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Measuring the awareness of the Employment Equality (Religion & Belief) Regulations (2003) amongst employers in the Yorkshire & Humber Region

Final Report February 2006

By Alex Nunn, Policy Research Institute,
Leeds Metropolitan University

Commissioned by the Fair Play Partnership and
funded by the Department of Trade and Industry



***Measuring the awareness of
the Employment Equality
(Religion or Belief)
Regulations (2003) amongst
employers in the Yorkshire
& Humber Region***

A report prepared for:

The Fair Play Partnership

By:

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About the Policy Research Institute

The Policy Research Institute is one of the UK's leading university-based centres for applied economic and social research. Founded in 1987, we have an established track-record of delivering high quality research, evaluation and consultancy for a wide range of clients including central government departments, regional and local development agencies, local authorities and regeneration partnerships, and international bodies like the European Commission. Providing a multi-disciplinary environment for research and evaluation, we work to improve policy and practice across a range of fields including labour markets and skills, economic development and urban regeneration, enterprise and SMEs, local and regional governance and social inclusion and the third sector.

Our aim is to provide high quality research that meets the needs of our clients and contributes to the public good and the advancement of knowledge. We seek to combine customer focus with the highest standards of research practice.

About the Fair Play Partnership

Fair Play works in partnership with local and regional organisations to develop and support activities which build the capacity of local organisations and communities, enabling them to contribute to social and economic well-being. The organisation's core theme is to develop initiatives, projects and activities, which encourage a more diverse participation in employment, self-employment, community leadership and public life for under-represented groups.

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EXECUTIVE SUMMARY

Introduction and background

Regulations have been in place since 2003 to prevent discrimination in employment on the grounds of Religion or Belief. However, legislation is not on its own enough to secure fair practices in the workplace. Importantly, previous research has suggested that employers lack awareness of the regulations and may not have fully adjusted to the requirements and implications of the legislation. As such, the Government, through the DTI, has made funds available for capacity building among employers to support the implementation of the regulations.

Using this funding, the Fair Play Partnership commissioned the Policy Research Institute at Leeds Metropolitan University to undertake research which will provide baseline information on the existing state of awareness, understanding, attitudes toward and implementation of both the Employment Equality (Religion and Belief and Sexual Orientation) Regulations. This report presents findings from a survey of employers in relation to the Religion or Belief Regulations. A separate report provides a similar review of findings in relation to the Sexual Orientation Regulations.

Methodology

The report is based on the findings of a telephone survey of over 400 employers in the Yorkshire and Humber region. Initial quotas were set to ensure an adequate response from each of the three different employer size bands (1-10 employees, 11-49 employees, 50+ employees). Responses were then weighted to be representative both of all employers in the region and of the three employer size bands.

Headline Findings

Existing employment practices

Employers were asked a variety of questions about their existing employment practices:

- 65% of all employers in the region had written procedures covering disciplinary and dismissal and 61% had written grievance procedures. **Just over half of all employers in the region said that they had written equal opportunities (56%) and discrimination (51%) policies.** Many fewer

employers had written policies covering issues like access to training and promotion.

- However, these figures are skewed by the large number of smaller employers who, despite their numbers, employ only a small proportion of the region's workforce. **The survey findings showed that the larger the employer, the more likely it is to have written employment policies.** Among those with 50 or more employees, 90% or more had written policies for dismissal, disciplinary and grievance procedures, equal opportunities and discrimination, while **less than half of employers with 10 employees or fewer had a written equal opportunity policy.**
- **Industrial sector was also related to the likelihood of having written employment policies in place.** Across the board **employers in Primary, Construction and Transport sectors were comparatively less likely to have formal written employment policies than employers in the Public sector.** 42% of employers in Primary, Construction and Transport sectors reported that they had written equal opportunities policies compared to 85% of Public sector employers.
- Of those organisations that do have an equal opportunities policy over 90% covered race, gender and disability strands. 89% of organisations with an equal opportunities policy said that this covered religion or belief, which suggests widespread awareness and adjustment to the Employment Equality Regulations, though other evidence from the survey calls this into question to some degree.

Awareness and understanding of the Religion or Belief Regulations

Employers were asked a range of questions in relation to their awareness and understanding of the Regulations.

- Overall, **67% of employers surveyed said that they were aware of the new Employment Equality (Religion or Belief) Regulations. Awareness of the Regulations was highest among larger employees than it was among smaller ones.** 92% of employers with more than 50 employees said that they were aware of the regulations, against 87% for those with 11-49 employees and 62% for those with less than 10 employees.
- Of those employers that were aware of the new regulations (see Figure 6), **around a quarter suggested that they had become aware of these**

through a media or business network and 13% said they had become aware through a colleague.

- **39% of all employers said that they had a 'full understanding' of the regulations and 52% said that they had 'some understanding'.** Overall, only **8% said that they had 'little understanding' and less than 2% said that they had 'no understanding' at all.** Larger employers were more likely than smaller employers to report a full understanding.
- **Overall 49.3% of employers said that they had or would be making their staff aware of the Regulations,** with this rising to 65% and 79% for those with 11-49 and more than 50 employees respectively and falling to 45% for employers with 10 or less employees.

Impact of the Regulations

Employers were asked a series of questions in relation to the changes made as a result of the regulations, to assess their impact on employers in the Yorkshire and Humber region.

- **Only 19% of employers reported that they had or would be making changes to their employment practices as a result of the Regulations,** with 44% reporting that they had not and would not be making any changes.
- Assessing real levels of compliance is difficult through a survey, but answers to a number of different questions pieced together can form a more sophisticated impression of the level of compliance. For instance, **87% of those that had already or were planning to make changes also reported that they already had an equal opportunities policy covering Religion or Belief.** While qualitative responses suggested that many employers were not making changes because they believed they did not need to, **only 55% of those that had not and would not be changing their employment policies already had an equal opportunities policy in place, covering Religion or Belief.**
- Employers were also asked about a small number of example adjustments that they might make in relation to attracting and retaining people with diverse religious and other beliefs. **Less than 50% of employers allow religious dress to be worn in the workplace, less than 40% allow flexible working to accommodate prayer time and less than 5% have a prayer room in the workplace. 44% prioritise leave arrangements to allow staff to take leave to fit in with religious reasons.**

- Unsurprisingly, **larger employers were more likely than smaller employers to make such adjustments**. However, even among the largest employers only 67% reported that they prioritised leave arrangements for staff observing religious holidays, 65% allowed their employees to wear religious dress and 62% allowed flexible working to accommodate prayer time. Among employees with 10 employees or less, less than 45% allowed religious dress to be worn only 40% allowed staff priority to take leave for religious reasons and only 36% allowed flexible working to accommodate prayer time
- Overall, **only 24% of employers kept a record of their employees Religion or Belief, though this rose to 44% of employers with more than 50 staff**.

Employers' views of the Regulations

A number of questions were included to ascertain the views of employers about the possible impact of the regulations on their organisation.

- Generally, responses to these questions suggested that **employers did not view the Regulations as having any significant impact**. The majority of employers thought there would be no impact, with only 15% reporting that there was or they expected there to be a positive impact and less than 3% reporting a negative impact associated with the regulations.
- Only a **very few employers identified the potential tension between the protection on the grounds of Religion or Belief and protection on the grounds of Sexual Orientation**.

Employers' support needs

Employers were also asked an open question about the types of support that they might need to help them to understand and comply with the Regulations. The most frequently cited type of support was in the form of simple written guidance in handbooks, guides, leaflets or fact-sheets. The next most frequently cited type of support needed was in the form of similar guidance to be made available on the internet and then training or seminars to be organised on a local basis. In each case employers wanted simple guidance and information on what the regulations mean and practical examples of how to comply with them.

Conclusions

There is some evidence to suggest that employers do not fully understand the requirements of the Regulations and the adjustments needed to avoid practices which may constitute a disadvantage in the workplace to people with some religious

and other beliefs. For instance, a large proportion of employers had not and did not plan to make adjustments as a result of the Regulations. This may be interpreted to suggest that employers simply did not need to make any changes. However, a combination of evidence provided by the survey suggested that this was not the case. For instance, a third of all employers were not even aware that the Regulations existed and of those that were, less than 40% rated their own understanding of them as 'full'. Additionally, only 19% of employers had already or were planning changes in response to the Regulations, despite nearly half of those that weren't also reporting that they did not have a formal employment policy covering Religion or Belief. Employers' qualitative responses also indicated that many wrongly thought that they were exempt from the Regulations on the grounds of size or because they did not employ people from Minority Ethnic Groups, despite this being only a poor indicator of religious affiliation in the first place and the clear need to make adjustments to make the workplace accessible and attractive to all people. Combined with the evidence about the proportion of employers making example adjustments to make their workplaces more attractive in this way, this suggests that work needs to be done to:

- Raise employer awareness of the Regulations.
- Ensure that all employers fully understand the implications of the Regulations and the need to move beyond a negative deficit approach of avoiding discrimination to one of avoiding in-direct discrimination also.
- Develop the appropriate support for employers in making the necessary changes and adjustments, including developing equal opportunities policies and embedding these in the culture and practices of the organisation.

The message presented by the survey in relation to targeting these interventions is complex. On the one hand, it is clear that larger employers have made more progress than smaller ones and smaller employers constitute the largest proportion of all employers. However, on the other hand, the majority of the workforce is employed by larger employers and the survey clearly indicates that there is still work to be done with these organisations. In this regard, work with larger employers may help to impact more quickly on the larger proportion of the workforce. At the same time, though, thought does need to be given to how these interventions might be cascaded to all employers.

1 INTRODUCTION AND BACKGROUND

The Employment Equality (Sexual Orientation) Regulations 2003 (SI 2003/1661) and the Employment Equality (Religion or Belief) Regulations 2003 (SI 2003/1660) which came into force in December 2003 implement the Sexual Orientation and Religion/Belief aspects of the European Council 'Equal Treatment' Directive of 2000 (2000/78/EC). These two sets of regulations, which are very similar in nature, follow established practices in legislating against discrimination in the workplace such as in the Race Relations (Amendment) Act (2000) and the Disability Discrimination Act (1995). In addition to protecting employees from discrimination at work, the regulations also make it illegal to discriminate against people on the grounds of their sexual orientation or religion/belief in accessing vocational learning and in further and higher education.

It is widely recognised that legislation is not on its own enough to promote fair practices in the workplace and that it is much quicker and more efficient to support employers to make voluntary changes than have them enforced through the accumulation of case law. The first stage in this process is raising awareness among employers of their legal obligations and employees' rights in respect of these new regulations. Previous research has suggested that employers currently lack awareness and understanding of the regulations and may not have sufficiently changed their working practices in accordance with the requirements which are now placed upon them (Eversheds, 2004; Anon., 2003). Recognising the need to improve awareness, the Government made funding available for capacity building in support of the Regulations.

Using this funding, the Policy Research Institute at Leeds Metropolitan University was commissioned by the Fair Play Partnership to undertake research which will contribute to awareness raising in Yorkshire and the Humber by providing baseline information on the existing state of awareness, understanding, attitudes toward and implementation of the Sexual Orientation/Religion or Belief Regulations among employers in the Yorkshire and Humber region. This report presents findings from a survey of employers in relation to the Religion or Belief Regulations. A separate report provides a similar review of findings in relation to the Sexual Orientation Regulations.

2 METHODOLOGY

2.1 The Questionnaire and Survey Method

The questionnaire was developed by the team at the Policy Research Institute in conjunction with the Fair Play Partnership and is included in Appendix 1: The Questionnaire. The survey was undertaken by telephone by trained Survey Research Officers and all organisations included in the survey were written to in advance of receiving the call in order to establish the credibility of the research and the research team.

2.2 The Sample

The telephone survey was conducted with 402 employers in the Yorkshire and Humber region, selected from a sample obtained from Experian Data Services. Quotas were set to ensure adequate response rates from each of the three different employer size bands used (1-10 employees, 11-49 employees, 50+ employees). The sample was then weighted to make the data more representative of all employers in the region. Within size bands this meant weighting by grouped industrial sector (SIC) (as in Table 1) and when presented on a total basis the data was weighted by both size and sector. It was necessary to use a different weighting strategy in this way because of the disjuncture between the prominence of small employers in terms of the total number of employers in the region on the one hand and the relative importance of larger employers in terms of the number of people employed.

Table 1: Banding of SIC Industrial Groups

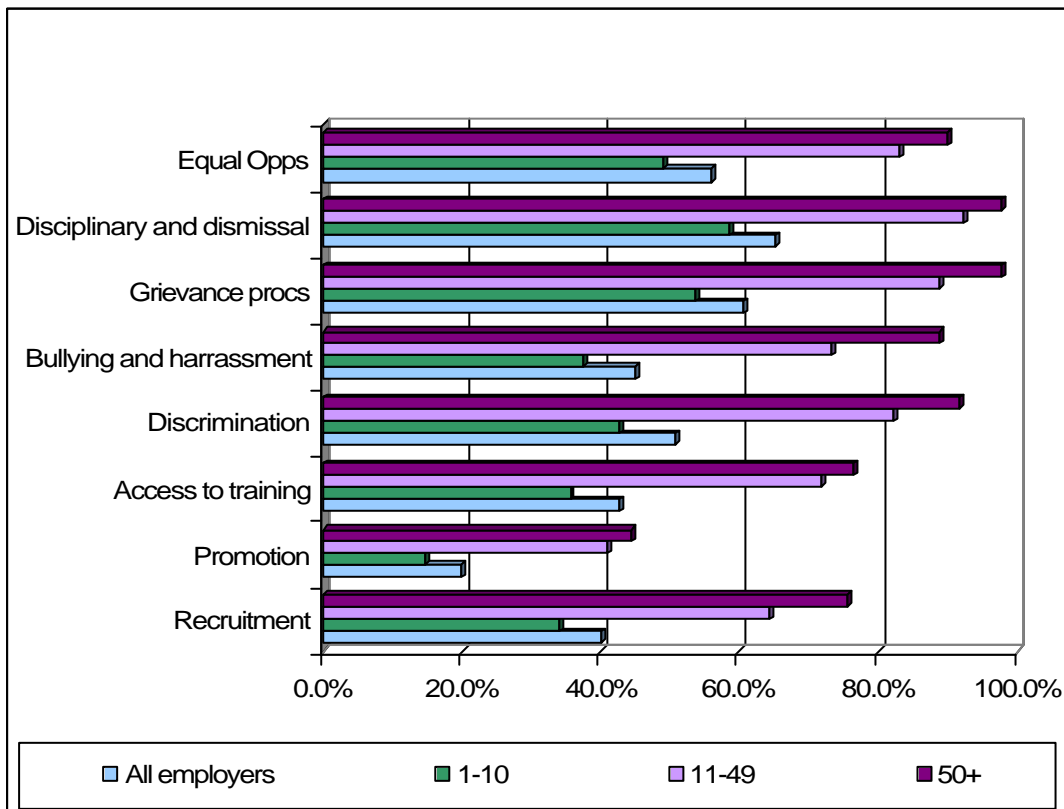
SIC 05	Banding
Agriculture	Primary
Mining	
Manufacturing	
Electricity, gas and water supply	
Construction	Construction and transport
Transport, storage and communications	
Wholesale and retail	Sales and service
Hotels and restaurants	
Financial	Business
Real estate, renting and business activities	
Public administration	Public
Education	
Health and social work	
Community, social and personal service activities	
Other	

3 SURVEY FINDINGS

3.1 Existing employment practices among employers in the region

Employers were asked a range of questions about their employment practices. To begin with they were asked whether they had written policies covering areas of employment practice such as recruitment, promotion, access to training, discrimination, bullying and harassment, grievance and disciplinary procedures and equal opportunities. 65% had written procedures covering disciplinary and dismissal and 61% had written grievance procedures. Just over half said that they had written equal opportunities (56%) and discrimination (51%) policies. Less than half had written policies on bullying and harassment, access to training, recruitment and only around a fifth had written policies related to promotion.

Figure 1: Employers with written employment policies, by no. of employees



Answers to q4i.

However, because small businesses make up the vast majority of the total business stock while employing only a small proportion of the region's workforce, this does not produce an accurate representation of the proportion of the region's workforce that is

covered by written employment policies. Using the same data adjusted and weighted to be representative of the region's employee profile rather than employers, it is possible to estimate that around 83% of the region's workforce is covered by a written equal opportunities policy. Figure 1 goes some way to addressing this by comparing the number of employers with such policies by the size of their workforce. This shows clearly that the larger the employer, the more likely it is to have written employment policies. Among those with 50 or more employees, 90% or more had written policies for dismissal, disciplinary and grievance procedures, equal opportunities and discrimination. Over 75% of these employers had written policies covering bullying, access to training and recruitment, though less than half had policies related to promotion procedures. Conversely, the smallest employers were least likely to have written employment policies. Just less than half had written policies on equal opportunities or discrimination, less than 40% had policies in relation to bullying and harassment and only a third had written recruitment policies. Generally, across the three size bands that were compared, employer size was a good indicator of whether or not an employer would have written employment policies. Notable also was that across all size bands, employers were most likely to have disciplinary procedures and then grievance procedures in place and less likely to have written policies on recruitment, access to training and promotion.

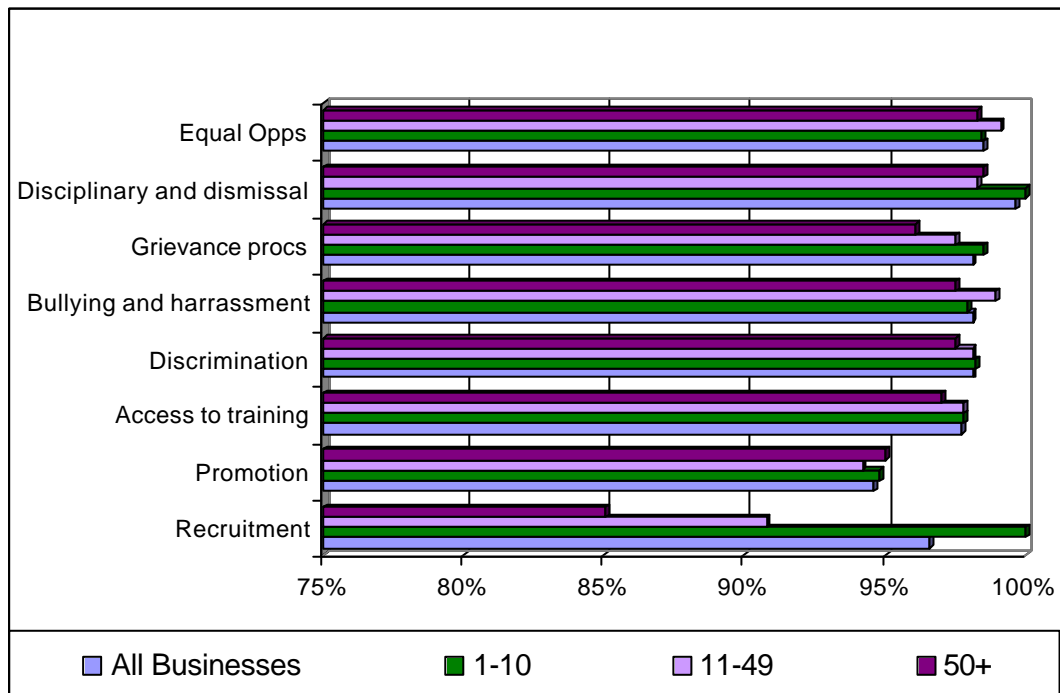
Industrial sector was also related to the likelihood of having written employment policies in place. Across the board, employers in Primary, Construction and Transport sectors were comparatively less likely to have formal written employment policies and Public sector employers were generally most likely to have these policies. This was equally the case in relation to equal opportunities policies. 42% of employers in Primary, Construction and Transport sectors reported that they had written equal opportunities policies compared to 85% of Public sector employers.

Having policies in place however, does not necessarily mean that they are effective or become part of the culture of the organisation. It is difficult to directly measure the extent to which such policies are adhered to within any organisation in an employer survey because respondents are unlikely to admit to having 'toothless' policies in place. However, there are a number of proxy measurements that can be used to begin to assess the extent to which formal employment policies are embedded into the routine practices of the organisation. One of these proxies is whether or not new and existing staff are made aware of the existence of written employment policies. As such, our survey asked those employers with written policies whether they

routinely made new staff aware of them and whether they regularly update or remind their workforce about their details.

In answer to these questions all employers reported remarkably high levels of communication with new staff in relation to their employment practices. Of those that had them, more than 90% of employers in each size band made their employment policies in relation to Equal Opportunities, disciplinary and dismissal, grievance procedures, bullying and harassment, discrimination and access to training known to new employees. Surprisingly, only 85% of the larger employer group (those with 50+) employees made their recruitment policies known to new staff, in contrast to nearly 100% of the smallest employers who had written recruitment policies.

Figure 2: Employers who make new staff aware of written employment policies, where these exist

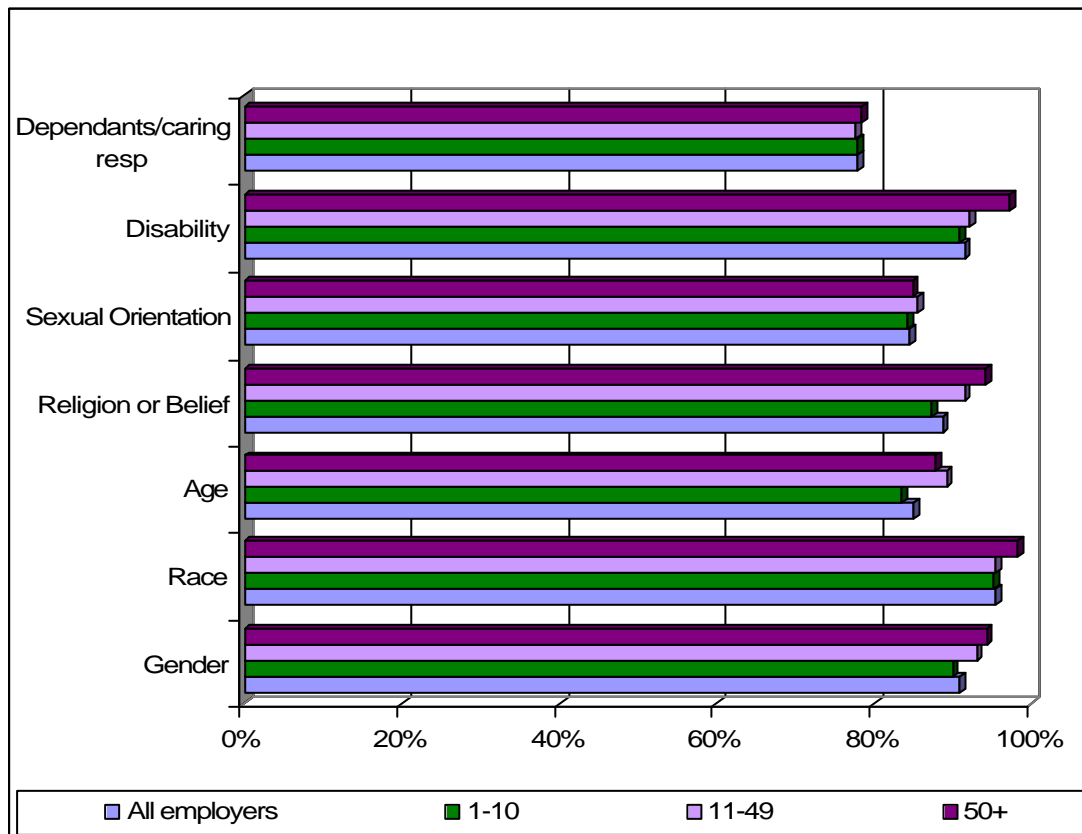


Answers to question 4ii.

Of those organisations that do have an equal opportunities policy over 90% covered race, gender and disability strands. 89% of organisations with an equal opportunities policy said that this covered religion or belief, which suggests widespread awareness and preparation for the new Employment Equality Regulations. When reinterpreted to reflect employees rather than employers, the responses to the survey suggest that more than 80% of employees in the region are covered by a written equal opportunities policy addressing religion or belief and more than 77% are covered by

a written equal opportunities policy addressing Sexual Orientation. As might be expected the coverage of Religion or Belief, like other more recently recognised equality strands such as Sexual Orientation is higher in larger employers than smaller ones. Industrial sector was also related to the likelihood of employers' equal opportunities policies covering either Religion or Belief or Sexual Orientation. Primary sector employers in particular were less likely to have equal opportunities policies covering these equalities strands than were Public sector employers. Among employers in Primary sectors 74% and 70% had policies which covered Religion or Belief and Sexual Orientation while the comparable figures for Public sector employers was 93% and 91% respectively. The survey also asked about the coverage of equal opportunities policies in other areas. Around 78% of all employers said that their policies covered people with caring responsibilities for children or other dependents.

Figure 3: Coverage of equal opportunities policies among employers that have them



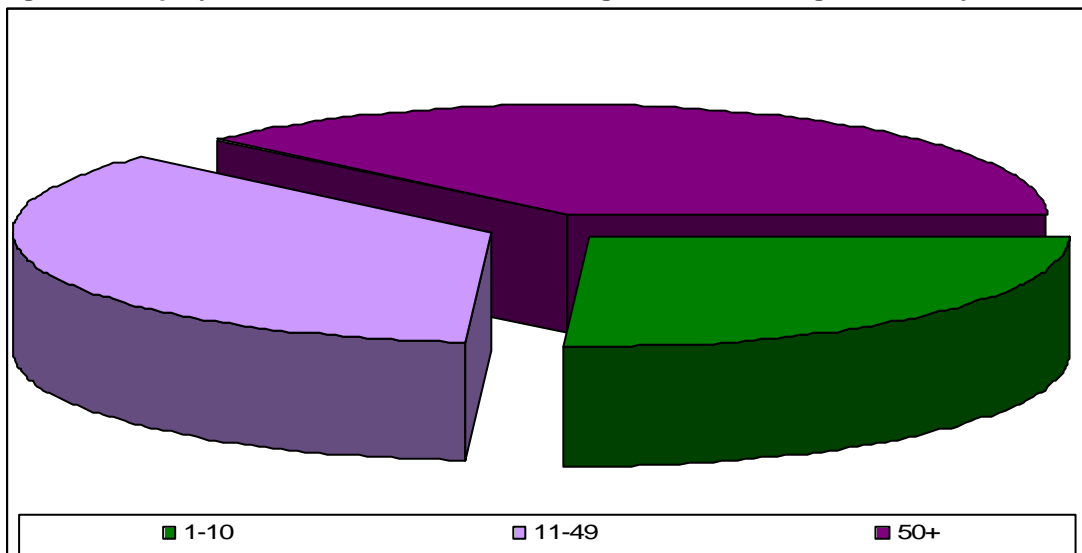
Answers to question 6.

3.2 Awareness and understanding of the regulations

Overall, 67% of employers surveyed said that they were aware of the new Employment Equality Religion or Belief regulations. Awareness of the regulations

was higher among larger employees than it was among smaller ones. 92% of employers with more than 50 employees said that they were aware of the regulations, against 87% for those with 11-49 employees and 62% for those with less than 10 employees. Again, overall awareness figures are distorted by the proliferation of small employers within the employer distribution while larger employers employ the majority of the region's workforce. After adjustment and re-weighting, the response data indicates that around 85% of the region's workforce are employed by an organisation that is aware of the regulations. This rises to more than 96% of the workforce in large organisations are employed by an organisation that reported that it was aware of the regulations. 89% of the workforce in mid-sized organisations (11-49 employees) were employed by organisations who reported that they were aware of the regulations, but only 62% of the workforce in smaller organisations were employed by organisations that were aware.

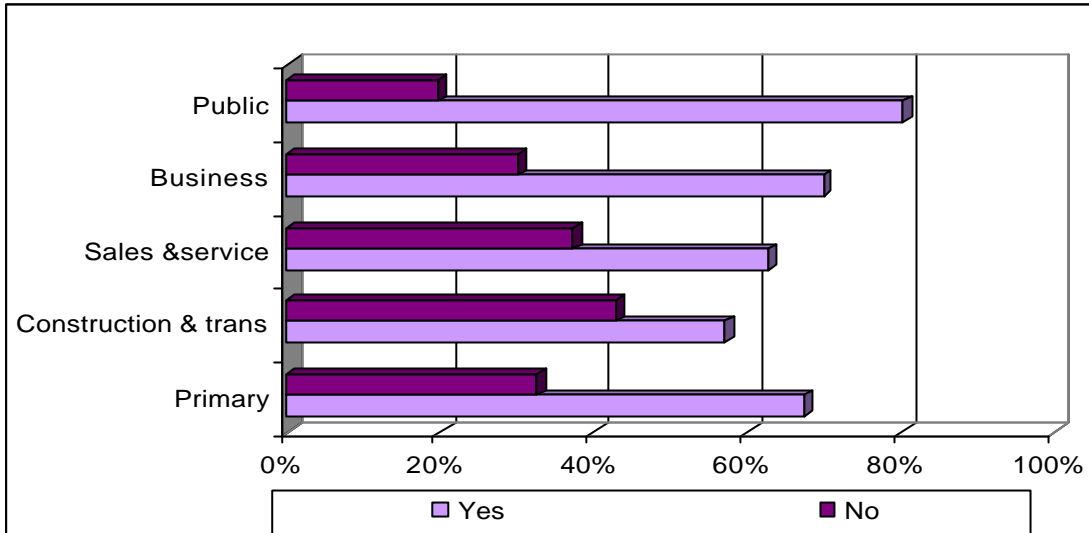
Figure 4: Employers that were aware of the Religion or Belief Regulations, by size



Answers to question 7.

Awareness of the Religion or Belief regulations was higher among public sector employers at over 80% than other sectors. Employers in the construction and transport sectors were least aware at less than 60%.

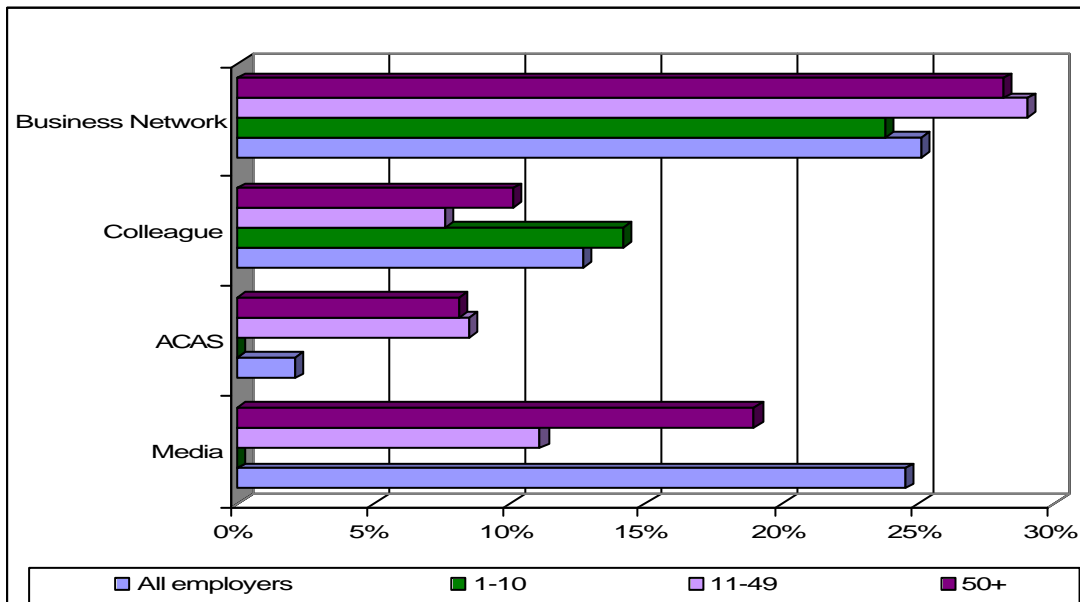
Figure 5: Employers' awareness of Religion or Belief Regulations by sector



Answers to question 7.

Of those employers that were aware of the new regulations (see Figure 6), around a quarter suggested that they had become aware of these through the media or business network and 13% said they had become aware through a colleague. A large number of respondents suggested that they had heard from another source with solicitors, consultants or accountants and information from Head Offices or other internal sources being the most prominent.

Figure 6: How employers became aware of Religion or Belief Regulations

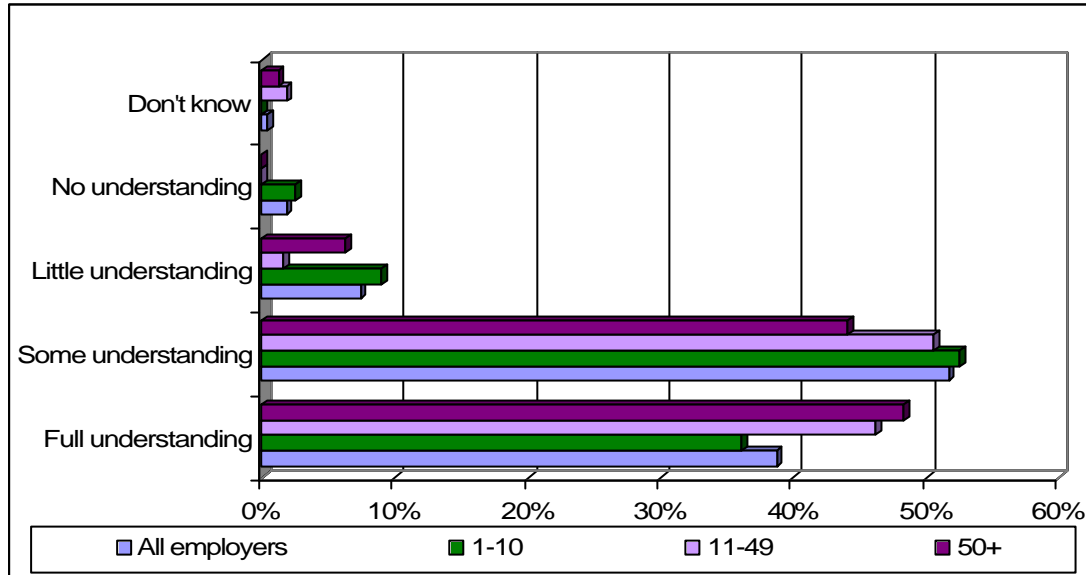


Answers to question 8.

Where employers were aware of the new Religion or Belief regulations, they were asked to rate their own understanding of them. 39% said that they had a 'full

understanding' of the regulations and 52% said that they had 'some understanding'. Overall, only 8% said that they had 'little understanding' and less than 2% said that they had 'no understanding'.

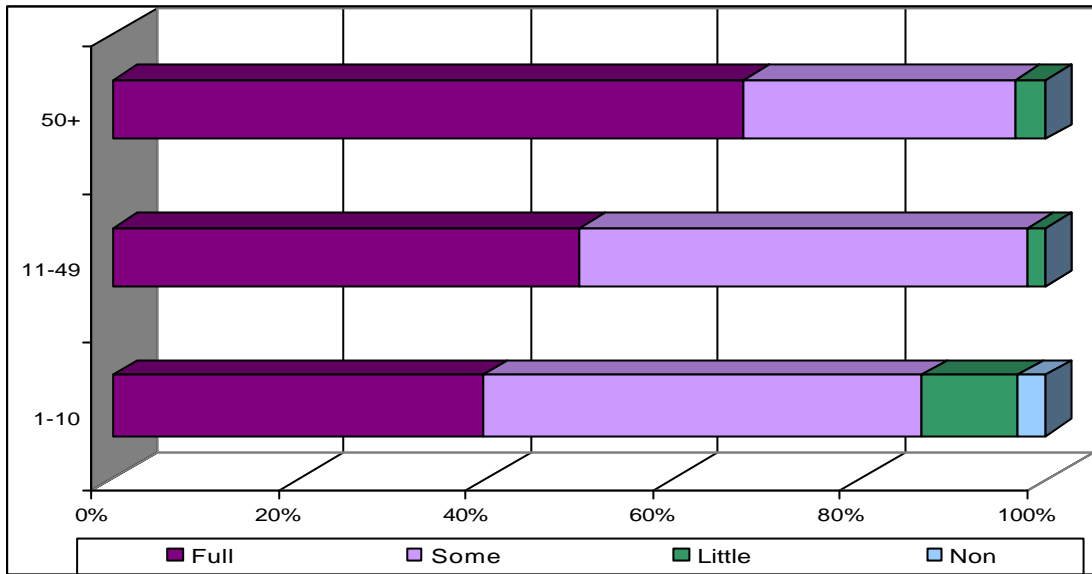
Figure 7: Employers understanding of Religion or Belief Regulations



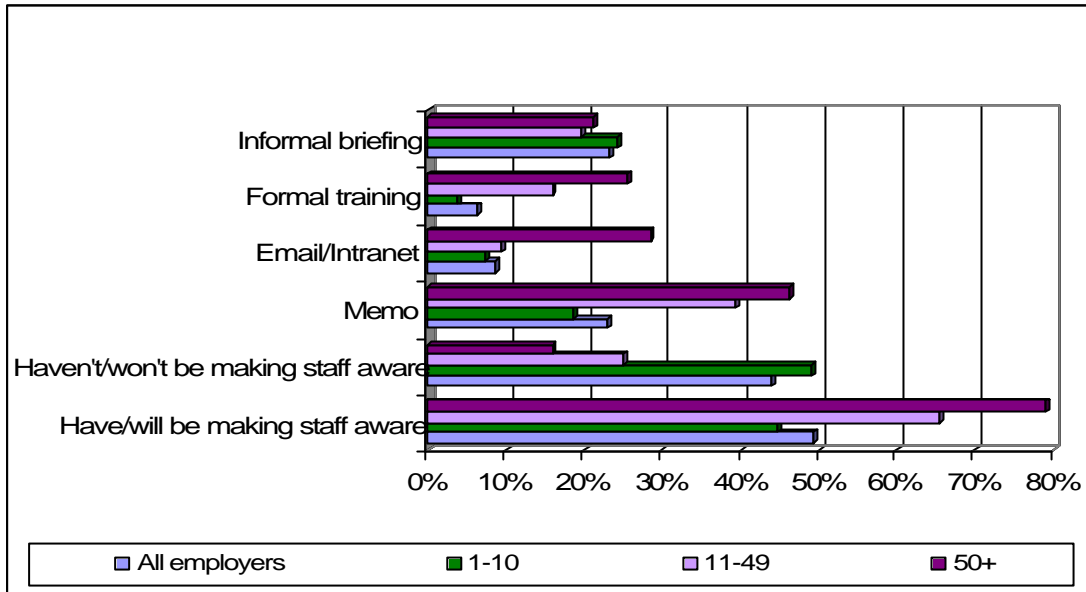
Answers to question 9.

However, the data also shows that this equates to around 80% of the region's workforce being employed by organisations that claim at least some understanding of the regulations. Again, as might be expected, this was because larger employers were more likely than smaller employers to report a full understanding. More than 95% of the workforce in larger and mid-sized organisations were working for employers who rated themselves as having at least some understanding of the Regulations, though this fell to only 61% of employees in smaller organisations. In addition, the proportion of employees in larger organisations whose employer rated their own understanding as 'full', as opposed to 'some' was much larger than either mid-sized or smaller organisations, as Figure 8 shows. There were also important differences in relation to industrial sector with employers in Primary and Business sectors being less likely to rate their organisations as having a 'full understanding' than other sectors.

Figure 8: Proportion of employees in employers (by size band) by level of understanding of the Regulations



Employers were also asked whether they had or would be making their staff aware of the regulations. Overall, 49% of employers responded positively to this question, with this rising to 65% and 79% for those with 11-49 and more than 50 employees respectively. 45% of employers with 10 or less employees said that they had already or would be making their staff aware of the regulations. Respondents were also asked how they had or would make staff aware. The two most popular ways of communicating with staff about the Regulations were internal memos and informal briefings, though formal training and email/intranet communication was also important for many larger organisations (see Figure 9).

Figure 9: Employers making their staff aware of the Religion or Belief Regulations

Answers to questions 13 and 14.

3.3 Impact of the Regulations

Employers were asked a series of questions in relation to the changes made as a result of the Regulations, to assess their impact on employers in the Yorkshire and Humber region. When asked if they had already or would be making any changes as a result of the Regulations, only 19% of employers reported positively (equating to about 47% of the region's workforce¹), with 44% reporting that they had not and would not be making any changes. Obviously this alone reveals little because the 44% of employers reporting that they had not made a change might already be compliant with the terms and requirements of the new regulations.

While assessing existing levels of compliance is difficult through a survey, answers to a number of proxy questions can be considered to gain at least an indicative understanding of this issue. For instance, 87% of those that had already or were planning to make changes also reported that they already had an equal opportunities policy covering Religion or Belief. The qualitative responses from the survey suggested that many of those that had not, or were not planning to, make changes indicated that they thought that their existing policies were already compliant. However, only 55% of those that reported that they had not and would not be changing their employment policies already had an equal opportunities policy in place which covered Religion or Belief. This may be because employers do not fully

understand the requirements of the Regulations. For instance, qualitative responses suggested that they did not think that they needed to change their policies either because they were confident that the company did not discriminate on the grounds of religion or belief, they believed they were exempt because they were only small, because they did not already have staff who the Regulations might apply to, or because they were unsure that they fully understood the implications of the Regulations:

"[We have] Always been fair and non-discriminatory"

"Only very small company and [our] understanding [is that the] regulations don't apply"

"No need [to change Equal Opportunities policies] - no reason to do so, no religious people employed"

"Where the company is based there are no multi-racial individuals, so we do not need to [make changes to Equal Opportunities policies]"

"[we are] Unaware of the new regulations"

We also asked employers whether their normal working practices allowed a small range of example adjustments for employees related to Religious or Belief issues. Employers were asked if they had a prayer room, allowed flexible working to accommodate prayer time, religious dress to be worn in the workplace or prioritised leave arrangements for staff observing religious holidays. Overall, less than 50% of employers allow religious dress to be worn in the workplace, less than 40% allow flexible working to accommodate prayer time and less than 5% have a prayer room in the workplace. 44% prioritise leave arrangements to allow staff to take leave to fit in with religious reasons.

These overall figures are skewed by the over-representation of small employers in the overall sample. As such, Figure 10 shows the answers to these questions by employer size. It shows that all employers were more likely to allow religious dress to be worn and to accommodate prayer time than they were to have a prayer room in the work place. It also shows, unsurprisingly, that larger employers were more likely than smaller employers to make such adjustments. However, even among the largest employers only 67% reported that they prioritised leave arrangements for staff observing religious holidays, 66% allowed their employees to wear religious dress

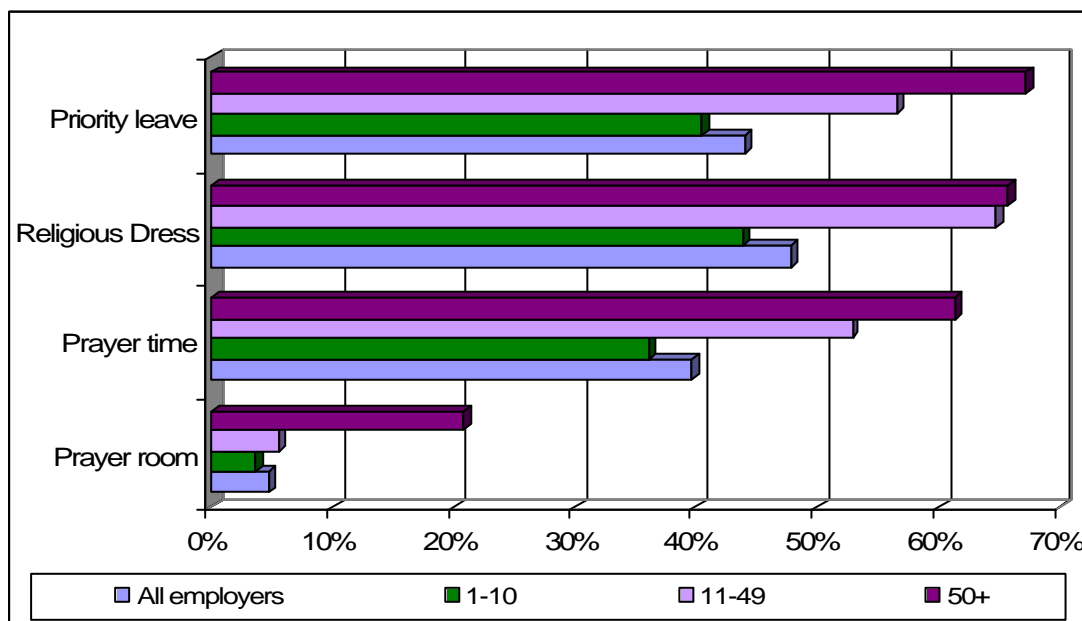
¹ Rising to 67% of employees in larger organisations and falling to 34% of employees in mid-sized organisations and 18.4% in the smallest employers.

and 62% allowed flexible working to accommodate prayer time. It should be noted that in each case a small number of respondents did not know whether such adjustments were available and a much larger proportion reported that such adjustments were 'Not applicable' though the reasons for this were less clear.

Among employees with 10 employees or less, less than 45% allowed religious dress to be worn only 40% allowed staff priority to take leave for religious reasons and only 36% allowed flexible working to accommodate prayer time. Again a reasonably large number of respondents thought that such adjustments were 'not applicable', though again the reasons for this were in the main unclear.

One issue that was highlighted in qualitative comments across employer size bands elsewhere in the survey were concerns related to health and safety and allowing religious dress to be worn.

Figure 10: Employers making example adjustments related to Religion or Belief



Answers to question 35.

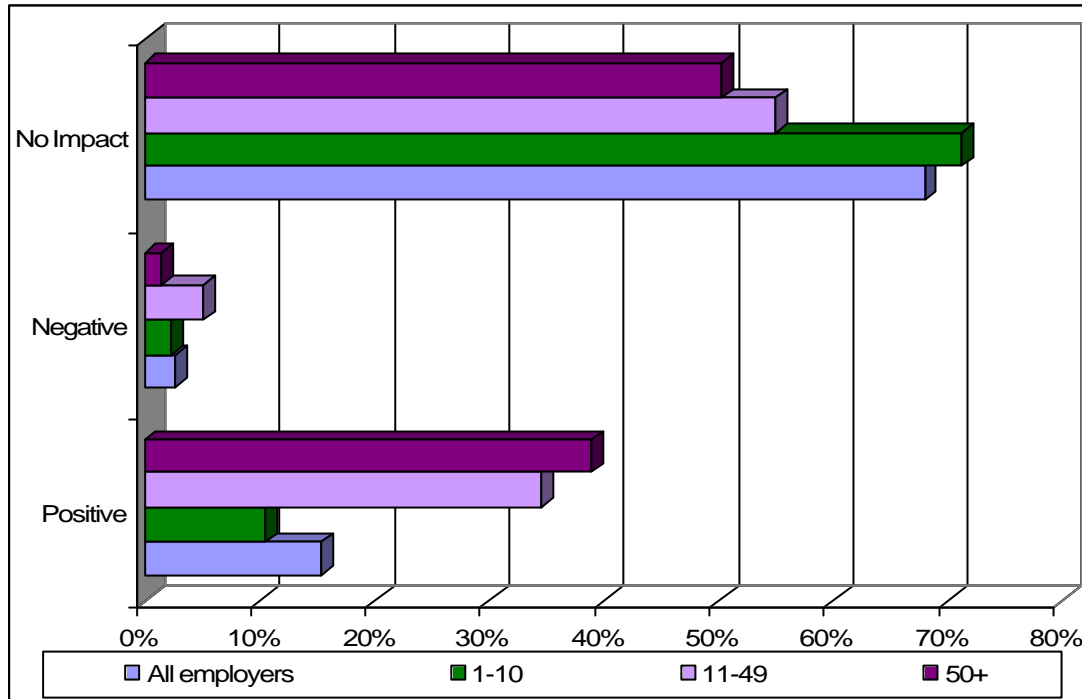
The answers to these questions obviously provide no more than a snapshot and do not on their own indicate a failure to make adjustments in relation to the Religion or Belief Regulations. However, taken in conjunction with the evidence above about the proportion of employers making changes in relation to the Regulations and also some general levels of misunderstanding about the implications of them, it contributes to an overall interpretation that employers are not being pro-active

enough in making adjustments. In particular it appears that employers interpret compliance with the Regulations in a negative way as simply avoiding direct discrimination rather than making changes to make the workplace a 'level playing field' for all employees and as such avoiding in-direct discrimination also.

Employers were also asked whether or not they kept a record of the Religion or Belief of their employees. Overall, only 24% of employers kept such a record, though this rose to 44% of employers with more than 50 staff. While there is some merit in suggesting that smaller employers might simply be aware of the religious affiliations of their staff this is not necessarily the case as such issues are often private matters and not easily identified from more visible indicators such as race or ethnicity. Making adjustments to meet the needs of employees and ensuring that discrimination or less favourable treatment does not occur may require that such monitoring takes place. Taken together with the evidence above this contributes to the interpretation that many employers are not fully aware of their responsibilities under the Religion or Belief Regulations.

3.4 Views of the regulations

A number of questions were included to ascertain the views of employers about the possible impact of the regulations on their organisation. First, they were asked an open question about what impact they thought that it would have. This question tended to illicit responses which suggested that there had not been and would not be any significant impact arising from the regulations, with this being typical across different sizes and types of organisation. Respondents were then prompted to select from options to say whether or not they thought that "overall the regulations would have a positive or negative impact or no impact at all" (see Figure 11). Again the majority (68%) thought there would be no impact, with only 15% reporting that there was or they expected there to be a positive impact and less than 3% reporting a negative impact associated with the regulations. When analysed across different sizes of organisation, larger employers were more likely to identify the regulations with a positive impact than smaller employers. 71% of employers with 10 or less employees thought that there would be no impact, in comparison to about half of those with more employees.

Figure 11: Employers views of the impact of the Religion or Belief Regulations

Answers to question 16.

Respondents were asked an open question about their concerns in implementing the Regulations. For the most part employers did not report any concerns. However, where these were reported, they reaffirmed the interpretation above that awareness of the positive action needed to avoid structural and indirect discrimination is low. For instance, one employer reported that they did have "... concerns but they are not a priority. This business is white/English", highlighting the need for a change in organisational culture in addition to mere compliance with regulations. This issue was also highlighted by others:

"In terms of our diversity awareness training, the concern is how we make it a subject matter that people will listen to in training seminars as the law is very dry. We need to find ways of capturing hearts and minds to keep it interesting for them to learn."

There were also some concerns reported about the way in which equal opportunities legislation in relation to employment is enacted separately rather than in a single set of regulations common to all equality strands so that the requirements placed on employers were simpler and easier to understand. One employer even linked this to the 'hierarchy' in legal provision for the different strands:

"There is still a difference in what's covered in goods and services, still two tier between race, discrimination, sex and race and religion. Where there are

anomalies for race and religion, they should do the same as they did for the other three”.

Interestingly, when given this opportunity in relation to Religion and Belief, a small but significant number of respondents reported that they saw the introduction of Age Discrimination legislation later in 2006 as a bigger concern:

“My main one [concern] will be age as it's an unknown quantity at the moment”.

Finally, employers were asked whether they envisaged any problems as a result of the potential tension between the Employment Equality Religion and Belief Regulations and those on Sexual Orientation. Again, only a very few identified the potential tension between the protection on the grounds of Religion or Belief and protection on the grounds of Sexual Orientation. Taken in the context of the evidence presented above this suggests that the majority of employers have yet to fully consider the implications of the two sets of Regulations rather than them being fully prepared for any tensions that might arise.

3.5 Employers support needs

Finally, employers were asked an open question about the types of support that they might need to help them to understand and comply with the Regulations. The most frequently cited type of support was in the form of simple written guidance in handbooks, guides, leaflets or fact-sheets. The next most frequently cited type of support needed was in the form of similar guidance to be made available on the internet and then training or seminars to be organised on a local basis. In each case employers wanted simple guidance and information on what the regulations mean and practical examples of how to comply with them.

Table 2: Types of support cited by employers

Written Guidance and info	Website / internet	mail/ post	DVD/ video	media	Consultancy	Training / seminar	Less regulations
67	30	12	2	1	3	25	2

4 CONCLUSIONS

There is some evidence to suggest that employers do not fully understand the requirements of the Regulations and the adjustments needed to avoid practices which may constitute a disadvantage in the workplace to people with some religious and other beliefs. For instance, a large proportion of employers had not and did not

plan to make adjustments as a result of the Regulations. This may be interpreted to suggest that employers simply did not need to make any changes. However, a combination of evidence provided by the survey suggested that this was not the case. For instance, a third of all employers were not even aware that the Regulations existed and of those that were, less than 40% rated their own understanding of them as 'full'. Additionally, only 19% of employers had already or were planning changes in response to the Regulations, despite nearly half of those that weren't also reporting that they did not have a formal employment policy covering Religion or Belief. Employers qualitative responses also indicated that many wrongly thought that they were exempt from the Regulations on the grounds of size or because they did not employ people from Minority Ethnic Groups, despite this being only a poor indicator of religious affiliation in the first place and the clear need to make adjustments to make the workplace accessible and attractive to all people. Combined with the evidence about the proportion of employers making example adjustments to make their workplaces more attractive in this way, this suggests that work needs to be done to:

- Raise employer awareness of the Regulations.
- Ensure that all employers fully understand the implications of the Regulations and the need to move beyond a negative deficit approach of avoiding discrimination to one of avoiding in-direct discrimination also.
- Develop the appropriate support for employers in making the necessary changes and adjustments, including developing equal opportunities policies and embedding these in the culture and practices of the organisation.

The message presented by the survey in relation to targeting these interventions is complex. On the one hand, it is clear that larger employers have made more progress than smaller ones and smaller employers constitute the largest proportion of all employers. However, on the other hand, the majority of the workforce is employed by larger employers and the survey clearly indicates that there is still work to be done with these organisations. To assist in targeting interventions it is advantageous to estimate from the survey returns the proportions of the region's workforce that might gain from awareness raising activities targeted at different types of employer. Such an estimate suggests that of those whose employer is not aware of the Religion or Belief regulations, around 70% are employers with less than 10 employees. Of those whose employer had little or no understanding of the regulations around half were with employers with less than 10 employees and around

41% were in employers with more than 50 employees. Of those whose employer reported that they had not and would not be making any changes as a result of the regulations, just under a third were employers with less than 10 employees, just over a quarter were employers with 11-50 employees and just over 40% were employers with more than 50 employees.

While this suggests that awareness raising may need to be more directed at smaller employers to benefit the larger number of employees, there clearly remain important issues of understanding the implications of the regulations in larger employers, even where they are aware of the Regulations. No clear message emerges then from this analysis other than that where activities are targeted at small employers they need to begin from the starting point of awareness raising, while in larger employers the emphasis should be more firmly on understanding the full implications of the regulations.

APPENDIX 1: THE QUESTIONNAIRE

ID No									
-------	--	--	--	--	--	--	--	--	--



FAIR PLAY SORB EMPLOYER SURVEY 2005

Good morning/afternoon, my name is, I'm calling from the Policy Research Institute at Leeds Metropolitan University. We have been commissioned by the Fair Play Partnership to conduct a survey with employers' to examine the awareness of new government legislation relating to employment equality.

We recently sent a letter informing you about the survey, do you recall seeing this?

If yes, continue.

If no, briefly outline the purpose and content of the survey

Are you the right person to speak to about Human Resources / Personnel issues for your organisation?

If yes, continue.

If no ask, can you tell me who I should speak to about HR and can I get them on this number? (Record new contact name and number, if different to that listed, on the contact sheet. Thank caller and ask if it would be possible to be put through to the new contact)

Would you be willing to take part in the survey? It should take no longer than 10 minutes to complete. Everything you say will be treated in the strictest confidence and no individuals or organisations will be identifiable in the results of the survey.

A) Record Respondent's Name:

Section A: Your Organisation

1. First of all can you tell me / confirm your job title please.....?

(please write in response in full)

.....

2. What are the main products / services of your organisation at this site?

(please write in response in full)

.....
..... SIC:

3. How many people are employed by your organisation at this site?

..... *(please write in the number - include all full & part time staff.
If no staff terminate interview)*

Section B: Human Resources Policies

I'm now going to ask you a few questions about the Human Resource or Personnel policies you use in your organisation.

- 4. i) First of all can you tell me, do you have a written Human Resources policy that relates to.....?**
(please tick one box per row in Column i – if the respondent answers ‘Yes’ to any of the policies then also ask Q4.ii and Q4.iii)
- ii) If yes to Q4.i ask, are the details of this policy routinely made known to new employees joining the organisation?** *(please tick one box in Column ii)*
- iii) If yes to Q4.i ask, do you regularly update or remind your existing staff about the details of this policy?** *(please tick one box in Column iii)*

		i) Do you have a written policy			ii) Are the details of this policy routinely made known to new employees			iii) Do you regularly update or remind existing staff about the details of this policy		
		YES	NO	D/K	YES	NO	D/K	YES	NO	D/K
A	Recruitment	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
B	Promotion	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
C	Access to training	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
D	Discrimination	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
E	Bullying and harassment	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
F	Grievance procedures	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
G	Disciplinary and dismissal procedures	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
H	Equal Opportunities ***	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃

If respondent said either No, their organisation DOES NOT have a written Equal Opportunities Policy or that they Don't Know if they have one, then you MUST ask Question 5.

If respondent said YES, their organisation DOES have a written Equal Opportunities Policy go straight to Question 6.

5. If no, does your organisation do anything to address equal opportunities?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q6
No	<input type="checkbox"/> ₂	Go to Q7
Don't Know	<input type="checkbox"/> ₃	Go to Q7

6. Does your Equal Opportunities Policy / Practice cover.....?

(please tick one box per row)

		YES	NO	D/K
A	Gender	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
B	Race	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
C	Age	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
D	Religion or belief	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
E	Sexual orientation	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
F	Disability	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
G	Those staff with dependants / caring responsibilities	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃
H	Other (please specify)	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃

Section C: Religion or Belief Regulations

7. Is your organisation aware of the introduction of the 2003 Employment Equality Regulations, related to discrimination against employees on the grounds of Religion or Belief?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q8
No	<input type="checkbox"/> ₂	Go to Q10

8. How did you / your organisation become aware of these new regulations?
(please tick all that apply)

The Media	<input type="checkbox"/> ₁
ACAS (Advisory Conciliation Arbitration Services)	<input type="checkbox"/> ₂
Colleague	<input type="checkbox"/> ₃
Business Network	<input type="checkbox"/> ₄
Other <i>(please specify)</i>	<input type="checkbox"/> ₅
Don't know	<input type="checkbox"/> ₆

9. How would you rate your organisation's understanding of the implications the new regulations will have, would you say it has a.....?

(Read out list and tick ONE box only)

Full understanding	<input type="checkbox"/> ₁
Some understanding	<input type="checkbox"/> ₂
Little understanding	<input type="checkbox"/> ₃
No understanding of the regulations	<input type="checkbox"/> ₄
Don't know	<input type="checkbox"/> ₅

10. Has or will your organisation be making any changes to it's Equal Opportunities or Human Resources Policies as a result of the new regulations?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q11
No	<input type="checkbox"/> ₂	Go to Q12
Don't Know	<input type="checkbox"/> ₃	Go to Q13
Not Applicable	<input type="checkbox"/> ₄	Go to Q13

11. If yes, what changes have been / will be made?

(please write in response in full)

.....

.....

12. If no, why not?

(please write in response in full)

.....

.....

13. Has or will your organisation be informing staff members of the details of the new regulations?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q14
No	<input type="checkbox"/> ₂	Go to Q15
Don't Know	<input type="checkbox"/> ₃	Go to Q15

14. How have or how will staff members be informed of the new regulations?

(please tick all that apply)

Memo / paper based communication	<input type="checkbox"/> ₁
Email / Intranet	<input type="checkbox"/> ₂

Formal Training sessions	<input type="checkbox"/> ₃
Informal briefing sessions	<input type="checkbox"/> ₄
Other <i>(please specify)</i>	<input type="checkbox"/> ₅
Don't know	<input type="checkbox"/> ₆

15. What impact do you think these regulations will have for your organisation?
(please write in response in full)

.....

16. Overall do you think these regulations will have a.....?
(Read out list and tick ONE box only)

Positive impact	<input type="checkbox"/> ₁
Negative impact	<input type="checkbox"/> ₂
No impact on your organisation	<input type="checkbox"/> ₃
Don't know	<input type="checkbox"/> ₄

17. What would be most useful to your organisation in helping you to understand and comply with the new regulations?

.....

.....

18. Has your organisation experienced any personnel issues or cases relating to discrimination on the grounds of religion or beliefs?
(please tick one box only)

Yes	<input type="checkbox"/> ₁
No	<input type="checkbox"/> ₂
Don't Know	<input type="checkbox"/> ₃

19. Does your organisation keep a record of its employees religion or beliefs?
(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q20
No	<input type="checkbox"/> ₂	Go to Q21
Don't Know	<input type="checkbox"/> ₃	Go to Q21

20. If yes, how is this information used? *(please write in response in full)*

.....

.....

.....

Section D: Sexual Orientation Regulations

21. Is your organisation aware of the introduction of the 2003 Employment Equality Regulations, related to discrimination against employees on the grounds of Sexual Orientation?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q22
No	<input type="checkbox"/> ₂	Go to Q24

22. How did you / your organisation become aware of the new regulations?

(please tick all that apply)

The Media	<input type="checkbox"/> ₁
ACAS (Advisory Conciliation Arbitration Services)	<input type="checkbox"/> ₂
Colleague	<input type="checkbox"/> ₃
Business Network	<input type="checkbox"/> ₄
Other <i>(please specify)</i>	<input type="checkbox"/> ₅
Don't know	<input type="checkbox"/> ₆

23. How would you rate your organisation's understanding of the implications the new regulations will have, would you say it has.....?

(Read out list and tick ONE box only)

Full understanding	<input type="checkbox"/> ₁
Some understanding	<input type="checkbox"/> ₂
Little understanding	<input type="checkbox"/> ₃
No understanding of the regulations	<input type="checkbox"/> ₄
Don't know	<input type="checkbox"/> ₅

24. Has or will your organisation be making any changes to it's Equal Opportunities or Human Resources Policies as a result of the new regulations?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q25
No	<input type="checkbox"/> ₂	Go to Q26
Don't Know	<input type="checkbox"/> ₃	Go to Q27
Not Applicable	<input type="checkbox"/> ₄	Go to Q27

25. If yes, what changes have been / will be made?

(please write in response in full)

.....

.....

26. If no, why not?

(please write in response in full)

.....

.....

27. Has or will your organisation be informing staff members of the details of the new regulations?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q28
No	<input type="checkbox"/> ₂	Go to Q29
Don't Know	<input type="checkbox"/> ₃	Go to Q29

28. How have or how will staff members be informed of the new regulations?
(please tick all that apply)

Memo / paper based communication	<input type="checkbox"/> ₁
Email / Intranet	<input type="checkbox"/> ₂
Formal Training sessions	<input type="checkbox"/> ₃
Informal briefing sessions	<input type="checkbox"/> ₄
Other <i>(please specify)</i>	<input type="checkbox"/> ₅
Don't know	<input type="checkbox"/> ₆

29. What impact do you think the new regulations will have for your organisation?
(please write in response in full)

.....

.....

30. Overall do you think the new regulations will have a.....?
(Read out list and tick ONE box only)

A positive impact	<input type="checkbox"/> ₁
A negative impact	<input type="checkbox"/> ₂
No impact on your organisation	<input type="checkbox"/> ₃
Don't know	<input type="checkbox"/> ₄

31. What would be most useful to your organisation in helping you to understand and comply with the new regulations?

.....

.....

.....

32. Has your organisation experienced any personnel issues or cases relating to discrimination on the grounds of sexual orientation?

(please tick one box only)

Yes	<input type="checkbox"/> ₁
No	<input type="checkbox"/> ₂
Don't Know	<input type="checkbox"/> ₃

33. Does your organisation keep a record of it's employees sexual orientation?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q34
No	<input type="checkbox"/> ₂	Go to Q35
Don't Know	<input type="checkbox"/> ₃	Go to Q35

34. If yes, how is this information used?

(please write in response in full)

.....

.....

35. Does your organisation.....?

(please tick one box per row)

		YES	NO	D/K	N/A
A	Have a prayer room	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄
B	Allow flexible working to accommodate prayer time	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄
C	Allow religious dress to be worn in the workplace	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄
D	Prioritise leave for staff wanting to take holiday for religious reasons, regardless of the religion followed	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄
E	Allow staff compassionate leave for partners regardless of their sexual orientation	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄
F	If you have an occupational pension / benevolence scheme, does this offer the same benefits to same sex partners as to heterosexual partners	<input type="checkbox"/> ₁	<input type="checkbox"/> ₂	<input type="checkbox"/> ₃	<input type="checkbox"/> ₄

36. There are now a number of regulations relating to different forms of discrimination in the work place, do you have any concerns about implementing them?

.....

.....

.....

37. Do you envisage any issues with tensions between the different regulations?

.....

.....

.....

38. Do you have any additional comments you'd like to make about any of the subjects covered in this survey?

.....

.....

.....

.....

39. The Fair Play Partnership is considering conducting further research on this subject, would you be willing to participate?

(please tick one box only)

Yes	<input type="checkbox"/> ₁	Go to Q40
No	<input type="checkbox"/> ₂	Thank & close

40. Can I just check I have the correct contact details for you.....?

Name:

Direct Number:

Thank you very much for taking part in this survey

Interviewer:

Date:

Unique ID Number:

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