

Supporting our invisible colleagues the lasting impact of the Equality Act

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I remember 1 December 2003 well. It was the day that lesbian, gay and bisexual (LGB) people in the UK workforce received employment protections for the first time.

A widely-read tabloid columnist darkly warned at the time that this huge step forward would inevitably mean that 'thousands' of people would soon be suing their employers for hundreds of thousands of pounds. Oddly, as so often with such marmalade-dropping alarmism, his prediction was entirely wrong.

The Employment Equality (Sexual Orientation) Regulations 2003 – since consolidated into the [2010 Equality Act](#) – never led to a tsunami of employment tribunal claims. They just meant that 2 million people could at last go to work every day to do the jobs they loved without fear of dismissal, being overlooked for promotion, being underpaid or being bullied simply because of the way they were born.

Some years earlier, working as a journalist, I'd left a Fleet Street newspaper shortly after being promoted to a new role because I was tired of the constant homophobic sneering from some staff. Happily I was able to move easily to a more benign workplace with a more insightful boss.

However, in the 1990s I remained conscious that the opportunity of changing employer open to me was not open to many other gay people. If they worked in a vocation they loved – such as the armed services or the prison service – or in a remote area, the option of moving job was never actually that.

The protections the Equality Act now provides for LGB people changed the legislative landscape. Thankfully, they've also helped change the way that thousands of employers treat their employees too.

LGB people are one of the cohorts of staff who can remain inconspicuous in the workplace. Those with invisible disabilities – serious depression or dyslexia, for example – and trans people are often in the same position. (You might, similarly, need a microscope to find any of them mentioned in recent reports into diversity and inclusion (D&I) published by major consultancies such as McKinsey.)

Such staff may need particular encouragement to feel able to be open at work. That's where many employers – from government departments to FTSE 100 companies – have made huge strides in recent years. Galvanised by the Equality Act, senior leaders in many workplaces are now routinely communicating support for their 'invisible' colleagues. And there's continuing evidence that when such people feel able to be themselves at work they're more productive, more committed and more likely to stay.

The most arresting piece of research around D&I I've seen in the last decade was from EY. Among its 175,000 staff it established that where employee engagement on D&I was highest – demonstrated by agreement with the statement "EY provides a working environment where I feel free to be myself" – teams delivered £76,500 per person of marginal income a year.

At HM Revenue and Customs (HMRC) – a workplace chosen at random but whose latest reported staff headcount is 64,992 – that might, plausibly, mean £5 billion a year of improved output. Just a thought.