the right to transfer parental leave flexibly between mothers and fathers. However, some adjustments were made elsewhere. The public duty to promote equality – ‘socialism in one clause’ in the words of (now minister) Theresa May – was dropped in November 2010 and they also scrapped the ‘dual discrimination’ clause (whereby combined intersectional - race *and* gender - factors could be considered grounds for claiming unfair discrimination) as part of the government’s strategy for achieving economic growth (HM Treasury 2011). This latter point illustrates one of the key areas in which the Coalition’s aspiration to promote equality and diversity in its broader sense, comes into conflict with other policy priorities: public sector downsizing, welfare reform and labour market deregulation.

In the case of public sector downsizing, from the moment of entering office the over-riding priority for the Coalition has consistently been the fiscal contraction in all activities of the state, as laid out in the 2010 Spending Review (HM Treasury, 2010). This entailed an unprecedented series of retrenchments affecting the recipients and providers of social welfare. Paradoxically the earliest providers to be affected were the voluntary-sector providers that had seen steady expansion under the previous government (Cunningham 2008) and now supposed to be at the vanguard of the Big Society policy agenda for welfare reform. On the face of it, austerity may not have had direct equality implications. The general levelling-down affected all areas: Cameron asserted that “we are all in it together”. However, the hasty drawing up of the austerity plan contained no “equality-impact assessment” – as all new legislation had been obliged to do since the previous government introduced this as a policy-making instrument since 2006. This then led to a legal challenge from the Fawcett Society in July 2010, arguing that the cuts were disproportionate in their impact on women because women were consistently the greater recipients of welfare payments and services (particularly through childcare) and made up consistent majorityof the workforce *delivering* welfare services.The significance of this challenge has been commented on by Conley(2012) who notes that while the challenge is in itself, welcome, relying on the law is likely to be insufficient – as has been found when trade unions have taken similar approaches – when challenging such measures.

As illustrated by the last point, policies relating to the activities of the state as employer, also link to the policy objective of welfare reform as a means of affecting the recipients of welfare. This, too, has had equality implications in the area of work. The links between welfare regimes and employment systems is well established (Bolini and Natali, 2012; Gallie, 2007; Gallie and Paugam, 2000) and much of the previous Labour government’s enhancements of working parents’ employment rights should not be viewed in isolation from the parallel agenda for the implications on welfare spending (Davis and Freedland, 2007). The Coalition welfare reform agenda has been driven by streamlining the welfare system with the aim of reducing the ‘culture of dependency’, and to ‘make work pay’ in the system. This is not new. However, whilst these broad objectives are not inconsistent with those of the previous government, the scale is larger and the means are more contentious. In simplifying the benefits system and putting much greater emphasis on delivery via private sector contractors, controversy surrounds the extent to which the emerging system is going to penalise particular groups within the system. In particular, the combined effects of reduced financial support and a much more stringent entitlement evaluation process, run by contractors incentivised by a ‘payment by results’ regime, single parents and disabled people previously considered unfit to work would be two specific groups who, by losing benefit entitlements, would be facing particular pressure to involuntarily re-enter the labour market. Yet if this regime seems harsh, in one at least one scenario, the welfare-to-work regime faces some contradictory pressures from the scaling-down-the-state agenda. Thus, in July 2012, the government announced the closure of 27out of 54 Remploy factories threatening 1,421 jobs specifically designated for disabled workers.

The third policy area affecting equalitiy and diversity is that of a return to 1980s supply-side labour market deregulation as a means of promoting future economic growth. Whilst this agenda has, for the most part, avoided challenging existing employment protection on grounds of discrimination, it has encroached into positive equality-related employment rights. While some of the pre-election pledges from the Conservatives about opting out of EU employment regulations were either legally tenuous or did not make it through the coalition agreement, the focus has shifted to that of ‘over-interpretation’ when adapting to UK regulation – despite the frequent counter-criticisms of New Labour’s approach to EU employment regulation was that they consistently diluted the principles. The new approach also promises to ‘sunset’ regulations and to adopt a principle of ‘one-in-one-out’.The earliest intervention on this theme was the publication of an “employers charter” in January 2011 which, as a reminder to employers that they hold considerable unqualified managerial prerogative over their employees, was aimed at conveying a message that the government wanted to be seen “on the side” of entrepreneurs and against the “culture of bureaucracy” and “red tape” said to be stifling business, accompanied by vexatious and litigious complainants with too great a sense of entitlement. In this spirit, the government commissioned Lord Young to investigate what could be done to curb the “risk averse” culture associated with health and safety at work regulation and hedge-fund financier Adrian Beecroft to review the employment tribunal (ET) system that has been the base by which individuals have been able to seek legal redress (without recourse to the court system) on employment rights in one form or another since 1964. In addition to interventions on collective equality issues by trade unions, ETs have been the primary means by which individuals have been able to seek redress against employers on equality related issues. Thus, in the reporting year 2011-2, from a total of 321,800 claims submitted – and 186,300 accepted, the following were claims on equality-related issues (Ministry of Justice, 2012: table 1):

* 28,800 were equal pay claims
* 10,800 were sex discrimination claims
* 7,700 were disability discrimination claims
* 4,800 were race discrimination claims
* 3,700 were age discrimination claims
* 940 were claims on the grounds of religious discrimination and
* 610 were claims on the grounds of sexual orientation

However, while one interpretation of the existence of these claims – as well as other categories – might provoke a response requiring a greater understanding of employer responsibilities for why such cases are emerging, the official government response has been to challenge the motivations of those taking out ET claims. In a first stage of reviewing the ET process, in April 2012, changes were made to restrict access. For unfair dismissal claims, an employee previously would have to have been in continuous employment for one year in order to make a claim. This qualifying period was extended to two years –the qualifying period last seen when the previous Conservative administration was in power in 1997. In addition to the qualifying period, an up-front fee was proposed – only refundable if the claim was successful. At the same time, the proposed extension of the right to request flexible working to parents of 17 year olds, was withdrawn.

Beecroft reported in May 2012 in a surprising thin (16 pages) publication, citing no supporting evidence. It immediately proved contentious within the Coalition. While Beecroft does not aim to rescind protection from any category of discrimination, the report does recommend rescinding “third party harassment” within the Equality Act 2010. This relates to employers’ duty of care in protecting employees from third parties (customers etc). Beecroft also challenges the decision to abolish the default retirement age (acutely affecting older workers). Finally, explicitly on equality, Beecroft, in contrast to the messages being conveyed in pre-election Conservative thinking, proposes to abolish the need for automatic equal pay audits following an employer losing an equal pay case at an ET. The most contentious recommendations in Beecroft, it should be stated, are on broader employment rights. Thus on unfair dismissal Beecroft supports the proposal to introduce fees for ET applicants “as soon as possible” on a “no win no fee” basis. On redundancy he recommends reducing consultation periods for larger workplaces. Perhaps the single most contentious section is that that refers to exemptions for small businesses. On this Beecroft recommends businesses with fewer than ten employees should be exempt from regulations on (i.e. that workers working in such organisations would lose their rights to…)

* Unfair dismissal
* Right to request flexible working (unless parents or carers)
* Flexible parental leave
* Equal; pay audits

The essence of these proposals was announced by Chancellor Osborne at the Conservative Party conference in September 2012. It was proposed that, from as early as April 2013, employers in new start-up businesses would be able to ask new recruits, in exchange for £2,000 in shares, to waive their rights to future unfair dismissal claims, to rights to flexible working and reduced rights on maternity leave.

**Conclusion**

Workplace equality and diversity in Britain has, in recent decades, been characterised by incremental enhancements to anti-discriminatory measures backed up by a legal and regulatory framework. On the issue of measures aiming to *promote* equality and diversity the approach, in contrast, has been largely voluntarist and individualist and based upon a business-friendly rationale. The success of this approach has been, at best, mixed. Organisations that can be persuaded of the business case for equality and diversity. As in other areas of best practice employment practices, a business case is likely to be more easy to identify in larger organisations and those where workers can seek redress and/or express their interests through trade unions. Elsewhere employers have lobbied to limit the scope of regulatory encroachment on equality, as they have on other aspects of worker rights agenda (see Lea, 2003) and this has been taken up by factions within the Conservative ‘libertarian’ right (Kwateng et al 2012).

Following the election of 2010 and the Coalition government, there was some initial hope that the traditional instincts of the Conservatives to limit or reverse those incremental enhancements would be restrained by the Prime Minister’s personally stated desire to make the Conservatives more inclusive; and also by the tempering influence of the LibDems. What seems to be emerging is an unstable consensus. While no attempt has been made to curb protections against discrimination in the workplace, some encroachment has been made into the wider equality agenda, originating from the consequences of major retrenchment in state welfare and from the re-invigorated desire to appease the vocal elements within the business lobby demanding wholesale deregulation of employment regulation. To date there is no evidence of the impact that any of these measures have had on any particular groups *within* workplaces; but austerity has had a negative impact on those seeking employment. Unemployment has already been identified as disproportionately affecting some minority ethnic groups. To this, the effect could now be compounded by the additional negative effects this is beginning to have on the employment prospects for women (who are disproportionately represented in public services) and for young people entering the labour market. All these groups could also be expected to be adversely affected by the rise in ‘underemployment’ – the inability to move from part-time to full-time employment (ONS 2012).

For the medium term it is unclear what the prospects are for equality and diversity at work in Britain. Austerity and an employment rights agenda defined in terms of deregulation do not bode well. However, as in the past, the equality and diversity agenda is not defined solely by the meta-narrative of any governing party. As Dickens (2007) has pointed out, equality in Britain has progressed incrementally and unevenly. At times equality has progressed through “shocks” originating from the autonomous actions from within civil society, or externally from the EU, or even incongruously from unexpected sources. As an illustration of how counter-tendencies can coexist within an otherwise regressive policy agenda, in October 2012, while the Government were taking advice on how small businesses could be allowed to be exempted from equal pay audits, the Supreme Court ruled that equal pay cases could be lodged outside the employment tribunal system and with a significantly higher retrospective time delay.

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