

Employee Relations and Wellbeing

Lecture Title:

Fairness & Equity in Policy Development



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Human Resources Management**

Learning Objectives

- Critically assess principles of fairness, equity, and transparency in HR policies**
- Design grievance and disciplinary procedures that ensure consistency**
- Evaluate how to balance legal compliance with ethical practice**
- Appraise the impact of gender, cultural and generational differences**



Group Discussion

"Who should HR policies primarily serve:
the organization, the employees, or
society at large?"



HR Policies Should Serve:-

Stakeholder	How HR Policies Serve Them
Organization	<ul style="list-style-type: none">- Support business goals and compliance- Reduce risk and ensure consistency- Promote efficiency and accountability
Employees	<ul style="list-style-type: none">- Ensure fair treatment and equal opportunities- Build trust, morale, and engagement- Protect rights and wellbeing
Society	<ul style="list-style-type: none">- Promote diversity, equity, and inclusion- Reflect ethical values and social responsibility- Shape positive workplace culture

Foundations of Fairness, Equity and Transparency



Definitions

Term	Definition	Example in HR
Fairness	Treating people justly based on consistent rules or ethical principles	Applying the same disciplinary process to everyone
Equity	Recognizing differences and providing the resources or opportunities people need to succeed	For example providing extra support for employees with disabilities, different nationalities or different learning abilities.
Transparency	Openness in decision-making, communication, and policy application	Clear criteria for promotion decisions shared with all employees



Scenario	Question to Ask
1. A company gives every employee a flat £500 bonus, regardless of performance or role.	Is this fair, equitable, or transparent?
2. A manager explains in detail why one candidate was promoted and another wasn't, and shares the criteria used.	What principle is at work here?
3. Two employees request accommodations—one for disability, one for childcare. HR grants different forms of support based on their needs.	Is this equity or inconsistency?
4. A disciplinary policy outlines steps clearly, but managers apply it differently depending on who is involved.	Is this fair? Why or why not?
5. A job advert is only shared internally, even though it's open to external candidates.	How transparent is this process?

Historical Evolution of Fairness in HR Policy

Era	Focus of Fairness	Theoretical Contributions
Industrial Era (1800's)	Protection from exploitation	Marxist Theory, Pluralism
Early 20th Century	Worker wellbeing, emerging rights	Human Relations Movement
Post-WWII (1940's – 1970's)	Equal treatment and anti-discrimination	Rawls, Adams, Leventhal
1990s–2000s	Equity and strategic HRM	Ulrich, Global HRM theories
2010s–Present	Inclusion, transparency, intersectionality	Crenshaw, Colquitt, ESG frameworks

Pre-Industrial and Industrial Eras: Origins of Employment Justice

Key Characteristics:

- **Work relationships were largely unregulated, often based on master-servant dynamics.**
- **Fairness was not a legal or moral expectation in most workplaces.**
- **Industrialization introduced factory labor, long hours, low pay, and unsafe conditions.**

Catalysts for Change:

- **Labor unrest and unionization**
- **Emergence of labour law to address abuses (e.g., Factories Acts in the UK)**

Scholarly Influence:

- **Karl Marx critiqued exploitation and highlighted class-based inequities in employment.**
- **Early pluralist industrial relations theory emphasized the need to balance competing interests between employers and workers.**



Early 20th Century: Rise of Welfare and Regulatory Frameworks

Developments:

- **Introduction of minimum wage laws, working time directives, and occupational safety standards.**
- **Formation of employment tribunals and grievance procedures.**

Influence:

- **Human Relations Movement (e.g., Elton Mayo) emphasized worker wellbeing, fairness in treatment, and organizational culture.**
- **John Rawls' Theory of Justice (1971) introduced the concept of *"fair equality of opportunity"*, influencing policy discourse in the later part of the century**



Post-WWII Era: Equality and Anti-Discrimination Movements

Key Events :

- **Civil Rights Movement (US) led to laws like the Civil Rights Act (1964).**
- **In the UK: Sex Discrimination Act (1975), Race Relations Act (1976).**
- **EU directives on equal treatment and non-discrimination (e.g., Employment Equality Framework Directive 2000).**

Theoretical Lens:

- **Distributive Justice Theory (Adams, 1965): Focus on perceived fairness in outcomes (e.g., equal pay).**
- **Procedural Justice (Thibaut & Walker, 1975; Leventhal, 1980): Fairness in processes, not just results.**



1990s – 2000s : Strategic HRM and the Emergence of Equity Developments

Development:

- **Fairness became integrated into performance management, recruitment, and reward systems.**
- **Globalization forced companies to grapple with cultural variations in fairness (e.g., collectivist vs. individualist values).**

Influence:

- **Ulrich's HR Business Partner Model (1997): Positioned HR as both strategic and people-focused, responsible for upholding fairness as part of organizational integrity.**

Shift from equality to equity:

- **Recognition that treating everyone the same does not address systemic disadvantage.**



2010s - Present : Transparency, Inclusion & Intersectionality

Trends:

- **Strong emphasis on transparency in promotions, pay, and disciplinary actions.**
- **Focus on intersectional fairness: addressing how multiple identities (e.g., race, gender, age) shape experiences of bias.**
- **Rise of data-driven fairness (e.g., algorithmic decision-making in HR)**

Theoretical Contributions:

- **Intersectionality Theory (Crenshaw, 1989): Explains how overlapping identities create compounded disadvantage.**
- **Organizational Justice Theory (Colquitt, 2001): Integrates distributive, procedural, interpersonal, and informational fairness.**

Case Influences:

- **#MeToo Movement: Exposed failures in grievance and reporting systems.**
- **ESG (Environmental, Social, Governance) agendas: Push fairness beyond compliance into ethical leadership and reputation.**



Group Discussion – Case Law

Bahl v. Law Society (UK, 2004):
Accusations of indirect discrimination
and lack of fair disciplinary process.

- Refer to the handout provided.
- Discuss questions provided within your respective teams.





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Group Discussion –

Can HR policies be fair but not equitable?

- Discuss and give examples.
- Suggest how policies can be both fair and equitable?
- (Think about sick leave policies, promotion processes, hybrid vs office based work arrangements).



Policy Critique Workshop



Parental Leave Policy

Parental Leave (2025 Update)

All female employees are entitled to up to 16 weeks of paid maternity leave, with an option to extend an additional 8 weeks unpaid.

Male employees may request up to 2 weeks of paid paternity leave, subject to operational needs.

Any employee seeking extended parental leave beyond this may take unpaid leave for up to 3 months with Director approval.

☐ **Critique Prompts:**

- Does this policy reflect gender equity?**
- Are the terms clearly defined and consistently applied?**
- What improvements would make this policy more inclusive of diverse family roles?**



Sick Leave and Health Disclosure

Sick Leave Usage & Verification

Employees may use up to 10 days of sick leave per calendar year.

Any absence exceeding 3 consecutive days requires a medical certificate detailing the nature of the illness and prognosis.

Repeat absences may trigger a wellness review at management's discretion.

☐ **Critique Prompts:**

-Are privacy rights respected here?

-Could this policy disproportionately impact individuals with chronic illness or mental health conditions?

Is the “wellness review” process transparent and fair?



Promotions and Internal Hiring

Internal Advancement Process

Promotions are based on demonstrated leadership, cultural fit, and management recommendation.

While experience and tenure are considered, they do not guarantee advancement.

Final decisions rest with the Executive Team, whose choices are final and not subject to appeal.

☐ **Critique Prompts:**

- Is “cultural fit” too vague or potentially exclusionary?**
- Does the lack of transparency or recourse raise equity concerns?**
- What structures could make this process more objective or inclusive?**



Flexible Work Arrangements

Remote and Hybrid Work

Employees may request remote work up to 2 days per week, pending manager approval.

Approvals are based on job function, productivity history, and department workload.

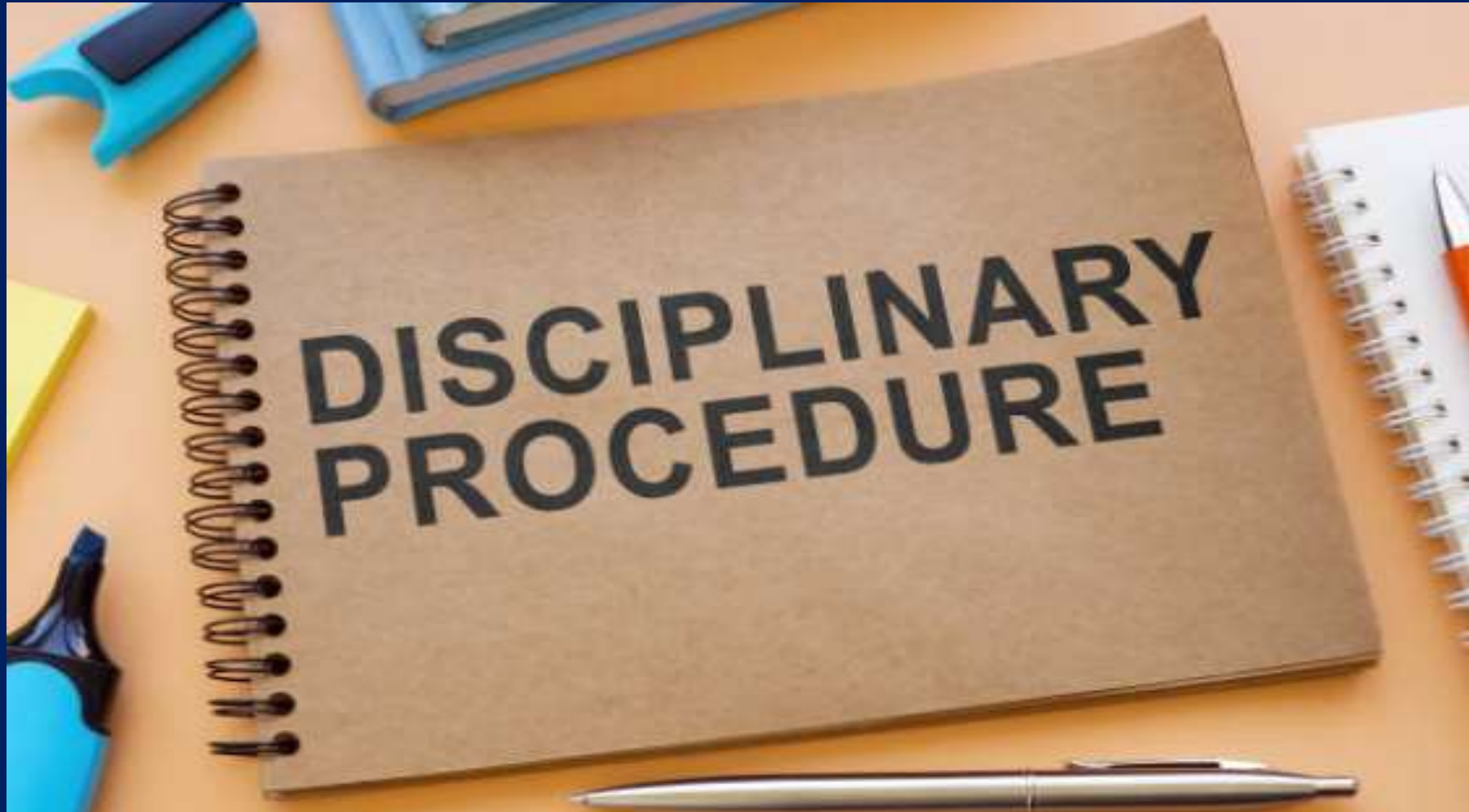
Senior staff and team leaders are expected to work primarily on-site to support in-person culture.

☐ **Critique Prompts:**

- Could this policy unintentionally disadvantage caregivers or those with disabilities?**
- Are approval criteria too subjective?**
- Does it reinforce hierarchical privilege over flexibility?**



Grievance and Disciplinary Procedure



Consistent and Fair Processes

In order to uphold organizational integrity, employee trust, and legal compliance it's important to have consistent and fair procedures.

- **Clear step-by-step procedures that are communicated in employee handbooks or policy documents.**
- **Equal application of rules regardless of role, tenure, or identity (seniority should not shield someone from investigation).**
- **Right to be heard — the employee must be able to present their side, respond to allegations, and offer mitigating context.**
- **Proportionality — disciplinary responses should reflect the nature and severity of the incident.**
- **Appeal process — an internal appeal or review mechanism must be available and independent.**



EU Labour Law Framework

EU Labour Law vs National Labour Law

The European Union sets minimum standards through directives and regulations.

Each EU member state implements these through its own national legislation, often adding stronger protections.

Areas covered by EU directives include:

- Working time**
- Health and safety**
- Non-discrimination**
- Information and consultation rights**
- Protection against unfair dismissal**

National labour laws can exceed EU standards but cannot fall below them



EU Directives

Directive	Relevance to Grievance & Disciplinary Procedures
Framework Directive 89/391/EEC	Requires employers to ensure the safety and health of workers — includes stress and psychological safety.
Directive 2000/78/EC	Establishes a general framework for equal treatment in employment (discrimination claims).
Directive 2002/14/EC	Establishes rights to information and consultation at the workplace — supports fair processes.
Directive 2008/104/EC	Protects temporary agency workers — ensures they're not excluded from fair treatment.
GDPR (2016/679)	Strong protections for employee data during disciplinary procedures (e.g. handling of health records, interview notes).

Common EU-Wide Themes in Labour Law

Feature	How it Appears Across EU States
Right to be heard	All member states require this before termination or disciplinary action.
Written notice	Essential in all cases — verbal warnings alone rarely suffice.
Appeal mechanisms	Commonly provided through internal or judicial labour tribunals.
Union involvement	Especially strong in France, Germany, Sweden.
Protection against retaliation	Enforced under EU directives (e.g., whistleblower protection, anti-discrimination).

Group Discussion

What do you think are the main challenges across EU jurisdictions?



Legal Compliance VS. Ethical Practice



Legal compliance

Adhering to laws, regulations, and formal policies (e.g. anti-discrimination statutes, wage laws).



Ethical practice

Doing what is right or just, based on values, moral reasoning, or professional standards—even when not required by law.

Group Discussion –

- **Review the following scenarios**
- **Determine if the scenarios are legal, ethical, both or neither?**
- **Discuss how you can improve scenarios.**



Shift Scheduling Without Employee Input

A logistics company in Spain uses automated software to assign rotating night shifts to employees, without consulting them or offering flexibility. It complies with national labor law on maximum working hours and rest periods, but employees report burnout and childcare disruption.

Enhanced Parental Leave for LGBTQ+ Couples

An HR department in Belgium creates a new benefit offering equal parental leave for all parents, including same-sex adoptive couples, even though the law does not yet mandate full parity in leave durations for non-birth partners in adoptive cases.

Gender-Based Dress Code

A company enforces a strict dress code that requires women to wear heels and makeup, while men can wear comfortable shoes and no grooming rules are mentioned.

Ignoring Racist Microaggressions

An HR manager receives multiple informal complaints about a team leader making racially insensitive jokes, but chooses not to act because “he means well” and is “too valuable to lose.”

Intersectionality in Policy Design



“Intersectionality is a theoretical framework for understanding how aspects of a person's social and political identities combine to create unique modes of discrimination and privilege. These intersecting identities may include gender, race, class, sexuality, ability, age, religion, and more. The framework challenges single-axis analyses by highlighting that experiences of oppression are not simply additive but are shaped by the interaction of multiple systems of power.”— Crenshaw, Kimberlé (1989), “Demarginalizing the Intersection of Race and Sex”

Unconscious Bias

These are automatic, unintentional attitudes or stereotypes that affect our decisions and behaviors. They can subtly shape how policies are written or enforced.

Policy Perception Differences

Factor	How It Affects Policy Perception
Gender	Maternity vs. paternity expectations, safety policies (e.g., PPE fit)
Culture/Ethnicity	Religious observance, language norms, conflict styles
Disability	Lack of accessible formats or neurodiversity sensitivity
Generation	Different expectations about flexibility, mental health, or tech use
LGBTQ+ identity	Binary gender forms, leave policies assuming heteronormative families

Intersectional Inclusion in Policy Design

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Inclusion Strategy	Practical Action	Intersectional Impact
Use inclusive, non-binary language	Replace gendered terms with “parental” instead of “maternity/paternity”	Supports trans, non-binary, LGBTQ+, and diverse family structures
Flexible holiday policies	Offer floating public holidays or cultural leave days	Respects religious and cultural minorities beyond dominant national norms
Consult diverse employee voices	Use ERGs, surveys, and co-design workshops	Centers lived experiences from intersecting identities (e.g., Black disabled women)
Conduct equity impact assessments	Audit policies for unintended bias or exclusion across different identity groups	Uncovers hidden disadvantages in "neutral" policies (e.g., uniform rules or shifts)



Intersectional Inclusion in Policy Design

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Inclusion Strategy	Practical Action	Intersectional Impact
Make accessibility standard, not optional	Apply universal design (e.g., screen reader compatibility, quiet rooms, neurodivergent hiring pathways)	Improves inclusion for disabled, neurodivergent, or older workers
Tailor communication channels	Offer multiple formats (written, audio, visual) and translations	Reaches employees with different learning styles, literacy levels, or language needs
Train managers on intersectionality	Include bias recognition, inclusive leadership, and cultural humility in training	Helps managers understand how overlapping identities affect workplace experience
Review leave and benefits for parity	Equalize access to parental leave, fertility treatment, or family care for all genders and orientations	Supports LGBTQ+, adoptive, or non-traditional families



Group Exercise – Intersectionality in Policy Design

- Refer to the following slides.
- Using your assigned persona discuss the following :
 - How does the policy in the scenarios affect the assigned persona?
 - Is the policy truly inclusive and equitable?
 - What would they change to better reflect intersectional design?



Intersectional Identities

Persona	Description
Amina	A Muslim woman, recent immigrant, caregiver for an elderly parent, works part-time
James	A Black man, deaf, LGBTQ+, in a junior management role
Linh	A Vietnamese-British neurodivergent graduate on a fixed-term contract
Carlos	A gay father through surrogacy, bilingual, works in a high-stress tech team
Fatima	A visibly disabled woman who wears a hijab, in a male-dominated engineering team

Sampe Policy Excerpts

◆ Policy A: Uniform Dress Code

All employees must wear formal business attire: suits, closed-toe shoes, and blazers. No religious or cultural symbols (e.g., headscarves, turbans) are permitted while on duty.

◆ Policy B: Remote Work Flexibility

Remote work may be considered for full-time employees only, with manager discretion. Staff must be online 9am–5pm and use webcams during meetings.

◆ Policy C: Bereavement Leave

Employees are entitled to three days of paid leave upon the death of an immediate family member (parent, spouse, child, or biological sibling).



Example

Policy A: Uniform Dress Code

1. How does the policy in the scenarios affect the assigned persona?

Amina Excludes her religious practice — the ban on headscarves marginalizes her faith and identity as a Muslim woman. She may feel pressured to choose between faith and employment.

2. Is the policy truly inclusive and equitable?

✗ Not Inclusive ✗ Not Equitable

Actively excludes employees from religious and cultural minority backgrounds. Fails to accommodate protected characteristics (e.g., religion) and assumes a dominant cultural norm.

3. What would you change to better reflect intersectional design?

Replace blanket bans with safety-based or role-specific exceptions.

THANK YOU!



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