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**EXPLORATION OF UK EQUAL OPPORTUNITIES AND DIVERSITY
LEGISLATION AND IMPLEMENTATION AGENCIES THROUGH THE LENS
OF INTERSECTIONALITY’**

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Abstract

This paper will be based on an analysis of the extent and nature of disadvantage across the major social differentiations within UK society, which have been or are about to be incorporated into equal opportunities and diversity legislation and a new single Commission for Equality and Human Rights in the UK: gender, race, disability, sexual orientation, religious belief and age. Underpinning its arguments will be the acknowledgement that these differentiations do not create homogeneous groups and therefore where appropriate and relevant the intersections of experienced disadvantage and discrimination will be explored.

The politics of EO in the UK have in the past enforced a public assertion that the interests of different social groups are inherently non-conflicting. However, there is no longer in the UK a uniform story of blanket disadvantage for any of these groups. Therefore, it is time to acknowledge, confront and deal with the actual problems of separate and relative deprivation, and sometimes conflicting experiences and interests, both between different categories of disadvantage and even within these categories themselves.

Gender Mainstreaming as an equality instrument has been encouraged by the European Union (EU) and United Nations. It is now seen as a way forward for Diversity (other forms of inequality, race, disability, etc.) As Woodward (2006) argues ‘social activists see gender mainstreaming as a success, and want to copy it ‘ (19). However, a problem lies in the fact that European social equality movements at the national level are seldom trans-issue networks. The knowledge transfer between equality groups is not very active.

Intersectionality as a theory and methodology for research could be a springboard for a social justice agenda. The development of intersectionality in legislation, policy and practice needs to be analysed and understood in order to facilitate genuine social change. Therefore, the paper will assess the

efficacy of the intersectional approach first established in the UK in Northern Ireland and its potential in the development of the proposed new Commission for Equality and Human Rights for Great Britain.

Northern Ireland (NI) is a notable example in EU for diverse mainstreaming. It sounds a note of optimism, because the approach in NI indicates an openness for cross-sectional approaches.

However, can it work across other countries e.g. Great Britain? Our new proposed Commission for Equality and Human Rights (CEHR) has a need for an approach based on intersectionality. This may avoid some inequalities being left out and rivalry or competition between different interests. Otherwise stronger interests may rise above others. For example, in the EU issues of migration, immigration, race, and religious belief are beginning to usurp gender due to various recent occurrences, e.g. the riots in Paris, and the murders of Pim Fortuyn and Theo Van Gogh in the Netherlands. Gender mainstreaming has been a useful strategy, and has continuing potential. However, the main concern is gender equality may lose out in the millieux of diversity. Can it be saved by the concept of 'intersectionality'?

Theories of intersectionality (Crenshaw, 1991; Cooper, 2004; Essed, 1996; Lutz, 2002; Steerk, 2004) can offer a theoretical base for the idea of potential in trans-issue mobilisation. These authors all explore the idea of diversity with a power perspective, what Lutz names a matrix of domination. Utilising inspiration from both identity theory and theories of racism, sexism and class, intersectionality offers a potential opening for continuing equality policy where gender does not disappear but remains in a prominent place as one of the most important axes of domination.

Intersectionality to the rescue?

Background

The politics of EO in the UK have in the past enforced a public assertion that the interests of women, ethnic minorities, and disabled people¹ are inherently non-conflicting, as members of disadvantaged categories. However, there is no longer in the UK a uniform story of blanket disadvantage for any of these groups. Therefore, it is time to acknowledge, confront and deal with the actual problems of separate and relative deprivation, and sometimes conflicting experiences and interests, both between different categories of disadvantage and even within these categories themselves. There is a need to reassess the efficacy of the UK approach to EO, and propose a way forward.

Since New Labour was elected in 1997, there have been some moves towards introducing positive action. However, the formula for EO in the UK basically remains: 'Equality = Same Treatment'. 'Different Treatment = Inequality'. This is expressed in the legal system, where discrimination is seen as treating those who are the same as if they were different. Thus treating

alikes as unlike is the basis for most sex and race discrimination cases. The law states that you cannot treat people who are the same (Blacks and Whites, women and men) as if they were different. However, these dynamics are ill equipped to fully embrace the social dynamics of race, gender, disability, class, age, sexual orientation or religion. What is lacking and limiting in this approach is that it does not recognise that discrimination can also occur when you treat unalikes as alike; treat different people the same. Discrimination can lie in treating things that are different as though they were exactly alike. Discrimination is both ignoring sameness when it is salient, and ignoring difference when it is salient.

UK equality legislation is piecemeal and confusing, and reflects a reactive approach to European directives or the growth in the political weight of an equality dimension. It is rooted in liberal ideology, historically limited, negative, and focused on individual protection (Bagilhole, 1997). Underlying the confusion are some fundamental theoretical issues in conceptualising EO. A key issue is the tension between the goal of legislating against discrimination based on an individual's membership of a particular group, and seeking to ensure the rights of individual citizens. The legislation does not allow for collective solutions or class actions. Individuals, rather than groups, are required to take their case to industrial tribunals, which is complex, costly, and time consuming.

The consequences of such an incremental approach to legal arrangements for EO are bewildering for employers and the public, and therefore dysfunctional for the EO project.

Also, the legislation for different target groups is not compatible. The sex and race legislation, prohibit two types of discrimination – direct and indirectⁱⁱ. The disability legislation also prohibits two types of discrimination, but they are differentⁱⁱⁱ. The application of 'indirect discrimination' contained in the SDA and RRA to disabled people would significantly enhance their equality of opportunity. Also, the application of 'failure to make a reasonable adjustment', currently only available in the disability legislation, to women and Black people would considerably enhance their equality of opportunity (particularly for women with family responsibilities, but also increasing the quantity and quality of female facilities, e.g. female toilets, etc. on construction sites).

The SDA and RRA allow some form of positive action whereby employers can give groups of employees of one sex or particular racial group either access to training for particular work or encouragement to apply for that work. This is only permitted if in the previous 12 months persons of that sex or racial group were considerably under-represented in that job. The DDA does not contain this clause. This clause could have a dramatic effect if it was changed from being voluntary to a duty in the SDA and RRA, and also applied to disabled people. However, all acts either do or soon will have changed to include the very important proactive duty on public sector bodies to promote equality and eliminate discrimination across the areas of race, disability and gender. Again unfortunately, these have been formulated in different ways for the different

target groups and introduced in a piecemeal fashion. For example, only the duty on race will compel employers to collect data to support their case.

The SDA, RRA and DDA all allow exemptions, but different ones. The SDA allows eight exemptions, the RRA two, and the DDA nine^{iv}. Many of the SDA exemptions are outdated and not applied where there is a shortage of employees, for example, nurses and care assistants. Also, most of the exceptions are heterosexually oriented. Some of the exemptions under the DDA are unjustifiable and others could be covered by the reasonable conditions of certain jobs preventing the appointment of certain disabled people.

The introduction of the Human Rights Act and the new employment regulations on sexual orientation and religious belief, and age further complicate the scene. See Tables 1 and 2 below for details of the legislation.

'Hierarchy of protection': Lack of Coherent Legislation

Table 1 Equal Opportunities Legislation by date, 'Protected Group', grounds covered, and positive duty requirement.

| | Legislation | Protected Group | Grounds covered | Positive Duty to Promote Equality of Opportunity |
|-------------------|---|------------------------|--|---|
| Sex | Sex Discrimination Act 1975 (amended 1986,1999, 2001) | Both Sexes | Employment*, education, housing, provision of goods, facilities and services | Forthcoming in public sector |
| | | Married people | Employment only | NO |
| | | Gender reassigned | Employment and Vocational training only | NO |
| | Equal Pay Act 1970 (1975)** (amended 1984) | Both sexes | Pay and other terms and conditions of people doing equal work. | NO |
| Race | Race Relations Act 1976, 2000, 2003. | All racial groups | Employment, education, housing, provision of goods, facilities and services. Harassment. | YES (public sector) |
| Disability | Disability | Disabled | Employment, | Forthcoming in |

| | | | | |
|---------------------------|---|-------------------------------------|---|---------------|
| | Discrimination Act 1995, | people | education, provision of goods, facilities and services, and to a limited extent, public transport***. | public sector |
| Sexual Orientation | Employment Equality (Sexual Orientation) Regulations 2003 | All sexual orientations | Employment and vocational Training. Harassment. | NO |
| Religious Belief | Employment Equality (Religion or Belief) Regulations 2003 | All religions and beliefs, and none | Employment and vocational Training. Harassment. | NO |
| Age | Regulations currently being drafted 2006 | All ages | Employment and vocational Training. Harassment. | NO |

* Prohibits discrimination in relation to employment (but not in terms and conditions).

** Passed in 1970 but did not come into force until 1975.

Table 2 Human Rights Legislation

| Human Rights Act 1998 (2000)* | Civil and political rights covered | Duty |
|--------------------------------------|--|--|
| | Right to life | Requires all public bodies to be compatible with Act** |
| | Prohibition of torture or inhuman or degrading treatment or punishment | |
| | Prohibition of slavery and forced labour | |
| | Liberty and security of person | |
| | Fair trial | |
| | Prohibition of retrospective criminal laws | |
| | Respect for private and family life, home and correspondence | |
| | Freedom of thought. | |

| | | |
|--|--|--|
| | Conscience and religion | |
| | Freedom of expression | |
| | Freedom of peaceful assembly and freedom of association, including the right to join a trade union | |
| | Right to marry and found a family | |
| | Protection of property | |
| | Right to education | |
| | Right to free elections | |
| | Non-discrimination in the enjoyment of these rights and freedoms | |

* Passed in 1998 but did not come into force until 2000.

** Unless as Act of Parliament makes that impossible. Also, requires all UK legislation to be interpreted in a way that fits with these rights, wherever possible.

These arrangements are further complicated by devolution. Constitutional reform took place in 1999, prior to this the UK was a centralised state with power concentrated in the Westminster Parliament. Now there is some degree of power geographically dispersed to the Northern Ireland Assembly, Scottish Parliament, and Welsh Assembly. However, EO legislation can only be enacted and changed by UK Westminster Parliament, except in Northern Ireland, which has its own legislative powers on EO under devolution. In Northern Ireland, three equality agencies on sex, race and disability were merged with the Fair Employment Commission into one Equality Commission, and subsequently six further strands of equality areas have been added. This is an exemplary example of diversity mainstreaming with potential for duplication in other countries, which will be considered in detail below.

Analysis of the Extent and Nature of the Heterogeneity of Disadvantage across Major Social Differentiations within UK Society

New theoretical and practical challenges are required to address an increasingly complex range of inequalities. There is a need to engage with 'equality and diversity'.

In the last 30 years the population of Britain has grown from less than 55 million to 58 million. There are now one million more men and 0.6 million more women aged 65 or over than in the 1970s. There are 24 million households in Britain, and 7 million families with dependent children. These include 5.2 million families headed by couples, 1.6 million headed by a lone mother, and 180,000 headed by a lone father.

The population also includes an estimated:

- 10 million disabled people (reporting a long-term illness or disability that restricts daily activities)
- 4.6 million ethnic minorities
- 3.1 million belonging to a non-Christian religion
- 2.3-3.2 million gay, lesbian or bisexual adults (EOC, 2006).

Some fundamental continuous homogeneity of disadvantage

Employment

Employment rates are 79% for men and 67% for women of working age. However, industrial sectors employ different numbers of women and men, often in different jobs and with different rates of pay.

Also, whereas 42 % of women employees work part-time, only 9% of men do. This is crucially important because over half of women working in low paid, part-time jobs are 'working below their potential', i.e. they are not using either their skills or experience, or their qualifications in their current job. Despite strong growth in the number of part-time jobs, large numbers of women cannot find jobs that use their abilities; there are simply too few part-time jobs available at an appropriate level. The distribution of part-time and full-time jobs in workplaces tends to be reproduced year on year, as managers practices usually replace 'like with like'. Many managers are resistant to part-time working in jobs at senior levels. Within workplaces opportunities for advancement for part-time workers are often limited. Thus women find themselves trapped in low paid jobs if they wish to work part-time.

Pay

Women on average earn 17% per hour less than men for full-time work.

Table 3. Gender Pay Gap

| | Gender Pay Gap % |
|------------------------|-------------------------|
| Hourly earnings | |
| Full-time | 17.1 |
| Part-time | 38.4 |
| Weekly earnings | |
| Full-time | 23.4 |
| Annual earnings | |
| Full-time | 27.1 |

Since 1975 (when the Equal Pay Act was implemented) the full-time gender pay gap has decreased by 12% from 29.4%, but the part-time by only 3% from 41.6%.

However, this gender pay gap is mediated by ethnic origin. Average full-time hourly earnings for white and Indian men are relatively high, and so full-time gender pay gaps are large for these groups. On the other hand, full-time earnings are mostly low for both women and men in other ethnic groups. For example, there is no significant difference between average full-time hourly earnings of black Caribbean women and men. White women and ethnic

minority women and men (except those of Indian origin) are particularly likely to be concentrated in low paid jobs.

Education

On average girls gain higher qualifications than boys; 59% of girls but only 49% of boys gain five or more high grade GCSEs or equivalent, and 44% of young women but only 35% of young men gain two or more A levels or equivalent.

At age 16 many subjects are taken by similar numbers of girls and boys (due to the introduction of the compulsory national curriculum), but this changes at A level/Higher grade where, for example, 71% of students taking examinations in English Literature are young women and 76% of students taking physics are young men.

More extreme segregation of young women and men is seen in apprenticeships. Whereas 97% of early years care and education and 91% of hairdressing apprenticeships are taken by women, 97% of engineering, 98% of automotive industry, and 99% of construction, plumbing and electrotechnical apprentices are men. Subject segregation in Further Education and Higher Education is almost as extreme. For example, in engineering and technology 87% of FE and 86% of HE students are male.

Sex and Power

Around seven in ten headteachers in secondary schools and FE college principals are men, and eight in nine university vice chancellors. Three quarters of Civil Service top management, 90% of senior police officers, 91% of the senior judiciary, and more than 99% of senior ranks in the armed forces are men.

Women's representation in the UK Parliament has increased from 27 women elected in October 1974, to 126 women MPs today. This is an increase from 4% to 20%. This contrasts markedly with the Scottish Parliament (40% women) and the National Assembly for Wales (50% women), where more equal representation has been through positive action by some political parties. However, there are only two ethnic minority women MPs at Westminster, and 13 men. All four Muslim MPs are men.

Caring work responsibilities

Parenthood impacts differentially on women and men, with mothers of younger children being most affected.

Table 4. Employment Profile of Mothers

| | Employment rate | % full-time | % part-time |
|------------------------|------------------------|--------------------|--------------------|
| Mothers | 67 | 42 | 58 |
| - youngest 0-4 | 55 | 36 | 64 |
| - youngest 5-10 | 71 | 39 | 61 |

| | | | |
|---------------------|----|----|----|
| - youngest 11-15 | 77 | 50 | 50 |
| - youngest 16-18 | 79 | 56 | 44 |

Table 5. Employment Profile of Mothers

| | Employment rate | % full-time | % part-time |
|---------------------|------------------------|--------------------|--------------------|
| Fathers | 90 | 96 | 4 |
| - youngest 0-4 | 90 | 96 | 4 |
| - youngest 5-10 | 90 | 96 | 4 |
| - youngest 11-15 | 90 | 97 | 3 |
| - youngest 16-18 | 88 | 95 | 5 |

Adult caring is increasing due to the ageing of the British population. Both women and men carers have lower employment rates than non-carers, but again the impact is gendered, especially around the full-time/part-time employment dimension.

Table 6. Employment Profile of Carers by Sex

| | Employment rate | % full-time | % part-time |
|---------------------|------------------------|--------------------|--------------------|
| Women carers | 65 | 54 | 46 |
| Men carers | 72 | 89 | 11 |

Caring rates are highest between the ages of 45 and 64, having a knock on effect into differential accumulated pension rights for women and men. The gender income gap is widest in retirement, where women receive 47% lower weekly income than men. Whilst retired men get nearly half their income from non-state pensions, retired women get only a quarter of their income from this source.

Heterogeneity of disadvantage

Emirbayer (1997) argues for a reconceptualisation of the ‘interaction’ of variables to the idea of ‘transaction’ (or relational) analysis. ‘Things can only exist in relation to one another and can never be treated as “given” in isolation. Individual persons are inseparable from the transactional contexts within which they are embedded’ (287). The problem with standard statistical models in social science is they assume independent variables. There is an assumption that independent variables are fixed, measurable entities. However, categorisations themselves are social, constructions that only have meaning in relation to other social categories and contexts. Despite this, categorisations are treated as fixed and objective, especially class. However, this is a supremely relational concept, depending on particular social circles and social contexts, which can change over one’s life. There is a ‘billiard ball’

understanding of variables, i.e. they are assumed to bounce off one another. This ignores how, even independent variables are interrelated and affect one another. Variables are mutually constitutive and interwoven. Interaction models do not take account of power and stigma. Group attachments are only significant to the extent that they negatively affect life chances. The race category, like eye colour, would be neutral were it not for negative attributions (and material costs) ascribed to members of races. Also, it is important to include the dimension of power - who categorises and who finds themselves categorised?

Age

Age is a mediating factor within the relationship between gender and employment.

Table 7. Women's Employment Profile by Age

| Women | Employment rate | % full-time | % part-time |
|------------|-----------------|-------------|-------------|
| 16-24 | 57 | 56 | 44 |
| 25-44 | 74 | 60 | 40 |
| 45-64 | 63 | 55 | 45 |
| 65 or over | 4 | 18 | 82 |

Table 8. Men's Employment Profile by Age

| Men | Employment rate | % full-time | % part-time |
|------------|-----------------|-------------|-------------|
| 16-24 | 60 | 72 | 28 |
| 25-44 | 88 | 96 | 4 |
| 45-64 | 77 | 91 | 9 |
| 65 or over | 9 | 37 | 63 |

Disability

Disabled women and men each have lower employment rates than women and men who are not disabled. The difference is largest for men: 52% of disabled men work compared with 85% of men who are not disabled. However, disabled women still have lower rate than disabled men, and are much more likely to work part-time.

Table 9. Disabled Peoples' Employment Profile by Sex

| | Employment rate | % full-time | % part-time |
|----------------|-----------------|-------------|-------------|
| Disabled Women | 49 | 54 | 46 |
| Disabled Men | 52 | 87 | 13 |

Ethnic Groups

Part-time employment is less common for ethnic minority women than white women. On the other hand, proportionately more ethnic minority men than

white men work part-time. Bangladeshi men at 39% have the highest part-time rates compared with other men.

Table 10. Women's Employment Profile by Ethnic Group

| Women | Employment rate | % full-time | % part-time |
|-----------------|-----------------|-------------|-------------|
| White | 69 | 57 | 43 |
| Black Caribbean | 64 | 73 | 27 |
| Mixed | 64 | 66 | 34 |
| Indian | 61 | 68 | 32 |
| Chinese | 55 | 74 | 26 |
| Black African | 48 | 73 | 27 |
| Pakistani | 23 | 55 | 45 |
| Bangladeshi | 18 | 52 | 48 |

Table 11. men's Employment Profile by Ethnic Group

| Men | Employment rate | % full-time | % part-time |
|-----------------|-----------------|-------------|-------------|
| White | 80 | 91 | 9 |
| Indian | 75 | 91 | 9 |
| Black Caribbean | 71 | 87 | 13 |
| Mixed | 63 | 85 | 15 |
| Black African | 63 | 78 | 22 |
| Pakistani | 63 | 80 | 20 |
| Bangladeshi | 54 | 61 | 39 |
| Chinese | 49 | 82 | 18 |

Over 40% of young Bangladeshi men are unemployed, compared with 12% White young men. White, Indian and black Caribbean mothers have the highest employment rates of between 65% and 70%. Pakistani mothers have the lowest rate at 15%. Over 2/3s of Bangladeshi and Pakistani households (68%) are living below the poverty line (incomes below 60% of the median after housing costs). This compares with just under a quarter (23%) for all households. Just under 3/4s of Bangladeshi and Pakistani children (73%) are living in households below the poverty line. This compares with under 1/3 (31%) for children in all households. This is largely due to the concentration of ethnic minority communities in lower paid jobs. Nearly 90% of south Asian children live with both parents, 40% of black children. Also, 46% of young British Pakistanis and 48% of young British Indians want 4 or more children, compared to 19% White people.

Religious Belief

Muslims form the largest group belonging to a non-Christian religion; 1.5 m Muslims: Pakistani origin 610,000; Bangladeshi 200,000; Indian 160,000; Arab and African 350,000; others 180,000. Half of the Muslims were born in

UK. They have the lowest employment rates of all religious groups, only 24% of women and 58% of men aged 16-64 are in employment.

In 2004, Muslims had the highest male unemployment rate in GB, at 13%. This was about three times the rate for Christian men (4%). Unemployment rates for men in the other religious groups were between 3–8%. The unemployment rate for Muslim women at 18% was about four times the rate for Christian and Jewish women (4% in each case). Unemployment rates for women in the other religious groups were between 6–9%.

Unemployment rates were highest among those aged under 25 years for all religious groups. Muslims aged 16-24 years had the highest unemployment rates. They were over twice as likely as Christians of the same age to be unemployed – 28% compared with 11%. Although unemployment rates for older Muslims were lower, there was a greater difference between their unemployment rates and those for people from other religious backgrounds. Muslims aged 25 and over were more than three times as likely as Christians of the same age to be unemployed – 11% and 3% respectively.

Men and women of working age from the Muslim faith are also more likely than other groups in GB to be economically inactive, that is, not available for work and/or not actively seeking work. Reasons include being a student, being disabled or looking after the family and home.

Among working age men, Muslims had the highest overall levels of economic inactivity in 2004 – 31% compared with 16% of Christians. This is partly explained by the young age profile of Muslims and the correspondingly high proportion of students. However, among older men of working age, Muslims also tended to have the highest levels of economic inactivity, largely due to ill health. Within each religious group women were more likely than men to be economically inactive. The main reason was that they were looking after family and home. Muslim women were more likely than other women to be economically inactive. About 7 in 10 (69%) Muslim women of working age were economically inactive, compared with no more than 4 in 10 women of working age in each of the other groups. Christian women were least likely to be economically inactive (25%).

The Challenge of Diverse (In)Equality

The UK has come a long way in over three decades since discrimination was outlawed, but there are still ingrained disadvantages for particular groups. However, diversity (in)equality is increasing between different ethnic minority communities compared to the ethnic majority, and in all communities there are marked differences in the experiences of women and men. For women the main line of difference and diversity between them is counted for by the factor of motherhood and adult care, which impacts on their employment rates. There is also substantial polarisation within each community, and this too is increasing.

Therefore the question can be asked: is EO at a theoretical impasse as an emancipatory project? Post-structuralist/modernist critiques, advocating 'identity theory', have challenged the validity of 'truth discourses' and 'grand narrative', and deconstructed them as relative concepts, seen and presented differently in different cultures and discourses. This can be useful for EO as it raises important useful points concerning the fact that subject positions are multiple and questions the complacent assumptions about the homogeneous nature of disadvantaged groups.

However, these theories can also be fundamentally difficult for EO if they only deconstruct groups, but do not reconstruct them in some way. They may be seen to reject the foundational conceptions of morality, justice and truth on which the EO project, and movements to end oppression, are based. 'This poses a challenge. Also, despite evidence of diverse (in)equality between and amongst different genders and socially disadvantaged racial groups in the UK, there are also common patterns of continuous disadvantage for these groups that can be identified.

However, it would appear to be more useful to conceptualise disadvantage in a different way. Social divisions in society they can be seen to be manifested in an individual in different ways and with a different impact at different times and in different circumstances. When we look at the relationships between gender, race, disability, sexual orientation, religious belief, and age, we must see them as dynamic and interactive. It is not enough to add on mixed categories such as ethnic minority women or disabled women into existing frameworks. At first terms like 'double' then 'triple' oppression were used to try to conceptualise the complexity of people's experiences and disadvantage. For example, Crenshaw presents a graphic analysis of who can make it through the trap door in the 'glass ceiling', which tends to imply a multiplication factor in disadvantage: 'Imagine a basement which contains all people who are disadvantaged on the basis of race, sex, class, sexual preference, age and/or physical ability. These people are stacked -feet standing on shoulders - with those on the bottom being disadvantaged by the full array of factors, up to the very top, where the heads of all those disadvantaged by a single factor brush up against the ceiling ... A hatch is developed through which those placed immediately below can crawl. Yet this hatch is generally available only to those who - due to the singularity of their burden and their otherwise privileged position relative to those below - are in a position to crawl through. Those who are multiply-burdened are generally left below (1991, 65).

However, more sophisticated analyses have referred to the way that race like other social divisions reconstituted altogether the way in which oppressions were manifest and experienced rather than just adding an extra layer (Williams, 1989; Anthias and Yuval-Davis, 1993). As Begum (1994) pointed out; 'Potentially the list [of oppressions] is endless, but simply counting the different types of oppression will not tell us anything. Notions of "double disadvantage" or "triple jeopardy" do nothing to facilitate understanding of multiple and simultaneous oppression' (p. 17). Brah (1992a) in her

examination of the issues facing Asian women in Britain set a model for considering the complex interaction of gender and 'race' instead of the old model of multiple disadvantage piled on top of one another. She analysed 'the social processes through which gender divisions have been constructed and reproduced against the background of colonialisation and imperialism' (p.64). She argued that; 'Capitalism, patriarchy and imperialism are *not* independent albeit interlocking systems - they are part of the same structure. Capitalist social relations are themselves patriarchal and imperialist in form' (p. 64).

What we have to deal with is multiple layers of identity and intersection of factors. For example, an ethnic minority woman may encounter either sexism or racism at different times and in different circumstances or she may experience one or the other oppression tempered and changed by the other. Joseph and Lewis (1981) offer a fairytale analogy to explain this phenomenon. Three ethnic minority women assume the role of Snow White, rather than the Black Queen! They each in turn respond to the question; 'Mirror, mirror on the wall, what is the greatest oppressor of us all?' The first woman argues that being Black, racism is the main cause of her oppression. The second explains that her life is dominated and controlled by men. Therefore, sexism is her greatest oppressor. The third woman says that it is not possible to respond because her gender, 'race' and class were all causes of her oppression.

If we take the oppressions of racism, sexism, disablism, homophobia, Islamophobia, ageism, a person can be pictured as a sponge floating on a societal pool of social divisions. The liquid contains a mixture of these oppressions, both in individual portions and in different mixes. At certain times the sponge will encounter and soak up various disadvantages, and in different combinations and proportions. This imagery is not meant to suggest passivity on the part of the oppressed individual but rather that what the oppression demands is a pragmatic reaction. For example, an ethnic minority woman might need to fight racism at one point and sexism at another time, and at other times the sexism she is fighting is tainted and influenced by racism. Her allies may change in these different struggles and so might her strategy. This dynamic mix of oppressions demands different reactions at different times and in different contexts.

Maddock (1999) has argued that: 'The deconstruction of modernist structures, authoritarian cultures and stereotypes during the 1960s was a liberating experience, but the total deconstruction of shared-value frameworks which provided anchors for positive action was a demolition too far. Some post-modern strands have become so absorbent of diverse views that they no longer have any value framework on which to hang their future work. The problem of much postmodernist thought is that it results in such a relativist position that no analysis can develop because no one is willing or able to make a judgement on its truth or appropriateness, afraid of being accused of arrogance. ... The abandonment of historical analysis and social reference points is no liberation if the realities of oppressive and personal relationships continue to exist. ... The more positive and affirming post-modern approach is

one which accepts some universal social anchors for humans but do not deny diversity and local specificity' (57-8).

Bewes (1997) suggests that postmodernity has in effect constituted a retreat from 'truth', and represents a temporary lapse from political realities and a failure to engage. Both, modernism (structuralism) and postmodernism (Idealism) can oppress those seeking social change. The former negates a person's role in change and undermines their confidence; the latter generates completely unrealistic expectations. There is a need to move beyond post-modern diversity and modernist reductionism to intersectional perspective where human social values (even though expressed in various ways) become the anchor for more complex, trans-issue analysis and therefore a way forward in the future. What we have to deal with is multiple, intersecting and merging layers of identity, experience, and power.

Proposed Commission for Equality and Human Rights (CEHR)

It is a very important, exciting and challenging time in Britain for the whole EO project. At present there are three implementation agencies dedicated to the promotion of EO and the scrutiny of legislation in the separated areas of gender and sexual orientation (Equal Opportunities Commission [EOC]), race and religious belief (Commission for Racial Equality [CRE]), and disability and age (Disability Rights Commission [DRC]). The efficacy of these alongside their separate and disparate pieces of legislation has been challenged, particularly with the introduction of European Equal Opportunities Directives adopted by Britain, covering religion, sexual orientation and age. Another factor in this challenge has been the introduction of the Human Rights Act with its obvious implications for EO.

As a response to these challenges and pressure from campaigning groups the Government announced on 29th Oct 2003 that it would establish a new CEHR but made no mention of a single Equality Act (Hewitt, 2003). Hewitt (Trade and Industry Secretary and Minister for Women) claimed new EHRC would 'give greater support and more joined-up advice to individuals, businesses and communities to crackdown on discrimination, and promote equality and diversity' (DTI press release, 29/10/03, Ref P/2003/537) 'Tackling discrimination in the 21st century requires a joined-up approach that puts equality in the mainstream of concerns. As individuals, our identities are diverse, complex and multi-layered. People don't see themselves as solely a woman, or black, or gay and neither should our equality organisations'.

The CEHR will take over the work of the EOC, CRE, and DRC. Its core functions will include:

- **Encouraging** awareness and good practice on equality and diversity;
- **Promoting** awareness and understanding of human rights;
- **Promoting** equality of opportunity between people in the different groups protected by discrimination law;

- **Working towards** the elimination of unlawful discrimination and harassment;
- **Promoting** good relations among different communities and between these communities and wider society.

Additional Responsibilities:

- Keeping relevant legislation under review (**except for the Human Rights Act which will remain with the Joint Committee on Human Rights**);
- Acting as a centre of expertise on equality and human rights.

It is intended that the CEHR will be balanced in its approach as a regulator and promoter. 'It will need to be sensitive to the needs of those who have a responsibility to comply with the law (employers and service providers in the private, public and voluntary sectors) while also championing the rights of individuals and communities who experience prejudice and discrimination' (DTI, 2004, p.22). It will focus on the public sector with only a 'lighter touch' to be applied to private sector. Private companies will not experience compulsion but instead be encouraged to follow new codes of good practice. This reflects the Labour Government not wanting to be accused of imposing regulations on private sector, which constantly complains of being overburdened by state intervention.

It was argued that: 'More of the same will not be enough to respond to these challenges and deliver the changes we seek at the pace necessary' (DTI, 2004, p.12). However, the additional duties and powers are rather limited. The existing powers of the equality Commissions will be added to by:

- A new duty to **consult** stakeholders on its strategic plans;
- Regional arrangements to promote **tailored** delivery of its work;
- Powers to **promote** human rights, including powers to undertake general inquiries;
- Powers to **promote** good practice and enforce the law in the new areas of discrimination legislation covering sexual orientation, religion or belief and age (**but no enforcement powers over the Human Rights Act which remains with the Joint Committee for Human Rights**) (my emphasis).

Underpinning Conceptualisation of EO

- ***Identity approach v structural inequality***

Patricia Hewitt, the then DTI Secretary and Women's Minister argued that people do not see themselves solely as, for instance, a woman or black or gay, and neither should Britain's equality organisations. White Paper emphasises that there is a need to 'deliver for everyone, whatever their identity' (p.12).

Different language 'protected groups' – definition of whose covered by legislation. 'Promoting the message that equality and human rights matter to **everyone** ... and have relevance and impact well beyond **traditional equality communities of interest**' (DTI, 2004, p.24).

'The CEHR will need to ensure that expertise and focus is maintained in each of the areas for which it has responsibility, and with each of the **protected groups** that will have an interest in its work' (DTI, 2004, p.16).

Protected groups defined as groups of people protected by discrimination legislation (or soon will be) in respect of less favourable treatment based on particular characteristics or personal circumstances: men and women; people of different racial groups; people who have or have had a disability; people of different sexual orientations; people of different religions or beliefs (including those who do not have a religion or belief); people of different ages; and people who intend to undergo, are undergoing, or have undergone gender reassignment.

- ***Removing discriminatory barriers v positive action***

Blair (2004) 'Extending opportunities to all means removing unfair barriers' (p.1). The main underpinning of the proposal for the CEHR is the aim to 'dismantle the unjust barriers that hinder different groups from achieving their full potential' (DTI, 2004, p.11). However, it is acknowledged that change is not happening quickly enough, and that fresh thinking and new approaches will be needed. 'A step change is now necessary in how we promote, enforce and deliver equality and human rights is now necessary if we are to achieve the prosperous and cohesive society we seek' (p.12).

Only limited positive action - Positive duty to promote for public sector

However, this does not include the legal right to engage in positive discrimination, despite recent calls from the CRE and the police to change the law simply to allow limited 'affirmative action' to fast-track minority ethnic recruits to the police service.

- ***Business/Economic case***

Blair (2004) 'Equality and human rights underpin our vision of a modern, fairer and **more prosperous** Britain. ... Delivering prosperity for all means harnessing the skills and potential of every member of society, whatever their background' (p.1) (my emphasis).

The new challenges identified in White Paper are primarily and predominantly based on economic arguments:

- ***Britishness/core values/cohesiveness/social inclusion***

'Greater diversity in our society poses a significant challenge to how we shape and promote the **shared values that underpin citizenship**. While respecting and celebrating our differences, citizenship will need to promote **wider ownership of these values** and a shared sense of belonging. **Human rights, establishing basic values for all of us, will play an increasingly important role in this, providing a language we can all share**. This language is one that means something to, and is useful for, all people no matter what social group they belong to' (DTI, 2004, p.15).

'The movement of people across national boundaries, into and out of the UK, means that ensuring their successful integration, through **promoting**

inclusive, cohesive communities based on a common culture of shared values will be even more pressing' (DTI, 2004, p. 15).

Drive to redefine British pride – Home office launched a drive to develop a new sense of British pride in a consultation paper, *Strength in Diversity* 19th May 2004. They hope to promote a debate on the changing nature of **Britishness** as part of a drive to overcome the problems of 'racially' segregated communities and political and religious extremism. There is a new emphasis on building a more **integrated** Britain following the riots in Oldham and other northern English towns three years ago and the growing profile of the British National Party with its racist, anti-immigration agenda.

This reflects recent arguments by ministers that it is time to 'move beyond multiculturalism' to stress the **common values of being British** as well as valuing different cultural backgrounds. Trevor Phillips, Chairman of the Commission for Racial Equality (CRE) declared that the concept of multiculturalism was out of date and no longer useful. Fiona MacTaggart, a Home Office minister stated: 'Integration is not about assimilation into a single homogeneous culture. It means ensuring that ethnic, religious or cultural differences do not define people's life chances and that people with different backgrounds work together to build a shared future' (Travis, 2004) (my emphasis).

- ***Human Rights v Equal Opportunities***

Promotion of human rights viewed as having much in common with the promotion of equality. 'Human rights are based on an idea of fairness for all, establishing basic principles of dignity, respect and protection for everyone, regardless of our differences. Human rights are not just for those who experience discrimination. They are inclusive and affect everyone. Human rights will give the work of the CEHR a real impact at ground level. The promotion of a wider culture of respect for human rights will also be important in developing strategies to promote good relations between different groups of people, building and encouraging cohesive communities' (DTI, 2004, p. 15). **However, they also acknowledge that there are also differences between equality and human rights: 'Unjustifiable discrimination needs to be tackled by detailed measures, which may not always be appropriate to the promotion and protection of wider human rights' (DTI, 2004, p.20).**

However, it has to be pointed out that there has been a missed opportunity to introduce a new all encompassing EO Act that is consistent in its protection and positive action across all disadvantaged/protected groups.

Northern Ireland (NI) – A Model to follow? Northern Ireland single Commission

Given its history of conflict and troubles, developing the equality agenda has been a major preoccupation of policy intervention in NI. This was initially

based on its radical intervention in the area of discrimination on the grounds of religious belief; Protestants versus Catholics. Therefore, the NI experience has much to offer.

After its election in 1997, the new Labour Government responded to calls for the strengthening of policies and the advisory body on anti-discrimination matters. The Belfast Agreement included a major section on equality and human rights, which has been implemented (Northern Ireland Office, 1998), which fitted in with growing international importance of mainstreaming equality.

The 1976 Fair Employment Act (to tackle religious discrimination between Protestants and Catholics, in employment) followed Westminster EO legislation of this era in many important respects. However, in one important matter, the implementation agency – the Fair Employment Agency (FEA) - had advantage over the EO implementation agencies in GB. The FEA was able to undertake investigations of organisations without having to demonstrate that discrimination was being practised. It undertook a large number of these, most notable being into the NI Civil Service. This demonstrated complete failure to implement good practice in personnel procedures, serious imbalances in the workforce, especially in senior posts, in favour of Protestants. Consequently, the NI Civil Service implemented religion monitoring (and gender and disability), and became the catalyst for improvements in public sector.

Officials in NI looked at the Canadian 'employment equity' policy developed in the 1980s, incorporating compulsory monitoring and affirmative action intervention short of quotas. The 1989 NI Fair Employment Act placed monitoring for employers with more than 10 employees at the heart of a new intervention, plus indirect discrimination was outlawed and certain forms of positive action introduced, such as 'welcoming' statements for under-represented groups on adverts, and establishment of employment targets and associated timetables. All larger employers and public sector were required to monitor applicants and appointments and conduct regular reviews of employment practices. Monitoring data and reviews were returned to the Fair Employment Commission (FEC) (which replaced the FEA).

The 1998 Act extended the remit of the 1976 Act to goods, services and facilities, permitted affirmative action extended to include recruiting from long-term unemployed and monitoring regulations extended to cover part-time workers. Also, a key concept in the 1989 Act was 'fair participation'. A judgement based on a comparison between an employer's profile and labour availability for relevant catchments. If at variance, the FEC could make an affirmative action agreement, (voluntarily or compulsory). 'Fair participation' importantly took legislation beyond the 'removing of barriers' approach of most EO policies towards being focused on results or outcomes; the 'Equality of Outcome' approach.

The legislation has been successful. The position of Catholics in the labour market has improved substantially since 1970s, especially in the public sector.

(Some public sector employees now have in fact to take affirmative action activities to boost proportion of Protestants).

Mainstreaming Equality

In 1990, the Standing Advisory Commission on Human Rights (SACHR) (the advisory body to the government on anti-discrimination matters) called for government policy to mainstream its own activities to complement the activities of the FE Act. Also, in the 1990s attempts were being made to mainstream gender equality in UK policy making.

The NI Office launched an initiative to promote equality policy making (after criticism from Trade Unions and voluntary groups). Policy Appraisal and Fair Treatment (PAFT) Guidelines were established across a more comprehensive range of equality areas: religion and political opinion, gender, race and ethnicity, disability, age, sexual orientation, marital status and those with dependents. All new policies and service changes were to be assessed for their impact on the nine equality groups. In the event of any adverse impact being identified, policy makers and service delivery agencies were required to consider altering the policy in order to offset or ameliorate the impact. There was no requirement for policy to be changed if other policy imperatives existed but policy makers were required to set out the reasons for this inaction.

In the mid-1990s, because of the patchy implementation of these guidelines, SACHR called for PAFT to be put on statutory basis, The Belfast Agreement 1998 incorporated statutory obligations on public bodies to promote equality of opportunity and good relations. Also, it amalgamated the existing anti-discrimination bodies (FEC, EOC, CRE, and Disability Council) into the new Equality Commission (EC), in autumn 1999.

Under section 75 of 1998 NI ACT, public bodies have two statutory duties: to have, in carrying out their functions 'due regard' to provide EO on the same nine grounds involved in the PAFT initiative; to have 'regard' to the desirability of promoting 'good relations' between persons of different political opinions and race groups.

It is still relatively early in the implementation process, but a number of key issues have been identified by Osborne (2003):

- *Designation*: the definition of public bodies been wide and includes universities and FE colleges as well as significant UK-based organisations operating in NI, e.g. Inland Revenue and also UK government departments whose activities cover NI.
- *Guidance*: The Equality Commission issued guidelines under section 75 which provided an outline for public authorities to follow – required to construct an Equality Scheme setting out policy areas over which the organisation has competence, a screening process which indicates those policies which have impact on provision of EO and a timescale for the conduct of an Equality Impact Assessments (EQIA) on these policies. EC must approve Equality Schemes. All new policies must be subject to an EQIA prior to implementation and continuing monitoring

for adverse equality impacts. EC also issued detailed practical guidance for carrying out EQIAs. At the heart of the EQIA process is the identification of adverse impact of policy in terms of the nine designated groups. Alternatives must be considered to offset or mitigate any adverse impact – but they are not compelled to change the policy, if there are other policy considerations.

- *Consultation*: At the heart of this process is the requirement for public authorities to undertake effective consultation with relevant voluntary and community groups at all stages. This is the main way in which authority can be challenged in decisions and conclusions. Capacity building programmes within the voluntary sector and community have been set up by the EC.

Number of issues begun to emerge, which include:

- The definition of adverse impact - how can this be measured and what scale of adverse impact was sufficient to trigger policy response?
- **How could adverse impacts be reconciled between identified groups?**
- Main way for measuring adverse impact was statistical how could these be weighted against qualitative data where statistics are hard to generate – e.g. sexual orientation.

Mainstreaming is extremely complex given the multiple dimensions of equality that have been included. Mainstreaming in the context of diversity represents a significant challenge. In fact, in NI decisions have been made to exclude 'class' and 'socio-economic status' in the mainstreaming process. This is because it has the potential to become a general constraint on policy-making rather than being focused on the promotion of EO for identifiable disadvantaged groups.

However, it is important to consider whether the concepts and theories of intersectionality may make a contribution to the way forward in dealing with some of the difficulties thrown up by the NI approach. This includes - how the adverse impacts can be reconciled if there are conflicts in interests between different strands of the equality dimension? The compulsory consultative, democratic approach of consulting community groups included throughout the NI process can be a way forward, but only if intersectionality is taken on board in this process to consider adequately policy issues that transcend different interest groups.

Can Intersectionality linked to Diversity Mainstreaming be a Springboard for Social Justice?

It must be remembered that individuals possess multiple identities simultaneously and that subsequent multiple oppressions based on these are not additive, but mutually constitutive. Most studies of disadvantaged groups have in the past analysed them along one or at the most two dimensions – race, class, gender, disability, sexuality, etc. These are not informed by the

theoretical understandings of the effects of intersection. The question is – is it possible to have an ‘intersectional framework’ for analysis which can feed into the policy process?

Hill Collins (2000) argues: ‘Intersectionality refers to particular forms of intersecting oppressions, for example, intersections of race and gender, or of sexuality and nation. Intersectional paradigms remind us that oppression cannot be reduced to one fundamental types, and that oppressions work together in producing injustice’ (180). There is a need for analysis to look at the whole person rather than breaking up a person into component parts. Individuals possess one identity that encompasses multiple and intersecting oppressions, but in order to prevent impotence on inequality it is important to recognise that different oppressions surface as more important from time to time.

We must be careful not to essentialise or reify particular group identities and or memberships. Interested in determining how inequality and differential life experiences affect individual’s life chances, social attitudes and activity. Question of inequality is fundamentally a relational one, situated in power relations and larger socio-historical context. We do not need to know exactly what a person’s identity is. It is more fruitful to focus on relational aspects of that identity (Bedolla, 2004). ‘Personal identity is a quintessentially individual experience, but the social implications of that identification are largely relational’ (9). Need to accept existence of first and focus energies on ‘disentangling and interrogating the second’ (9). The purpose is to better understand how inequality and marginalisation affect individual life chances, attitudes and activity. For example, Cohen’s (1999) work on gays in the Black community showed feelings of ‘linked fate’ vary significantly across multiple marginalities. For example, a Black man is marginalised in terms of racial identity, but dominant in terms of gender. Cross cutting experiences of marginalisation complicate his feelings of both power and stigmatisation within particular social contexts. There is a complex picture of how power operates within and among groups.

Conclusion

‘Injustice anywhere is a threat to justice everywhere’ (Martin Luther King). This reminds us that all oppressions are interrelated and mutually constitutive. Attempts to define who is most oppressed are counterproductive. No person feels ‘dominant’ on all levels, nor does anyone feel completely ‘marginal’. Can policy prescriptions arise from this discourse? The NI model may point a way forward especially if the complexity of conflicts of interest across disadvantaged groups are approached from an intersectional perspective.

EO policy in GB needs to move towards a multiple focus approach itself and away from the present divided focuses on gender, race, disability, religion, sexual orientation and age exemplified by the single focus acts in these areas. An ‘integrated/generic’ approach to EO with one piece of proactive legislation

and one enforcing agency could link EO issues common to 'race', gender and disability, etc., into effective coherent proactive policies. What are needed are both policies and practices to deal with 'shared discrimination' across more than one group, 'specialist discrimination' experienced within one group, and an intersectional perspective to deal with multiple discrimination and disadvantage, and conflicting interests between and within groups.

Some argue that cultural changes needed to create a fairer society cannot be achieved through laws. Certainly, legal reforms alone cannot resolve inequality. However, alongside political leadership, legislation does provide an impetus for change. Therefore, there is a need for the retention of 'equal treatment' legislative framework, plus positive action measures. Approaches that recognise group-based disadvantage and inequality from an intersectional perspective should be favoured over approaches that focus on the individual and conceptions of individual merit that fail to recognise historical disadvantage, institutional discrimination and structural inequalities.

Most people engaged in the EO project in the UK have used a modernist frame of reference (see Bagilhole, 2002, 1997). Even though postmodern preoccupations present a challenge to 'category politics', and to modernist rationalist approaches to the promotion of EO, this should not be overplayed. There are still many areas of common disadvantage for ethnic minorities, women and particularly disabled people in the UK. Therefore, there is a need to reclaim and acknowledge EO as a 'modernist' project, which needs strong group oriented legislation and policies, whilst at the same time acknowledging the important contribution and insight that the 'post modernism' theoretical approach has given to the understanding of group differences.

There is a need to recognise both variations in experience between different groups and the way these intersect with, and are conditioned by gender, ethnicity, disability, class and other sources of individual and collective identity. The EO project can and has to incorporate elements of both modernist and postmodernist approaches, to be eclectic and pragmatic and avoid the extremes of both. We must not too readily accept more extreme versions of a postmodernist account which appear to suggest that identities are simply a matter of choice and style. Gender is a matter both of self-identity and of categorisation, the same is true of ethnicity, disability, sexual orientation, religious belief, and age. Identity and categorisation are not independent of each other. Also, some groups in society have greater power to define the terms under which categorisations are made.

There needs to be a deeper look at how the terrain is changing, and an evaluation of the factors, including EO legislation, which are the determinants of that change. Importantly for the future, we need to acknowledge and consider, in our ever more diverse and complex societies, the likelihood of conflicts of interest between disadvantaged groups. We need to accept and draw attention to the way in which the interests of women, ethnic minorities, disabled people, lesbian and gay men, people of different and no religious beliefs, and the old and the young may conflict and, indeed drive continuing

negative discrimination. Policy issues are complex. For example, the commentary of disabled writers can be used to critique the professional, medicalised model of disability, but much of that model, in terms of provision, is actually delivered by women. In turn, these women delivering services at the coalface are managed by men in power. However, management within the health and social care organisations is itself changing, some women and ethnic minorities have achieved managerial positions within them and may, as managers, begin to perpetuate the unequal opportunities critiqued by Bagilhole (1997). There is the debate in the UK around multiculturalism versus women's rights. This has emerged around the Genital Mutilation Act, forced marriages and 'honour killings'. The issues concerning the rights of women to abortion, the introduction of legalising assisted death and the disabled people's movement continues. Issues around certain religious beliefs and civil partnerships/marriages, and gay adoption persist. The Sexual Orientation Act gave exception to religious bodies. The National curriculum guidelines are good on anti-discrimination but leave out sexual orientation so as not to offend certain religious communities. All these are extremely challenging issues, and more will emerge.

However, the recognition of the collective origins of some patterns of disadvantage should not be lost. There is a need to take collective disadvantage seriously as well as individual difference. We need to be simultaneously sensitive to difference and retain a hold on the real structural sources of inequality. There is a need to move beyond post-modern diversity and modernist reductionism to an intersectional perspective where human social values (even though expressed in various ways) become the anchor for more affirming analysis and therefore a confidence in the future.

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ⁱ The original anti-discrimination legislation was passed in these areas.

ⁱⁱ Direct discrimination means:

- Treating a person less favourably than another, purely on the grounds of sex, race or gender reassignment. This requires an individual to find a comparator of the opposite sex, different race, or non gender reassigned person to prove their case.

Indirect discrimination means:

- Imposing a requirement or condition on everyone, but the proportion of one sex or people from one racial group that can comply with the rule is considerably smaller than the opposite sex or a different racial group, and it is to their disadvantage.

ⁱⁱⁱ They are treating a disabled person less favourably, and failing to make a reasonable adjustment without justification.

Less favourable treatment means:

- Treating a disabled person less favourably for a reason which relates to that person's disability, that cannot be justified. Comparator does not have to be a non-disabled person, it could also be a person with a different disability.

Failure to make a reasonable adjustment means:

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- Failing to make a reasonable adjustment to the working environment, working arrangements or working conditions to help a disabled person overcome the practical effects of their disability. The definition of 'reasonable' is a problem.

iv The exemptions are:

SDA

- Where job requires one sex for reasons of physiology (excluding strength or stamina) or authenticity.
- For reasons of decency or privacy.
- In a private home, because of the degree of physical or social contact, or knowledge of intimate details.
- If job involves live-in accommodation and there is sleeping or sanitary facilities for one sex that can not be altered.
- In single sex establishments such as hospitals, prisons, children's and old people's homes.
- Jobs involving provision of personal service, including welfare and education, most effectively done by one sex.
- Working abroad where country laws or customs prohibit one sex caring out the duties.
- Where job is one of two to be held by a married couple.

RRA

- Dramatic performance, models for an artist or a photographer, or jobs in restaurants for authenticity.
- Personal welfare services, including welfare and education, most effectively provided by member of a particular racial group.

DDA

- Employers with less than 15 employees.
- Business partners.
- Prison officers.
- Police officers.
- Fire fighters.
- Barristers.
- Local councillors.
- People who work on board ships, aircraft and hovercrafts.
- Armed forces.