**The Equality Act 2010: refracting the hierarchies and norms in equality and diversity scholarship**

**Abstract**

The aim of this conceptual paper is to highlight the hierarchy of the different equality groups evident in the scholarly literature. The broad scope of the UK Equality Act 2010 provides a frame for this. The intended contribution of this paper is to identify that regulation and the focus of scholarship are divergent, and that in this context, the enactment-level realities of equality and diversity remain under-researched. I locate this paper in the context of my ongoing doctoral research which seeks to investigate human resource practitioner perceptions of the enactment of equality and diversity in workplaces located in the South West of England. The paper firstly discusses the constructive nature of the EqA 2010 and considers how scholarship and the Act can be seen to diverge in respect of intersectional and single-strand ‘silo’ approaches to equality. The paper secondly considers how the Act and scholarship further diverge in respect of the hierarchy of the strands evident in the literature, specifically the dominance of gender, race and class. The paper then considers critical perspectives of the relationship between HRM and equality and diversity. The paper concludes by providing the rationale for critical, enactment-level research into the realities of equality and diversity practice.

**Introduction**

This paper reflects key themes identified in the literature review of my doctoral thesis. My forthcoming primary research will investigate equality and diversity through the enactment-level perceptions of operational human resource practitioners, who are tasked with navigating the broad scope of the EqA 2010 in their respective workplaces. Elements of my literature review that I have not included in this paper consider the neo-liberal misappropriation of the diversity paradigm and the reduction of equality and diversity to the individualistic, complaints-based tribunal system in the UK. Whilst the UK can be seen to have equality legislation that is well-established (Klarsfeld *et al*., 2012) this is not necessarily *well-enacted* (Healy *et al*., 2011:7).

The EqA 2010 is constructive; it both enables and denies, legitimising previously unheard voices but denying the significance of class and intersectional disadvantage. The equality group categories defined in the Act can be criticised for inadequately reflecting heterogeneity within groups (Healy et al, 2011; Woodhams and Danieli 2000). This traditional, single-strand ‘silo’ approach of the EqA 2010 can be argued to over-simplify the plurality of our identities and encourage essentialism (Guerrier and Wilson, 2011; Zanoni and Janssens, 2003; Adib and Guerrier, 2003; Acker, 2006). Counter to this is the argument that, in recognizing subgroups, we risk overlooking common patterns of disadvantage (Healy et al, 2011: 9). An intersectional approach to research and the development of theory raises similar issues of diluting group-based advancement. Intersectionality is also problematized in the literature in respect of feasibility and methodology.

Using the EqA 2010 as a frame of reference, an examination of the literature reveals ‘partisan tendencies’ (Dick and Cassell, 2002: 953), a ‘canon’ of discursively constructed core strands, namely gender, race and class. There is less attention paid to the ‘newer’ equality strands (Özbilgin et al, 2011: 190): disability, transgender, sexual orientation, age, religion and belief, pregnancy and maternity, and marriage and civil partnership.

Regulation and scholarship can therefore be viewed as divergent. Arguably further investigation into the *enactment* of equality and diversity is required to understand the synthesis of regulation and the contribution of scholarship to practice. Whether the enactment-level of equality and diversity reflects and endorses, or diverges with the dominance of certain strands in scholarship remains to be examined.

**Methodology**

**Paradigm of inquiry**

The paradigm of inquiry I propose to use in my research reflects phenomenological ontological perspectives (Howell, 2013). Phenomenological perspectives include critical and constructivist paradigms of inquiry. My proposed paradigm of inquiry is principally critical and influenced by a constructivist ontological position. In critical theory, the researcher and researched are linked; historical values influence inquiry and results are subjective (*ibid*).

Critical theory is characterised by the view that reality is shaped by history (Howell, 2013: 29). Critical thinking involves the recognition that the researcher is influenced by their own experiences and prejudices (Howell, 2013: 13). This is reflected in the Critical Race Theory perspective of racism: the discourse of ‘racism’ encourages white people to see ‘the racist’ as ‘other’ to them, and to fail to acknowledge their agency in reproducing racist outcomes. As such white domination is ‘the domain of the average, tolerant people, of lovers of diversity, and of believers in justice’ (Leonardo, 2004: 143). This is potentially a controversial position for ‘committed egalitarians’ (Nosek and Hansen, 2008: 553 in Demunijnck, 2009: 93). In this context, as Cavanaugh (1997: 37) proposes, critical theory ‘supplies the missing conceptual muscle needed to reconnect diversity with its politics’. Critical theory seeks to render inequality explicit (Howell, 2013: 81) by challenging accepted norms (*ibid*). Given that the aim of critical social science is emancipatory, ‘oriented to challenging rather than confirming that which is established’ (Alvesson and Deetz, 2000: 9), the purpose of critical equality and diversity research should arguably be to construct a critique that contributes to the advancement of equality.

A constructivist ontological perspective proposes that reality is locally constructed and subject to change (Howell, 2013). Reflecting Foucault, discourses can be argued to ‘constitute’ rather than reflect reality (Fairclough 1992; Legge, 1995; Townley 1994; Wetherell and Taylor 2001). In my research I intend to examine the ‘local constructions’ of equality and diversity by HR practitioners on the basis that these constructions may indicate an informal climate of belief whereby a paradigm shift in regulation and ideology become possible.

**Methodology: hermeneutic phenomenology**

The methodological approach I propose to take is informed by hermeneutic phenomenology. This approach foregrounds the relevance of the lifeworld i.e. what may be considered trivial elements of human existence (Howell, 2013: 56). This approach is under-used in HRM: little is known about the actual enactment or implementation of HR practices (Paauwe and Boselie, 2005; Thompson, 2011) and there is a risk that HRM ‘will be ‘talked’ or ‘written’ into existence, independent of practice’ (Guest, 1987: 505). The rationale for locating research at an operational level is supported by a number of authors writing from a critical perspective: Townley (1993) asserts that, for the academic study of HRM to help people at work, it must articulate their practical experience.

**Methods**

I propose to undertake fifty individual, semi-structured interviews with HR professionals in the South West of England and to use discourse analysis to produce findings from these interviews. In the context of discourse analytical study, my subjective position within the research is recognised; my questions are ‘active and constructive and not passive and neutral’ (Potter and Wetherell 1997:165). I propose that the genuine reflections of operational HR practitioners are excluded from mainstream HRM research by practitioners’ apparent contribution through disingenuous quantitative surveys.

Discourse analysis enables a reconstructive approach that can open up new ways of thinking (Janssens and Steyaert, 2009: 152). Developing awareness within the HR profession that meanings are discursively constituted, rather than fixed, encourages an individual and collective appreciation of the capacity we have to revise social convention (Cavanaugh, 1997: 37).A discourse analytical approach into the reality of individual HR practitioners’ experiences ‘allows for highly individualized practices to be related to an intelligible whole’ (Townley, 1994: 17). Following Dick and Cassell (2002) my unit of analysis will be the discourses that emerge from the interviews, and I make no claim that my results will be either definitive or generalisable.

**The EqA 2010: a landmark of liberal, silo equality**

The EqA 2010 is a bold, inclusive construction: ‘a major landmark in the long struggle for equal rights’ (Hepple, 2011: 1). Depending on one’s perspective, the EqA 2010 either ‘*harmonises, clarifies and extends’* (*ibid*) or replaces ‘the tangled and incoherent mess’ of previous equality legislation (Lester and Caplinska, 2005: 175)*.* The EqA 2010 is the outcome of ‘over 13 years of campaigning by equality specialists and human rights organisations’ (Hepple, 2011: 2). The EqA can be viewed as an aspirational declaration, a ‘statement of intent’ (research participant in Colgan and Wright, 2011: 555).

The EqA 2010 continues the tradition of the legal framework for equality in the UK in reflecting the ‘liberal’ conception of equality of opportunity (Jewson and Mason, 1986). Liberal equality requires an application of consistency and as such tends to appeal to people’s sense of fairness (Friedman, 2002 in Foster and Williams, 2011: 326). The liberal construction of equality has been open to a number of criticisms which have ultimately led to its decreased currency in the scholarly literature. Equality based on sameness can be perceived to be detrimental, as it suggests that there is only one way of working (Lorbiecki and Jack, 2000: 24). ‘Sameness’, or the aim of ‘symmetrical’ outcomes (Foster and Williams, 2011: 326), is not necessarily feasible or desirable, e.g. for women (Liff and Wajcman, 1996: 81), based as it is on a standard established by the concept of ‘the white male norm’ (Fredman, 1995 in Kirton and Greene, 2001: 266; Solanke, 2011: 348; Townley, 1994: 157). A further critique of liberal equality is that regulation can be circumvented by organisations and that the focus becomes that of procedures, not outcomes (Kirton and Greene, 2001: 105-6), thus encouraging a culture of compliance rather than a commitment to genuine change.

The EqA 2010 reflects the ‘ocularcentricity’ of law: the tendency that law regulates what it can see (Solanke, 2011: 336). In this way the Sex Discrimination Act 1975 constructs women and men with no other identity and the Race Relations Act constructs people with just racial identities. Equality law removes and reduces complexity to create identities conducive to regulation, stripping individuals of their plurality (*ibid:* 336-338). These existing equality group categories are criticised for inadequately reflecting heterogeneity within groups, for example the term ‘ethnic minority’ ‘covers a range of people for whom employment experiences differ widely’ (Healy et al, 2011: 9), while Woodhams and Danieli observe that disabled people could be viewed as a group of unique individuals ‘who have been artificially united by an historical desire to circumscribe ‘groupness’ (2000: 405). Butler (2000) proposes that sexual difference within homosexuality has yet to be theorized in its complexity. Counter to this is the argument that, if we divide equality groups into subgroups, we risk overlooking common patterns of discrimination and disadvantage (Healy et al, 2011: 9).

Referring to the individual strands as ‘silos’ (Holgate et al, 2012) confers a sense of containment and isolation as (actual agricultural) silos are not of / less than our urbane workplace or research experience. HR practitioners who have undertaken Health and Safety qualifications are mindful that it is also possible to unwittingly suffocate in a silo when endeavouring to undertake repair work within one. The single-strand ‘silo’ approach can be argued to obscure and oversimplify ‘interpenetrating realities’ (Acker, 2006: 442). Consequently Liff questions whether anything meaningful can be said about the collective experience of all women or whether any generalizations are undermined by other ‘cross-cutting’ identities (1997: 11).

**Intersectionality: the divergence of scholarship from the regulation**

Intersectional identity is argued to be more complex than a multiplication of difference (Tatli and Özbilgin, 2012; Solanke, 2011, Wright, 2011; Adib and Guerrier, 2003; Fournier, 2002). The interlocking of multiple strands is ‘not additive but interactive’ (Özbilgin et al, 2011: 188), a ‘fusion’ (Adib and Guerrier 2003: 417) which can have both positive and, more usually, negative outcomes for individuals. Fredman (2011: 414) proposes that ‘some of the most egregious discrimination happens at the intersection of two different identities’. Solanke (2011: 343-4) discusses the relatively progressive perspective of the US judiciary, which accepts that ‘discrimination against black females can exist even in the absence of discrimination against black men or white women’.

Writing in 2008, Squires proposes that the creation of the EHRC ‘raises the possibility that equality institutions in the UK will be better able to engage with issues of intersectionality’ (2008: 53). Significantly, an amendment to the Act relating to ‘dual discrimination’ has been formulated, but not commenced: The non-commencement of Section 14 of the EqA 2010, which would have allowed intersectional claims on the grounds of two protected characteristics, was announced by the Coalition in the 2011 budget as part of the document ‘The plan for growth’ (Moore *et al*., 2011: 463). The Home Office communiqué regarding the non-commencement of Section 14 announces it ‘as one of many ways to reduce the cost of regulation on businesses.  It will save businesses approximately £3 million each year’ (Home Office, 2012). Thus the intersectional trajectory of scholarship is cast in neo-liberal discourse as antithetical to economic ‘growth’.

Although scholarship broadly embraces the development of intersectional concepts, with calls for further intersectional approaches to research (Schroeder *et al*., 2008; Wånggren and Sellberg, 2012), an intersectional approach to research is problematized in the literature. Vincent *et al.* (2012: 261) note the ‘lack of specificity and precision of intersectionality as a theory’ and highlight the frustrating ambiguity and ambivalence of intersectional work. Intersectionality, in a total sense, appears unfeasible and ‘may perhaps always be partial’ (Healy *et al.,* 2011: 5). Billing (2011: 301) and Özbilgin *et al*. (2011: 188) suggest that considering all the variations is impossible. Taken to its logical conclusion, the reasoning of intersectionality would reduce difference to the ‘smallest unit of analysis, the employee’, (Healy et al, 2011: 10) therefore the counterargument to the pursuit of intersectionality is that it could dilute the collective progress of equality groups (Healy *et al.,* 2011; Moore and Wright, 2012). Özbilgin *et al.,* (2011: 188) recommend that the inclusion of all forms of diversity would represent an impossible task for the researcher, advocating critical judgement in selecting the categories salient to the given context. The discursive focus of my research allows for equality categories to become part of the research without the necessity to demarcate which categories will be investigated, as would be the case in a positivist or post-positivist research approach.

An intersectional focus allows the development of understanding in relation to the operation of privilege. Intersectional privilege enables the more advantaged members of disadvantaged groups to ‘colonise’ resources (Vickers, 2011: 152). Lorbiecki and Jack (2000: 26) argue that ‘being diverse in multiplicitous ways constitutes a dilution of one aspect of one’s identity and a reduction of one’s status’, thus in being both for example, black and disabled, one experiences both diminished black identity and diminished disabled identity. In this example, by constructing a black *able-bodied* identity and a white *disabled* identity that are the neutral norm, and which have the effect of ‘othering’ within intersectional identity, equality groups themselves play a role in reinforcing privilege, disadvantage and the *status quo*.

Healy et al (2011: 14) call for a radical, transformative equality and diversity agenda that transcends the limited scope of policy and regulation and disrupts systemic unfairness at the level of the organisation. In order to achieve this, the ‘creative tensions’ (Liff and Wajcman, 1996: 92) produced by scholarship’s synthesis of single-strand, cross-strand and intersectional research enhance our understanding of the operation of privilege and disadvantage. From a critical perspective, a reflexive approach to the hierarchies and norms in equality and diversity scholarship should also be adopted. The EqA 2010 provides a useful frame for this.

**‘Partisan tendencies’: refracting scholarship through the lens of the EqA 2010**

The EqA 2010 provides a frame within which to deconstruct the ‘partisan tendencies that typify much of the literature’ (Dick and Cassell, 2002: 953). Moore et al (2011: 464) state that the amalgamation of the existing equality duties for race, disability and gender and the extension to cover the further protected characteristics were generated by an aim to take ‘a more intersectional approach to discrimination’. Fredman (2011: 413) argues with circumspection that ‘the introduction of a single, streamlined duty for all grounds is clearly a welcome move. At the same time, it raises the question as to whether one size can properly fit all’. Vickers (2011: 158) and McColgan, (2009: 2) go a stage further in warning that the ‘one size fits all’ approach to equality is likely to be dangerous. Voices within equality have expressed concerns that the creation of the single Equality and Human Rights Commission (EHRC), may result in the loss of valuable group-based resources and that a hierarchy of strands could emerge (Foster and Williams, 2011: 329). The value of cross-strand working and the single commission has been challenged by equality activists: the former chair of the single-strand Disability Rights Commission alleges that the EHRC is ‘intoxicated by the idea of cross-strand work at the expense of the important issues that affect one minority’ (2009: 1 in Foster and Williams, 2011: 329). Lester and Clapinska (2005: 180 -181) note the resistance at that point of the Commission for Racial Equality (CRE) towards the proposed single, multi-strand commission and identify this as ‘damaging and divisive’.

The EHRC was preceded in the UK by three separate commissions for sex equality, race equality and disability equality respectively however it is gender, race and class that remain the ‘canon’ of equality scholarship. I would propose that this ‘canon’ presents a ‘super-silo’ in the context of research. The ‘canon’ of gender, race and class is reflected both in literature that critically identifies and literature that reinforces the phenomenon. Disability, sexuality, religion and age are cited as ‘newer’ equality issues (Holgate et al, 2012; Colgan and Wright, 2011). These ‘newer’ strands receive less attention in the literature or are ignored altogether (Özbilgin et al, 2011: 190). Rather than attempt to discuss or even provide an overview of the wealth of literature relating to each of the ‘traditional’ and ‘newer’ strands, this section aims to review the literature in respect of the *positioning* of the strands within a discernible hierarchy.

**The ‘super-silo’ of gender, race and class in scholarship**

Equality, as a discourse, emerged with focus on race in the US and on gender in the UK (Liff, 1997: 12; Kirton and Greene, 2001: 6). Zanoni *et al*. reflect that ‘at first there were women and black people’ (2010: 10), indicating the conspicuous absence of visibility that strands other than race and gender endured for a considerable period in the development of equality principles. Prominent authors within equality and diversity scholarship tend to foreground gender, race and class and the majority of intersectional studies focus on these three ‘traditional’ categories of equality (Tatli and Özbilgin 2012: 250). Of these, gender appears to take first place. Brook and Lucas state that ‘gender continues, *understandably*, to be the dominant focus for IR research on equalities’ (2012: 320-22) [my emphasis]). By way of explanation, Acker suggests that the separation of domains, i.e. men/work and women/home, ‘is still stark and enduring’ (2012: 218) while Jacques (1997: 82) justifies the precedence given to gender issues on the basis ‘women are a nonminority marginal identity’. Writing for the EHRC, Schroeder et al, (2008: 5) justify their concentration on gender in their review of existing empirical research on the basis that there is considerably more research on gender available than for the other equality groups. The focus on gender therefore self-perpetuates, despite the fact that Schroeder *et al.* note in the same report that ‘gender differences for younger cohorts are now minimal although class differences persist’ (*ibid*, 2008: ii).

Writing from a critical race theory perspective, Gillborn (2008: 1) argues that ‘race inequality should be placed centre stage as a fundamental axis of oppression’. Acker (2012: 214), writing from a gender perspective, foregrounds race and class as the key *intersections* with gender. Acker (2006: 445) asserts that, whilst important, inequality issues other than gender, class and race are not as ‘embedded’ in organizing processes and that intersectionality is the ‘mutual reproduction of class, gender and racial relations of equality’ (*ibid*: 443). Kirton and Greene assert that in the UK, gender and race are the main determinants of an individual’s structural position, whilst acknowledging the ‘mediating’ effect of class (2001: 8). Healy et al (2011: 2) argue that that class forms a ‘constant intersectional backcloth to our understanding of inequality’. Berry and Bell (2012: 237) concur that gender and, to a lesser degree race have dominated the equality and diversity literature and identify that there are far fewer studies in which class is an explicit focus. Berry and Bell suggest that the reason for this may in part be the dissimilarity between management researchers and potential research participants in lower socio-economic positions, where the experiences of these potential participants may be less visible or interesting to researchers (*ibid*: 244).

The foregrounding of gender, race and class is challenged in the literature: Holgate *et al.* note with concern that equality and diversity often equate to gender, specifically female gender (2012: 337). Zanoni and Janssens (2003: 57) identify that scholarship defines diversity ‘in a narrow way, mainly in terms of gender and race’ whilst Tatli and Özbilgin (2012: 250) question whether ‘gender, race and class inequality are the most salient categories in understanding domination and inequality.’

**‘The expansion of the protectorate’: scholarships relationship with the ‘newer’ equality strands**

Scholarship diverges with the EqA 2010 in terms of the lack of parity afforded to the ‘newer’ equality strands. Woodhams and Danieli comment that the theoretical nature of equality in respect of disability is under-debated within management and HRM literature (2000: 404) and assert that within other equality groups difference is ‘less individualistic’ (ibid: 411). Sexuality has been described as the most “sensitive” and “taboo” of diversity topics (Ward and Winstanley 2003: 1256). Özbilgin *et al*. (2011: 184) note that the experiences of religious minorities and non-heterosexual individuals are ‘one of the most silenced areas in both positivist and critical work-life research’. Religion and belief are seen to be the most problematic and controversial of the equality strands in the EqA 2010 (Fredman, 2011; Hepple, 2011: 40). McColgan argues that it is a ‘mistake to protect religion and/or belief’ in the manner that other characteristics are protected (2009: 1). Vickers (2011: 142) proposes that ‘unnecessary accommodations’ [with regard to religion and belief] could bring the whole equality agenda into disrepute. A ‘hierarchy of protection’ could be created, with religion and belief ‘treated differently’ to the other equality strands (Vickers, 2011: 158). A further, major difficulty identified with the protection for religion and belief is the ‘clash of rights’ implicit between this strand and others within the EqA 2010, specifically those linked with gender and sexuality (Pitt, 2011: 387; Hepple, 2011: 40).

There is arguably a proprietorial development of critical theory where ‘intersectional’ scholarship reinforces the ‘super-silo’ of gender, race and class and the potential application of concepts to and from other equality strands is under-considered. Understanding is further fragmented by the way in which research into discrimination is undertaken by sphere, for example education and employment as entirely separate areas of research. As such, the field can be seen to be ‘composed of several disparate, mutually insular intellectual communities’ (Bobo and Fox, 2003: 320 in Demuijnck, 2009: 84).

**Critical perspectives of the relationship between HRM and equality and diversity**

Janssens and Steyaert (2009) propose that ‘blind spots’ exist in current human resource management research and understanding that require a critical analysis. Practitioner experiences and perceptions of operationalizing equality and diversity in the context of the EqA 2010 could be argued to constitute one such ‘blind spot’. Critical literature problematizes the HRM paradigm and HR practice in respect of equality and diversity and a review of this literature provides broad suggestions of what practitioner discourses may reveal. The literature suggests that HR has not been a successful advocate of diversity: Benschop (2001: 1166) cites the ‘profound silence about diversity which typifies so many HRM debates’. Could this in part be due to the clandestine role of HR in the enactment of *equality* in the undesirable form of the reactive, individual, complaints-based tribunal process?

The literature indicates interesting parallels in the evolution of HRM and diversity management. ‘Diversity’ has been ‘enthusiastically heralded as the new paradigm’ (Healy *et al*, 2011: 10), born of its precursor ‘equality’ in much the same way that ‘HRM’ was born of ‘personnel’ (Greene and Kirton, 2011: 24; Kirton *et al.,* 2007; Dickens, 1999). The debate as to whether ‘diversity’ represents a genuine paradigm shift, or is a discursive shift (Healy et al, 2011: 11) that has not yielded significantly different outcomes to ‘equality’ bears many similarities to the questionable ‘evolution’ of ‘HRM’ from ‘personnel’. Marsden (1997: 108) proposes that the advocacy of diversity ‘meshes’ with the individualism fostered by ‘new Industrial Relations’ and HRM. The North American hyperbole associated with ‘diversity’ and ‘HRM’ nourishes critical analyses of both as being managerialist from a British/European, critical and industrial relations perspectives (see Greene and Kirton, 2011; Oswick, 2011; Zanoni *et al.,* 2010). Ulrich’s (1997) model of the strategic HR ‘business partner’ has been instrumental in discounting the plurality of the employment relationship (Hope Hailey *et al.,* 2005). As the premise of contemporary mainstream HRM is unitarist, to what degree can the profession contribute credibly to the inherently pluralist debates of equality and diversity? The strong ‘consensus’ orientation of mainstream HRM (Keegan and Boselie, 2006: 1492), may inform and influence practitioner responses within my research. My intention in interviewing operational HR practitioners rather than HR directors is to identify perceptions at the level of enactment however it is possible that ‘business case’ and organisational policy rhetoric may dominate the contributions of practitioners seeking to provide ‘correct’ answers.

Wilson (2007: 155) captures the essence of the conflict of equality and diversity in HR practice: the HR function is required to harness difference in order to ensure competitive advantage for the organisation yet the HR function is simultaneously tasked with ensuring the absence of difference to engender equal treatment. The generally poor standing of HR further impacts on the enactment of equality and diversity. Operational HR practitioners are ‘structurally isolated’ (Francis and Keegan, 2006) and the CIPD (2012: 15) pragmatically acknowledges the poor standing of HR, indicating that practitioners ‘walk a tightrope’ in ‘driving diversity practice’, given that ‘they frequently have to deal with the poor credibility attached to the function by many in the business world’.

Acker (2006: 443) defines ‘inequality regimes’ as ‘systematic disparities between participants in power and control over goals, resources, and outcomes’ and Berry and Bell identify HR as the enactors of these processes, thereby locating HR as instrumental in perpetuating inequality (2012: 238). Liff and Wajcman (1996: 81) propose that personnel /human resources departments tend to ‘initiate and control’ equality policies in the UK, emphasising the bureaucratic and policing role of HR in respect of equality. In this process, equality and diversity issues are reduced ‘to minor hurdles which could easily be overcome if the right steps were taken’ Lorbiecki and Jack (2000: 21). Wilson (2007) notes that discrepancy between organisational policy and practice in respect of equality and diversity is a well-recognised phenomenon. The literature suggests that HRM and equality and diversity mutually reinforce the external perceptions that both are characterised by bureaucracy.

The critical literature suggests that human resource processes seek to align diverse identities according to organisational specifications. Lorbiecki and Jack (2000: 21) suggest that the business case for diversity ‘legitimized organizational scrutiny of employees’ responses to difference and suggested that there were ways of changing them if responses were deemed ‘improper’’. As such diversity management has become a procedural aspect of human resource management (*ibid*). Alvesson *et al.* (2008: 16) suggest that human resource management techniques regulate the identity of subordinate employees in a seductive process whereby employees ‘calibrate’ their ‘senses of self with a restricted catalogue of corporate-approved identities’. Zanoni and Janssens (2003: 70) highlight that HR practitioners discursively construct individual, ‘diverse’ employees as members of groups in the context of essentialist understandings of group characteristics. Practitioner constructions of diversity as a group phenomenon confound the theoretical argument of diversity as a celebration of individual difference.

**Conclusion**

UK equality regulation in the current form of the EqA 2010 and the intersectional focus of scholarship are divergent. This divergence raises interesting questions as to how equality and diversity are experienced and perceived at the level of enactment. Enactment-level research would enable a re-contextualisation of the ongoing prominence of gender, race and class in scholarship.

Critically orientated research into equality and diversity at the level of enactment could provide insight that positivist and managerialist research does not seek to capture. Positivist scholarship is argued to dominate management and organisation studies generally (Özbilgin *et al*., 2013: 181) including research into HRM, which is seen to be unreflexive and consensus-orientated (Janssens and Steyaert, 2009; Thompson, 2011; Keegan and Boselie, 2006). Critical research in this area has tended to focus on large employers; Zanoni and Janssens for example selected organisations ‘known for their diversity policies’ (2003: 60). A geographic study that includes representation from a wider range of organisations and sizes of organisations would broaden our understanding of the realities of equality and diversity in UK workplaces. Investigation into the perceptions of operational HR practitioners’ perceptions of equality and diversity could indicate the climate of professional thinking.

**Summary**

This paper has discussed the constructive nature of the EqA 2010 and considered how scholarship and the Act can be seen to diverge in respect of intersectional and single-strand ‘silo’ approaches to equality. The paper has considered how the Act and scholarship further diverge in respect of the hierarchy of the strands evident in the literature, specifically the dominance of gender, race and class. I propose that gender, race and class can be seen to constitute a ‘super-silo’. The paper has reviewed critical perspectives of the relationship between HRM and equality and diversity, and I have argued that further research into the enactment of equality and diversity is necessary in order to re-contextualise regulation and the focus of scholarship.

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