

TRAINING & DEVELOPMENT PROGRAMME

Knowledge Network

Webinar Series

Diversity and Inclusion in the workplace – where are we now?

Wednesday, 19 May 2021 | 8.30 am to 9.30 am



Mary Brassil
Partner
+353 1 607 1279
Mary.Brassil
@mccannfitzgerald.com



Ellen Nolan
Senior Associate
+353 1 511 1550
Ellen.Nolan
@mccannfitzgerald.com

Diversity and Inclusion in the workplace – where are we now?

Wednesday, 19 May 2021

Mary Brassil, Partner and Ellen Nolan, Senior Associate



D&I in the workplace – where are we now?

- CIPD Survey 2020
 - 5% of employers included diversity and inclusion in their top three HR priorities (compared to 14% before the pandemic)
 - 73% of employers included employee well-being in their top three HR priorities
- Recent launch of the Government’s public consultation on flexible working arrangements
Minister O’Gorman stated:
“The Covid-19 pandemic has brought about huge changes in the way we work, and has highlighted the need for workplaces to be responsive to the needs of families and those with caring responsibilities. With many organisations considering the move towards flexible working arrangements and hybrid working models, we are now presented with a unique opportunity to reinvent the way we work and create a flexible working model - one that supports a better work-life balance and a more inclusive labour market.”

Origins of Diversity and Inclusion in the Workplace

- Compliance with legal obligations
 - Employment Equality Acts 1998 – 2015
 - Safety, Health and Welfare at Work Acts 2005-2014
- Equal Opportunities Employer
- Historically organisations treated D&I primarily as a regulatory box to be checked, in order to avoid unlawful discrimination, costly legal fees and negative publicity
- While Irish legislation sets minimum standards, an effective D&I strategy goes beyond legal compliance to create a diverse and inclusive workplace that inspires all employees to perform at their highest level



Diverse Characteristics



Diversity & Inclusion

1. Gender
2. Sexual Orientation
3. Race
4. Socio-economic background
5. Religion & Belief
6. Family Status/caring responsibilities
7. Mental Health
8. Employee Wellness and Resilience
9. Ethnicity
10. Generational Diversity
11. Ability/diversity
12. Cognitive diversity including neuro-diversity

The Business Case

Companies that
are diverse
outperform
other businesses
by up to 35%

McKinsey study 2015

- Diversity of thought leads to better decision –making
- Enhances innovation and creativity
- Enhances employee engagement and productivity
- Increases ability to attract and retain talented people
- Appeal to a more diverse customer base
- Enhances corporate reputation

D&I in the workplace – where are we now?

- Overnight transition to remote working
- Fundamentally altered the workplace
- Post-pandemic: Remote, flexible and hybrid working models
- Opportunities for creating a more diverse and inclusive workplace
- Challenges and potential risks for diversity and inclusion



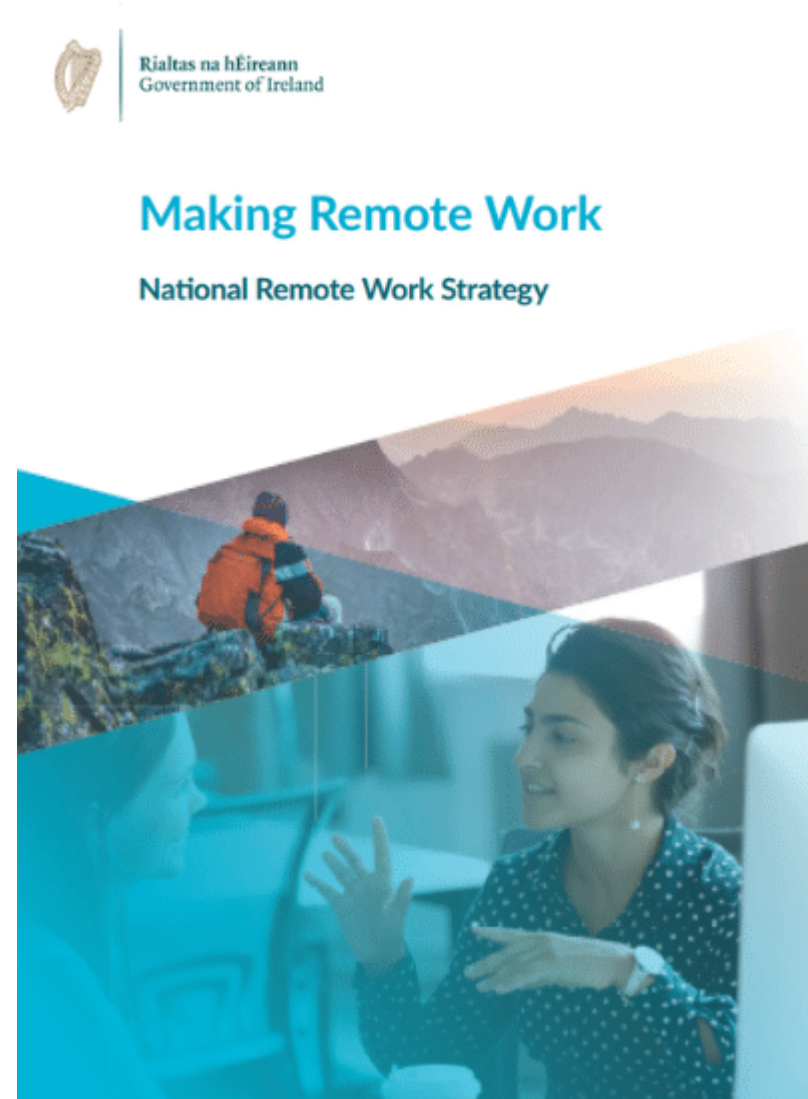
Legal Landscape

- Current legislative framework
- Proposed developments for remote working and flexible working
- Policies and best practice



Remote Working

- Government's National Remote Work Strategy
- Right to request remote working
- Quarter 3 of 2021
- Employers obligations to consider and grant requests?
- Reasons for refusal?



Remote Working Policy

- Written policy essential
- Cover issues such as eligibility, data security, confidentiality, health and safety, insurance, working time, sick leave and tax
- Clear and objective criteria and comprehensive procedure
- A right of appeal
- Iterative
- Objective, fair and transparent and complies with the Employment Equality Acts

Flexible Working

- Currently no general right
- Employees returning from parental leave – statutory entitlement
- Code of Practice on Access to Part-Time Work
- Work-life Balance Directive
- Public Consultation
- Development of “Smart” and “Agile” workplace policies

Code of Practice for Employers and Employees on the Right to Disconnect

- Three main rights enshrined in the Code
- Admissible in evidence
- Right to Disconnect Policy
- Concept of “normal working hours” is key
- Record-keeping obligations

“An employee’s right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, telephone calls or other messages, outside normal working hours.”

Opportunities for Enhancing Workplace Diversity and Inclusion

- Creating a more diverse and inclusive workplace
- Accessibility
- Underrepresented groups
- Reduce the disability gap
- Increases the participation of women and caregivers
- Broader geographic talent pool



Opportunities for Enhancing Workplace Diversity and Inclusion

- Benefits all
- Work-life balance
- Bringing our “whole selves” to work
- Valued, trusted and respected
- Improves employee morale, productivity and retention
- Learning and development



Challenges and Risks to Diversity and Inclusion

- Proximity/distance bias and two-tier workforce
- Reduced visibility of minority groups
- Women defaulting to “work from home” roles
- Potential exclusion of employees with disabilities
- Home/work boundaries blurred
- Certain challenges specific to pandemic

Gender Diversity - Gender Pay Gap

- **Gender Pay Gap** - difference in average gross hourly pay of women compared to men, such that it captures whether women are represented evenly across an organisation
- **Equal Pay** – women and men should receive equal pay for equal work



V



Gender Diversity - What causes the Gender Pay Gap?



- Occupational segregation
- Under



- representation of women in senior management roles



- More women working part-time



- More women working in lower paid jobs



- More women taking on caring responsibilities



- Discrimination and bias

Gender Pay Gap Action Plan must align with D&I Strategy

- Actions to improve the recruitment and promotion of women:
 - Ensuring multiple women are included in shortlists for recruitment and promotions
 - Using skills based assessment task in recruitment
 - Introducing transparency to promotion, pay and reward processes
 - Appointing diversity managers
 - Unconscious bias training
- Actions to support women's participation in the workplace:
 - Introduce flexible work policies for men and women
 - Introduce and encourage shared parental leave
 - Develop mentoring and sponsorship programmes



Diversity on Boards and in Senior Leadership Roles

- Call for gender-balanced and ethnically diverse boards and senior management teams is supported by leading investor groups who are adding their weight and their voting power to the call for change
- Regulators are taking a much more active role in promoting diversity at board and senior management level as it leads to better governance and reduced risk taking
- Balance for Better Business's most recent report (November 2020) shows that
 - Ireland has moved up to 13th position from 17th on the list of women on company boards for the largest companies in the EU
 - ISEQ 20 companies: now 27.4%, up from 18.1% in 2018
 - Almost 40% of listed companies have no women on their leadership teams
 - On listed company leadership teams, only 10% of CEO and 10% of CFO positions are held by women

What can you do to improve D&I in your workplace?



- Smart Recruitment
- Training Initiatives
 - unconscious Bias
 - anti-racism
- Review organisational policies
- Return to work programmes
- Promote well-being and resilience
- Workplace accommodations
- Rewards and Incentives

Promoting Diversity and Inclusion as Workplace Models Evolve

- No one size fits all and a balanced approach needed
- Employee engagement
- Leadership
- Mindset and Culture - “Virtual First”
- Inclusive meetings
- Technology



Promoting Diversity and Inclusion as Workplace Models Evolve

- Training
- Focus on outputs
- Equal access to opportunities
- Support mechanisms



Conclusion

- Paradigm shift
- Real opportunity to reset working practices
- Ensure our workplaces are more diverse and inclusive
- Benefits employers and employees



Questions?



Mary Brassil
Partner
+353 1 607 1279
Mary.Brassil
@mccannfitzgerald.com



Ellen Nolan
Senior Associate
+353 1 511 1550
Ellen.Nolan
@mccannfitzgerald.com

