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6000 Missing Gay Civil Servants!

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Is the gay closet really big enough to accommodate the six thousand or more employees of the Department for Business and Enterprise (one of the 24 Ministries of the UK Government) who appear unwilling to disclose (even confidentially) their sexual orientation to their employer, despite the fact that the 2010 Equalities Act reinforced the legal protections and included a Public Sector Equality Duty?

Here I explore some of the employee data held by just a few of the 24 Departments of Government in relation to their gay-identifying employees. I do this to reveal the magnitude of a problem, to expose the failings of the 2010 Equalities Act in terms of its implementation within Government and to address three philosophical points of interest to all, but important to everyone seeking social justice.

For Foucault the starting point for his historical research was a perception that something 'may be terribly wrong in the present'. From my initial research it is apparent that something could well be terribly wrong with the implementation of the 2010 Equalities Act in the UK Public Sector. This article briefly outlines some (and only some) of the details exposed by the second phase of my research into institutionalised inequality. Here I suggest social justice for the gay-identifying population of the UK means, freedom from harassment, victimisation and discrimination. Our shared responsibility to pursue equality for all includes challenging those in positions of power unwilling to comply with the principles of equality, diversity and human rights.

In December 2010, The Home Secretary and then Minister for Women and Equalities expressed the Coalition Government's commitment to equality which underpins the principles of freedom, fairness and responsibility. She stated in [The Equality Strategy](#) [2010] that our Government would 'ensure accountability...shining the light of transparency on organisations.' So below are some of the facts made transparent by that shining light, when it shone into the 'gay closet' of some of our Government Departments.

HM Treasury Actuaries suggest 6% of the UK population identify as gay. Stonewall recommend using a figure between 5-7%. The Department for the Environment report 7% of their male workforce (who responded as part of their employer's Public Sector Equality Duty, PSED) disclosed that they identified as gay. But the Department of Education could only muster 4%, The Department for Transport struggled along at 2.8%, Whilst the Department for Energy mustered 2.1% and the Department for International Development less than 1%. The worst result was from the Department for Business, Enterprise and Skills which reported 0.008% (put another way, only 8 out of 100,000 total employees disclosed their gay-identification). The Department for Work and Pensions refused to disclose a figure on the basis that the statistical data was protected by the Data Protection Act, a response they later amended to suggest that the principles on sharing data from the Office of

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National Statistics suggested the information held should not be shared, should we wonder why?

Before going further I would point-out that each responding Department did offer some (although not always very many) strategies that they believed they were implementing to positive effect in terms of securing better 'equality' outcomes. These included actively working with Stonewall and making effective use of the Stonewall Workplace Equality Index. But in considering the revelations above, I think we must agree there is something terribly wrong in relation to the current representation of gay identifying people in the Departments of State. In this article I examine just 3 issues arising from my findings; Representation, Disclosure and Compliance

On representation, it might be argued that there is no legal requirement for any organisation to have a workforce that is fully representative of all sectors of the population. The Department for Education's 4% gay-identifying employees are perhaps more than capable of securing and protecting the interests of all people with a similar protected status in terms of the implementation of education policy, because they are not the sole advocates of gay-awareness and interests. But if we accept this case then we must raise several questions (a) what is a sufficient number of employees with a protected status to oversee the interests of the identified group? (b) If other employees are equally capable of overseeing the interests (and rights) of a group with a protected status then why are we seeking proportionate representation of women across the Civil Service? And (c) if we are actively supporting an improvement in opportunities for one specific group with a protected status, not to undertake similar positive actions for other under-represented groups might appear contradictory in terms of the principle of equality. I understand, as I'm sure every reader of this will understand, that securing proportional representation of all minority groups and all those with a protected status might never be achieved, however I believe as a member of an under-represented marginalised group it would be rather nice to see UK Public Sector organisations at least trying to achieve this.

On disclosure, it could be suggested that as disclosure of a protected characteristic is voluntary, then the missing 5992 gay-identifying employees at the Department for Business, Enterprise and Skills are there, but rather firmly squashed within the gay closet. Despite the anonymous self-reporting, online, personal data-gathering HR systems used in these organisations, a remarkable number of employees with a protected characteristic appear to wish to maintain their privacy. I personally accept the desire on the part of the work-force to keep some personal information private, however there are degrees of privacy/disclosure. The Department for Energy and Climate Change states that disclosure rates have improved from half of staff to two-thirds by 2013, but at the Department for the Environment they were only 32% and at Work and Pensions disclosure remains below 10%. If we assume that the desire to retain privacy regarding sexual orientation is spread evenly across a spectrum of the population as a whole, then is it the case that people with a greater desire not to disclose such personal information - even anonymously - have concentrated more in some government departments, than others? I rather think not. I

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believe that the case is clear, voluntary anonymous disclosure rates reflect a work-place culture – and where that culture is hostile and discriminatory staff understandably make a choice; a choice to retain as much personal information as possible.

Lastly on compliance, Foucault suggested that the law, whilst full of potential to secure social justice, is sequestered by people with power and perverted to serve their interests. In many of the responses from Government Departments the spot-light I shone exposed instances of non-compliance with the statutory guidance which accompanied the 2010 Equalities Act. One Department with very low rates of disclosure and even lower evidence of a representative gay-identifying workforce reported that whilst they had Equality Objectives there was not a specific action plan to address the situation. Changing the law was only the start; changing opinions proves far tougher. As Gary Nunn argued in the New statesman before the 2010 Equalities Act was actually enacted: ['Historic steps forward have been made, but it's crucial that we don't become complacent: the law has changed, but society needs to catch-up.'](#)

It appears to me that Nunn identified a similar situation to that described by others in terms of compliance on the part of organisations and in particular, as some of my findings exemplify, with the legal requirements of the Equalities legislation. There is a suggestion that people uncertain about responding to others with a protected status, seek to be accepted by the majority view. They do this by ascribing to what they perceive to be dominant social values, even when these are not necessarily reflected in the law. Implicitly compliance with social norms and values, might out-weigh compliance with a less broadly accepted and possibly unpopular (with some) new law, in this case the 2010 Equalities Act. So where public sector bodies, for example the Department for Business, Innovation and Skills, are ascribing to a heteronormative value system (or simply, a workplace culture which suggests being 'gay' is a problem and being straight and straight-acting is normal and natural) perhaps we must conclude that they may need to build a bigger closet.

Finally, while writing this article in October 2013 I wrote to the current UK Equalities Minister giving her team an opportunity to respond, if only to reiterate their commitment to equalities – as yet I have received no reply! The UK cannot achieve equality for people with a protected status, whilst there is at the heart of government a malaise regarding full, active and dynamic implementation of the 2010 Equalities Act. However the Freedom of Information Act (2000) gives researcher/activists a very powerful tool to extract data from organisations paid for by the taxpayer, as I hope I have demonstrated here. I urge other researchers to make good use of this legislation in the pursuit of social justice. I would welcome feedback from others working in similar and related fields.

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