

LGBT rights in review—integrating equality through procurement and supply chain management

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Employment analysis: How can law firms and businesses embed diversity and inclusion into their procurement practices and supply chain management? To mark LGBT history month, Helen Randall, partner, specialising in procurement at Trowers Hamlins, who is also the firm's champion for equality and diversity, examines the firm's supplier tendering process.

What sorts of challenges does LGBT equality present to businesses when working with clients and external suppliers?

There are many challenges. First, LGBT as a group with protected characteristics under the Equality Act 2010 isn't automatically visible in the same way that somebody, for example, from an ethnic minority can be. Then there is the additional sensitivity where some people, for personal or cultural reasons, might not want to declare that they fall within the LGBT identity. And then there is a lot of confusion about trans issues and in particular confusion about how they interrelate with issues of sexual orientation. I think that some clients and external suppliers are so anxious about being perceived as politically incorrect and putting their foot in it that they find it easier to veer off the subject all together.

I think another issue is a lack of visible LGBT role models in the business and public sector particularly among lesbians, bisexuals and people identifying as trans. Additionally, there can be a misunderstanding that if there is nobody visible in a business who identifies as belonging to one of the groups with protected characteristics then sometimes people can find it difficult to understand the relevance of it.

Finally, and this is certainly something that we have to bear in mind as an international law firm, it is important to consider how the LGBT equality agenda interacts with cultural sensitivities in other jurisdictions which may have prohibitions under the law with regards to LGBT. It requires considerable cultural sensitivity on both sides. Whether you are interacting with someone in business in another jurisdiction or you are employing people in another jurisdiction you can potentially have interesting challenges between your duty as an employer and your desire to have the best cordial business relationship either with your overseas clients or suppliers while providing a safe open working environment as an employer. At Trowers and Hamlins we believe that although these are potential challenges they can be addressed in a way that is sensitive to all parties and it's not a one-size-fits-all approach as it will depend on the sensitivity of the jurisdictions involved.

What steps can businesses take to embed LGBT equality into their procurement practices and supply chain management?

We have a supplier questionnaire which covers diversity, equality, anti-bribery, anti-slavery and corporate social responsibility. That covers things like what proportion of your staff have gone through equality and diversity training? Is the training inclusive of sexual and orientation gender identity? Do you monitor complaints in relation to equality and diversity issues? Do you have a policy against bullying and harassment on the grounds of sexual orientation and gender identity?

That's something we address head on with everyone who's a supplier.

That's a good starting point in the business sector. Now if you're a local authority or a government department then the position is slightly different because the Crown Commercial Service issues a standard pre-qualification questionnaire which does not have these questions on it. If you want to change the questionnaire you have to write to the Crown Commercial Service and explain why you're making the changes and justify them.

As a champion for inclusion and diversity I would promote these questions being added however if you are a local authority first of all you need to ensure that your questionnaire is compliant with your policies and it might be that actually what you should be starting off with is not changing your questionnaire but updating your policies. Organisations should be adopting a holistic approach. It's too easy to just add questions into the supplier questionnaire but they need to look at

themselves as an organisation and ask whether they embed this in every single element of what they do from their human resources policies to the design of their building. Do they actively promote an atmosphere where there is a genuine equality, not just a respect for diversity but an encouragement and inclusion of diversity?

From a business point of view you want to encourage inclusivity and diversity in your workforce because that's a good way of attracting and retaining the best talent and making sure that your business is going to be resilient and representative of the diversity of their client base. For example, at Trowers and Hamblins we act for 200 local authorities and hundreds of housing associations and a number of other large organisations all of which themselves promote diversity and inclusion so those clients should be expecting the same of us.

It's important to make sure suppliers require the same of their suppliers but bear in mind you do have to be proportionate with any pass down of policy or practice to small and medium-sized enterprises. You want them to be inclusive, but they're not all going to have the same infrastructure in place as a large enterprise would have.

Do you have any best practice tips on drafting internal policies and processes so as to ensure a commitment to diversity and inclusion?

Keep it simple. Don't put things in unless you are really going to do them and unless you've got the corporate commitment and resources to do them. Be consultative when you're drafting the policies and processes and particularly just because someone might fall within a group with protected characteristics don't necessarily take their word as gospel because there might be more than one approach to it and I think that's particularly the case with transgender issues. Trans is a massive umbrella term for a multiple spectrum of ways in which people identify themselves so it's best to get a diversity of views.

Another thing is to make it a safe place for people to whistle blow and to take seriously any allegations or suggestions of anything other than a tolerant remark being made.

One of the aims of our equality and diversity policy, Trowers includes, which I think is important is that we are trying to inject fun and interest in the diversity agenda. For example, we have a series of lunch and learn events where we have interesting people coming in and we have events, for example, celebrating LGBT history month. So, I would say make sure you include some sort of celebratory and joyful element so that it's not all regarded as being about dour political correctness.

Every organisation is different so don't just take somebody else's policy because it needs to be something that is right for the organisation and obviously, it needs to be in compliance with the law which is quite complex. For example, in relation to transgender issues there's quite a bit of legislation with regard to respecting confidentiality and that sort of thing which organisations need to be aware of.

Is there any support or guidance publicly available on these topics?

Stonewall certainly offers guidance and in our industry we have found that the Solicitors Regulation Authority has provided some very useful material and it might be that other sectors' organisations have similar material and then there are a number of small niche consultancies, such as Global Butterflies that we have worked with.

Are there any novel or innovative ways that businesses are approaching advancing LGBT equality that are commendable or worth mentioning?

I think having role models and allied programs is certainly commendable. And the celebratory aspect I mentioned earlier—we have a calendar of events on our intranet highlighting special days for example, national coming out day and LGBT pride. Another approach that works well is combining diversity with professional networking. We hosted an event for an organisation called HouseProud, which is the LGBT network of the country's largest housing association, with a discussion on LGBT role models and afterwards there was an opportunity for people to network.

Interviewed by Fran Benson.

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